

Eastbourne Borough Council

Planning Committee

09 January 2007

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) LAND FRONTING WATTS LANE TO THE REAR OF, 27 UPPERTON ROAD, EASTBOURNE**
Proposed erection of two semi-detached, two storey cottages.
EB/2006/0808(FP), UPPERTON
- 2) 28 SEASIDE ROAD, EASTBOURNE**
Change of use of ground floor of premises from A1 vacant retail unit to A4 use as a wine bar, with kitchen and toilet facilities and provision of a manager's studio flat.
EB/2006/0826(FP), DEVONSHIRE
- 3) STORE AT THE REAR OF, 1 BELMORE ROAD (ADJACENT TO 67A WILLOWFIELD ROAD), EASTBOURNE**
Change of use from B8 (store) to a single dwellinghouse.
EB/2006/0885(FP), DEVONSHIRE
- 4) 2 BARRIER REEF WAY, EASTBOURNE**
Conservatory to rear elevation.
EB/2006/0905(FP), SOVEREIGN
- 5) PUBLIC HIGHWAY IN WILLINGDON ROAD, ADJACENT TO 197, WILLINGDON ROAD (EASTBOURNE GARDEN COMPANY), EASTBOURNE**
Provision of a telecommunications base station comprising a 15m high ultra slimline monopole containing 3 antennas together with ancillary equipment cabinets..
EB/2006/0896(DET), RATTON
- 6) 20 KINGS AVENUE, EASTBOURNE**
Extension to existing roof including the addition of dormer to rear roofslope.
EB/2006/0877(FP), UPPERTON
- 7) KENT HOUSE, 6 TRINITY TREES, EASTBOURNE**
New vehicular crossover to Trinity Trees and creation of hardstanding in front garden to provide off-street parking for five vehicles.
EB/2006/0804(FP), MEADS
- 8) KENT HOUSE, 6 TRINITY TREES, EASTBOURNE**
Demolition of part of front boundary wall and railings.
EB/2006/0914(CA), MEADS

- 9) WILLINGDON GOLF CLUB, SOUTHDOWN ROAD, EASTBOURNE**
Installation telecommunications base station comprising a 15metre high simulated telegraph pole with integral antennas, two equipment cabinets and associated development.
EB/2006/0910(FP), RATTON
- 10) 7 & 8 FLINT HALLS, 12 CHURCH STREET, EASTBOURNE**
Installation of a satellite dish.
EB/2006/0774(LB), OLD TOWN
- 11) COASTGUARD STATION, BEACHY HEAD ROAD, EASTBOURNE**
Installation of two 0.3m dish antennas on existing mast, together with equipment enclosure, ventilation duct and ancillary development.
EB/2006/0883(FP), MEADS
- 12) 12 JOHNSTON PLACE, EASTBOURNE**
Erection of a conservatory to the rear.
EB/2006/0816(FP), SOVEREIGN
- 13) 77 LONG BEACH VIEW, EASTBOURNE**
Alterations to roof to provide screen to roof terrace and associated glazed balustrade.
EB/2006/0893(FP), SOVEREIGN
- 14) 1A MYRTLE ROAD, EASTBOURNE**
Erection of 1.8 metre security fence to the front and side.
EB/2006/0869(FP), DEVONSHIRE
- 15) FISHERMANS GREEN TENNIS COURTS, ROYAL PARADE, EASTBOURNE**
Change of use from tennis courts to motor cycle learning area, weekends only.
EB/2006/0907(FP), DEVONSHIRE
- 16) 43 SEASIDE, EASTBOURNE**
Erection of a replacement four storey building to provide childrens centre (Class D1) on the ground floor and eleven two and one bedroom flats on the upper floors (amendment to previously approved application EB/2006/0586).
EB/2006/0889(FP), DEVONSHIRE
- 17) 15 ROCHESTER CLOSE, EASTBOURNE**
Single-storey extension to front and side of house to form garage and study, new vehicular access at front, and single-storey extension to rear of house.
EB/2006/0879(FP), MEADS

- 18) 11F UPPERTON GARDENS, EASTBOURNE**
Replacement of the three existing box sash windows at the rear with double glazed uPVC units.
EB/2006/0855(FP), UPPERTON
- 19) 83-85 SEASIDE ROAD, EASTBOURNE**
Conversion of single storey extension at rear of shop from storage use into one bedroom flat.
EB/2006/0794(FP), DEVONSHIRE
- 20) THE TALLY HO, 42 CHURCH STREET, EASTBOURNE**
Telecommunications base station consisting of 10m high roof mounted flagpole mast containing 3 antennas, one 200mm dish antenna, radio equipment housing and ancillary development thereto.
EB/2006/0888(FP), OLD TOWN
- 21) 228 TERMINUS ROAD, EASTBOURNE**
Change of use from retail shop (A1 Use Class) to amusement arcade (sui generis) and installation of new shop front.
EB/2006/0882(FP), MEADS
- 22) 4 HAWTHORN ROAD, EASTBOURNE**
Retention of four storage containers, relocation of skip and installation of four additional storage containers, all for use by customers of self-storage depot.
EB/2006/0898(FP), ST. ANTHONYS
- 23) LAND ADJACENT TO, 161 WILLINGDON ROAD, EASTBOURNE**
Proposed variation of condition 6 attached to planning consent allowed on appeal to form a new access to the approved dwelling on land adjacent to 161 Willingdon Road.
EB/2006/0850(FP), RATTON
- 24) 60 THE GOFFS, EASTBOURNE**
Proposed conversion of existing four flats and extension to form seven flats.
EB/2006/0833(FP), UPPERTON

J. F. Collard
Head of Planning

21 December 2006

Planning Committee

09 JANUARY 2007

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

09 JANUARY 2007

Report of the Planning Manager

List of Planning Applications for Consideration

- 1) LAND FRONTING WATTS LANE TO THE REAR OF, 27 UPPERTON ROAD, EASTBOURNE**
Proposed erection of two semi-detached, two storey cottages
EB/2006/0808(FP),UPPERTON

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The proposed erection of a pair of semi-detached cottages on the application site, which comprises the original rear garden of 27 Upperton Road, represents an over development of the site, to the detriment of the amenities of the occupiers of adjacent residential properties. Furthermore, as this part of Watts Lane is already heavily parked the failure to provide any on-site parking to serve the development would result in increased demand for on-street parking and exacerbate the existing problem, to the detriment of highway safety.

SITE LOCATION

27 Upperton Road is a large Victorian house which comprises 6 flats. The application site is the rear garden area for this property, however it was fenced off by the owner a number of years ago.

The site has an area of 0.026 hectares and has a frontage of 23.5 metres to Watts Lane. The maximum overall depth of the plot is 16 metres.

The site is enclosed by a high flint wall along Watts Lane, however part of this has been removed.

PLANNING HISTORY

Planning permission was refused for the erection of a two bedroom detached house and formation of car parking areas on land within the curtilage of 25 and 27 Upperton Road in November 1989. (EB/89/663).

The reasons for refusal were as follows:

1. That the proposal would constitute a cramped form of development out of character with the area and with insufficient amenity space for a dwelling capable of occupation by a family.

2. That the proposal would be detrimental to the amenities of the occupiers of properties in New Upperton Road and Watts Lane by reason of overlooking and loss of privacy.

An appeal against this decision was dismissed in December 1990.

The appeal site differed from the current application site, in that it had an approximate area of 0.02 hectares, had a frontage of 13 metres to Watts Lane and a depth of between 6 metres and 22 metres.

Thereafter in February 1999 planning permission was refused for the proposed erection of two semi-detached dwellings on land fronting Watts Lane to the rear of 27 Upperton Road (EB/98/0630).

The reason for refusal was as follows:

That the proposal represents an over development of the site, providing insufficient amenity space, an unsatisfactory outlook from the first floor bedrooms and inadequate on site car parking provision, to the detriment of amenities of future occupiers of the proposed dwellings and occupiers of adjacent residential properties.

An appeal against this decision was dismissed in August 1999.

Finally in October 2005, planning permission was refused for the proposed erection of two semi-detached two-storey cottages on land fronting Watts Lane to the rear of 27 Upperton Road. (EB/2005/0526)

The reasons for refusal were as follows:

1. That the proposed development represents an over development of the site, to the detriment of the amenities of the occupiers of adjacent residential properties and future occupiers of the proposed dwellings and would therefore be contrary to Policy HO20 of the Eastbourne Borough Plan (2001-2011).
2. That the proposed demolition of the flint boundary wall would be detrimental to the character and appearance of the adjacent Old Town Conservation Area and contrary to Policy UHT4, UHT5 and UHT15 of the Eastbourne Borough Plan (2001-2011).
3. That the proposed vehicular access and associated on-site car parking arrangement would be detrimental to highway safety.

An appeal against this decision was dismissed in September 2006.

CURRENT APPLICATION

Planning permission is once again sought for the erection of two semi-detached two-storey cottages on the same site as the previous planning applications (EB/98/0630 and EB/2005/0526). Each of the dwellings would comprise kitchen

and living room on the ground floor with two bedrooms and a bathroom at first floor. The properties are to be constructed of facing brick with fibre cement or welsh slate roofs. Both of the bedrooms would be sited at the front of the dwellings. The windows in the rear of the properties would serve landings and bathrooms, the latter of which it is proposed would be glazed with obscure glass. The only windows in the side elevations of the properties would be at ground floor level and would serve hallways.

As part of the proposed development, it is proposed to reduce the existing ground level on site by approximately 1 metre.

Whilst part of the flint wall along the Watts Lane frontage has already been removed, as part of this application it is proposed to reinstate it and provide two pedestrian gates to serve the dwellings.

Each of the dwellings would have small side and rear gardens. The maximum depth of the rear gardens (behind the proposed retaining walls) would be only 6.5 metres. The properties would be set 2.5 metres back from the Watts Lane frontage.

No on-site parking is to be provided to serve the development.

In a letter dated 2 November 2006, the applicant's agent has referred to the Inspector's decision letter in respect of the recent planning appeal. He states that the Inspector "*did not consider that the proposed development would cause sufficient harm to the neighbours' living conditions to justify the rejection of the proposal. In the Inspector's opinion the remaining two issues were the impact on the character and appearance of the area and highway safety.*"

The applicant has therefore decided to reapply for the proposed development, omitting the previously proposed on-site car parking and reinstating the flint boundary wall.

As part of this application the agent has asked for his letter of 15 August 2005, which accompanied the previous application to be taken into consideration. The content of this letter can be summarised as follows:

Over development

The agent has confirmed that the proposed dwellings would be sited over 2 metres from the nearest boundary wall or fence and 6.4 metres from the rear elevation of 27 Upperton Road and that some dwellings in the Town are constructed immediately adjacent to their site boundaries.

As he strongly believes the proposal is not an over development, he has referred to three infill developments which have been permitted in Eastbourne in recent years, namely on land adjoining 31 Upperton Road, in the rear garden of 8 Carlisle Road and at 36A The Goffs.

With reference to 31 Upperton Road, the agent considers that this development has far greater impact upon the cottages to the rear than his client's scheme.

He considers that the development at 8 Carlisle Road has no less potential for impact on the amenities of neighbouring properties than the current proposal.

Regarding the development at 36A The Goffs, the agent has confirmed that these dwellings have been constructed either on, or just 1 metre from the boundary and that the habitable rooms of three of the cottages face a two-storey high wall. The density of this development is 123 dwellings per hectare compared to the current proposal which amounts to 77 dwellings per hectare.

The agent considers that the proposed development accords with Government guidance contained in Planning Policy Guidance Note No.3: Housing, in that it re-uses previously developed land in an urban area, in preference to the development of greenfield sites.

Design/height/mass of development

The agent has confirmed that the proposed cottages have been designed to reflect the general style and finish of the properties in the immediate locality, with the use of facing brick and slate roofs and forward facing windows from the habitable rooms. He considers that the previously proposed scheme with a combination of window styles resulted in an inappropriate fusion of styles, which it is considered couldn't have encouraged a positive appraisal of the overall development.

As part of the proposed development, it is proposed to lower the existing ground level so that the resulting ridge heights of the dwellings would be less than 6 metres above the existing ground level. The agent has assessed the impact of reducing the ground levels on the root systems of the nearest mature trees in neighbouring gardens and considers that the distances involved are such that the development would not result in consequential damage.

Overshadowing/loss of daylight

The appeal Inspector in his decision letter (23 August 1999) states that a study based upon "Building Research Establishment Indicators" to assess the possible impact of the proposed development on neighbouring properties had not been carried out. Therefore as part of the current application a sunlight and daylight impact assessment has been undertaken which has confirmed that the proposed development does not increase overshadowing on the surrounding buildings and only marginally reduces daylight availability.

Overlooking/loss of privacy

The agent has confirmed that the cottages have been designed so that all habitable room windows are at the front of the property, with only obscure glazed bathroom windows and landing windows at the rear.

With regard to the relationship of the gardens of the proposed cottages with other neighbouring dwellings, the agent considers that the privacy aspect would be no different if the site had remained as a garden for the six flats at 27 Upperton Gardens.

The privet hedge inside the southern boundary of the site has been allowed to grow in order to screen the application site. However, the agent has confirmed that the applicant would be willing to reduce the height of the hedge if it was the wish of occupiers of neighbouring properties or alternatively it could be replaced with a close boarded fence.

Pedestrian access

The agent has confirmed that the Inspector's concern regarding the previously proposed side entrances to the cottages has been noted and as such the current proposal includes traditional front entrances.

Finally, the agent has referred to the scenario outlined in the Inspector's decision letter whereby the application site may revert to being a garden for 27 Upperton Road. However four of the six flats which have a 99 year lease have defined garden areas. There would therefore be legal implications of assigning additional garden areas to existing leases.

In conclusion, the agent considers that the proposed development is a reasonable development and therefore requests positive consideration of the proposal.

Returning to the agent's letter dated 2 November 2006, he has confirmed that by omitting the previously proposed on-site car parking, it has enabled the cottages to be brought slightly further forward to Watts Lane, which together with the loss of the footpath and retaining wall shown previously at the back of the cottages, would increase the depth of the rear gardens by approximately two metres, and would bring the cottages further forward of the area of outlook from the upper windows of 27 Upperton Road.

The agent has also confirmed that by reinstating the flint boundary wall, the proposal fails to provide any on-site car parking and is therefore contrary to Policy TR11 of the Borough Plan. However he has asked for the following to be taken into consideration:

- It is stated in paragraph 60 of PPG3 that developers should not be required "to provide off-street parking where there is no need, particularly in urban areas where public transport is available." The application site is just 115 metres from a bus stop in Upperton Road, where several buses an hour take just a few minutes to reach the town centre.
- The proposed cottages would be located in very close proximity to amenities in the Motcombe and High Street areas of Old Town.
- As part of the application, three letters from local estate agents have been submitted which confirm that there would be a demand for the cottages from purchasers who would choose to live in the location of this development so that they did not have to have a car.
- Whilst the short section of Watts Lane in which the application site is located cannot accommodate a large amount of street parking, there is this facility

available in the area, including nearby in parts of Upperton Road and in Moatcroft Road.

- It is believed that the above points were material considerations when planning permission was granted in 2001 for the three cottages which were subsequently built on land adjoining 31 Upperton Road, without the provision of on-site car parking.

In addition to all of the points raised, the agent has submitted a Design and Access Statement as part of the application which confirms the following:

Amount of Development

The agent considers that the application site can accommodate the two small dwellings and that the development accords with Government guidance to maximise the potential for this type of infill site, in preference to "greenfield" development.

Layout of the Development

The proposed cottages have been effectively centralised within the width of the application site and positioned to achieve "balanced" perimeter amenity space.

Scale of the Development

In order to ensure negligible impact upon surrounding properties, the size and height of the proposed dwellings have been kept to a minimum.

Landscaping of the Site

Other than the retention of the mature hedge on the southern boundary of the site, it is anticipated that the gardens would be mainly laid to lawn with perimeter borders.

Appearance of the Development

The style of the proposed cottages generally reflects that of neighbouring properties, with vertical sliding sash windows set in facing brickwork, beneath slate roofs.

Access

It has been decided to provide only pedestrian access to the proposed dwellings. Although on-site parking is not to be provided, bicycle storage could be accommodated in small garden sheds within the curtilage of both of the cottages.

In conclusion, the agent considers that the revised development proposal addresses the concerns of the appeal Inspector and warrants positive consideration and support.

PLANNING POLICY

The application site is identified on the Eastbourne Borough Plan Proposals Map 2001-2011 as being within a Predominantly Residential Area and is just outside the Old Town Conservation Area and the following policies are considered relevant to the determination of this application:

Policy UHT1	-	Design of New Development
Policy UHT4	-	Visual Amenity
Policy UHT5	-	Protection of Walls/Landscape Features
Policy UHT15	-	Protection of Conservation Areas
Policy HO2	-	Predominantly Residential Areas
Policy HO6	-	Infill Development
Policy HO7	-	Redevelopment
Policy HO20	-	Residential Amenity
Policy TR11	-	Car Parking

CONSULTATIONS

Occupiers of neighbouring properties were notified of the proposed development and a notice was displayed outside the site. At the time of writing this report, four letters of objection had been received from local residents and the comments made can be summarised as follows:

- Development would cause considerable congestion in Watts Lane;
- We are one of seven households who have to park in Watts Lane and are already struggling to find space as we have to compete with customers visiting the business units in Watts Lane;
- The two extra houses would make traffic congestion even worse;
- Very surprised to be in receipt of more plans having very recently been informed that plans had been rejected on appeal;
- Impact on community for light, noise and disruption will be horrendous;
- Development will be invasive in terms of privacy;
- This village cannot sustain any more development;
- The development is inappropriate for the area which is a conservation area;
- The agent refers to the two/three bedroom cottages in the rear garden of 8 Carlisle Road, which he believes "has no less potential for impact upon the amenities of neighbouring properties than the proposal for which we are now applying." There is all the difference in the world between this site and the Watts Lane site. Carlisle Road is a broad, straight thoroughfare for two-way traffic, as are the roads that intersect it. The traffic is spaced out and free-flowing. Watts Lane is quite the opposite and also happens to be the main access road for emergency services to New Upperton Road, Crown Street and Lawns Avenue;
- There is no provision for a footway on that side of the road which would be dangerous for persons exiting onto the road as there have been times when cars have proceeded down the lane faster than they ought to. (Letters received between 28 November and 7 December 2006)

APPRAISAL

The main issues to consider in the determination of this application are as follows:

- Whether the proposed development would represent an over development of the site;
- The effects on the amenities of occupiers of adjacent residential properties and
- The effect of the development on the character and appearance of the adjacent Old Town Conservation Area;
- The effects on highway safety.

The application site comprises the original rear garden of 27 Upperton Road. The area of land is essentially wedged shaped with a frontage of 23.5 metres to Watts Lane and a maximum depth of 16 metres.

The proposed dwellings have a combined footprint of 11.7 metres in width by 6.7 metres in depth.

The proposed development will occupy the majority of the site and, as a result of the restricted size of the site, the development would be unacceptably close to the rear of neighbouring properties in New Upperton Road and thereby adversely affect the outlook from these existing properties.

In addition, the proposed rear garden would extend to a maximum depth of only 6.5 metres (beyond the proposed dwarf wall) and a maximum width of only 5 metres (again beyond the proposed dwarf retaining wall and including the existing hedge). It is therefore considered that the limited amenity space proposed as part of the development illustrates the tightness of the site and highlights that the proposal represents a cramped and over-intensive use of the site. In addition, the proposed amenity space compares unfavourably with the garden areas of the nearby Russell's Cottages and the adjacent houses in New Upperton Road. Furthermore, there is inadequate space within the site to accommodate satisfactory on-site car parking.

It is acknowledged that the sunlight and daylight impact risk assessment report accompanying both the previous and current applications, concludes that "the proposed development does not increase overshadowing on the surrounding buildings" and only marginally reduces daylight availability. Nevertheless, it is considered that the proposed development will give rise to a loss of privacy to occupiers of adjacent properties. The proximity of the small side and rear gardens of the proposed dwellings to the properties in New Upperton Road and the flats at 27 Upperton Road will give rise to noise and disturbance for the occupiers thereof. It is therefore considered that the proposed development will be detrimental to the amenities of occupiers of surrounding residential properties and as such is contrary to Policy HO20 of the Borough Plan.

Furthermore, whilst the Planning Inspector in consideration of the recent appeal, confirmed that the harm caused to neighbours' living conditions would not be sufficient on its own to reject the proposal, he did consider that *"the introduction of a two storey building within 6m of the rear of no 27, and 7m*

from the rear of the terrace in New Upperton Road would intrude to a degree upon some of the neighbours' current open outlook, despite the existing screening. Moreover, the beneficial use of the neighbouring gardens would suffer additional noise and disturbance from any use of the small side and rear gardens which would lie between the new building and the rear boundaries."

For all the above reasons it is considered that the proposal represents an over development of the site.

The application site is just outside the Old Town Conservation Area. As part of the development it is proposed to reinstate the original flint front boundary wall which was removed a number of years ago. Such walls are important features in this part of Old Town and contribute to the character of the locality. For this reason the proposed rebuilding is considered to be acceptable in terms of its effect on the character and appearance of the site and the adjacent Old Town Conservation Area.

Whilst it is considered that the proposal to reinstate the front boundary flint wall will improve the appearance of the site and enhance the character and appearance of the locality, it means that no on-site car parking can be provided to serve the development.

The Council's adopted parking standards identifies the application site as being within Zone 4 where between 75 and 100% of the adopted parking standard is required to be provided on site. This amounts to the provision of at least two on-site car parking spaces in the case of the proposed development.

Furthermore, the need to provide on-site parking in accordance with the approved standard is considered to be even more necessary in this location as this part of Watts Lane is already heavily parked and any proposal which would increase the demand for on-street parking would only exacerbate the existing problem, to the detriment of highway safety. The proposed development is therefore contrary to Policy TR11 of the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

The residential redevelopment of the site as proposed by the current application, is likely to infringe the above noted Rights of local residents.

RECOMMEND: Permission be refused for the following reason:

(1) That the proposed development represents an over development of the site, to the detriment of the amenities of the occupiers of adjacent residential properties and would therefore be contrary to Policy HO20 of the Eastbourne Borough Plan 2001-2011.

(2) That the proposal fails to provide any on-site car parking to serve the development to the detriment of highway safety and contrary to Policy TR11 of the Eastbourne Borough Plan 2001-2011.

2) 28 SEASIDE ROAD, EASTBOURNE
Change of use of ground floor of premises from A1 vacant retail unit to A4 use as a wine bar, with kitchen and toilet facilities and provision of a manager's studio flat
EB/2006/0826(FP),DEVONSHIRE

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The proposed change of use of the premises to a wine bar would result in an unacceptable degree of noise and disturbance to adjacent and nearby residents.

SITE LOCATION

The application premises occupy a prominent position on the corner of Susans Road and Seaside Road. The property has remained vacant for a number of years.

PLANNING HISTORY

Planning permission was granted in 2004 for the change of use of the premises from A1 (retail) to A3 (food and drink) use (EB/2004/0540). Condition No.2 attached to this permission stated:

“That the premises shall be used as a coffee/tea shop/café/restaurant with ancillary takeaway use and for no other purpose (including any other purpose in Class A3 (food and drink)) of the Schedule to the Town and Country Planning (Use Classes) Order 1987.”

This condition was attached in order to prevent the premises from being used as a public house, as it was considered that such a use would have an impact on residential amenity. In addition, the hours of opening were restricted to 11.00pm, once again in order to protect residential amenity. This consent was never implemented.

CURRENT APPLICATION

Planning permission is sought to change the use of the ground floor of these vacant premises to a Class A4 wine bar. The drawing accompanying the application shows that the premises would comprise a bar/restaurant with kitchen preparation area and toilets. In addition, it is proposed to provide a manager's studio flat with access from both within the premises and from an existing entrance in Susans Road.

PLANNING POLICY

The Eastbourne Borough Plan 2001-2011 Proposals Map identifies the application site as being within a Secondary Shopping Area and within the Town Centre and Seafront Conservation Area and the following Borough Plan policies

are considered relevant to the determination of this application:

Policy TC6 - Town Centre Shopping Areas
Policy HO20 - Residential Amenity

CONSULTATIONS

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

Sussex Police's Inspector responsible for licensing issues and the policing of the night-time economy in Eastbourne has confirmed the following:

"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 3am 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 within the immediate vicinity of 28 Seaside Road. Sussex 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 in the immediate vicinity of licensed premises. The high level of concern both by Police and Local Authorities is reflected in the referral of the "Cumulative Impact Policy" to local cabinet.

In the rolling year leading up to October 2006, Seaside Road saw 97 criminal acts which are classified as offences of public place violent crime. In addition, Police have been called to deal with disorder, drunkenness, criminal damage and other incidents of anti-social behaviour. Eastbourne policing district invests heavily in reducing the amount of public place violent crime, but despite this investment, Seaside Road has seen an increase of 19 offences over and above that of the previous 3 months. This equates to a 95% increase in violent crime in that one road.

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.*"

The Inspector believes that this planning decision is one that will have an impact on crime and disorder and asks that the application is refused.

"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" and the Inspector believes that the addition of a wine bar at this location is against the spirit of Policy TC6.

"PPS6 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. The last few years has seen an increase in approximately 169 residential units within close proximity to the proposed site." The Inspector also believes that as part of the Seaside Road regeneration plan, the number of residential units locally will increase still further.

"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.

Should you be minded to offer consent for change of use to a licensed premises, can I respectfully request that consideration be given to approving an application that fits within the style of café/restaurant which is open during the day and evening and serves alcoholic drinks to persons seated at tables. I then ask that a time condition of 1am is imposed on that premises.

The above comments may be a material consideration in the determination of the application, but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discusses these comments with the Local Planning Authority." (E-mail received 7 December 2006)

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.

As mentioned earlier in the "Policy" section of this report, the application premises are within a Secondary Shopping Area. In this particular case Policy TC6 states that planning permission will be granted for food and drink uses subject to the following considerations:

- a) the location and prominence of the premises within the shopping frontage;
- b) the floorspace and frontage of the premises;
- c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission for, class A2 and A3 uses;
- d) the particular nature and character of the use proposed, including the level of activity associated with it;

- e) whether the proposed use on its own, or cumulatively with other such uses in the area, would give rise to unacceptable noise or disturbance, including disorder.

The Policy also states that in Seaside Road (numbers 3-95 and 12-68) no more than three consecutive premises are to be in non-A1 use.

Sussex Police have confirmed that Policy TC6 seeks to ensure that the town centre does not suffer from an over concentration of licensed premises and believe that the addition of a wine bar in this location would be contrary to the spirit of the Policy.

The premises are located on the edge of the town centre commercial area, and consequently directly abuts residential properties. As pointed out by the Police, over the last few years there has been a significant number of residential units approved/provided within close proximity of the premises. Whilst it is acknowledged that residents of such properties must expect relatively high levels of noise in the evenings, the Borough Plan makes it clear that residential amenity must not be significantly harmed.

There is already a high concentration of licensed premises within the vicinity of 28 Seaside Road and the Police have confirmed that they have recently seen a significant increase in violent crime in this road. It is therefore considered that the existing licensed premises in Seaside 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.

When considering the previously approved application for an A3 use, it was considered that the premises were not suitable for a late night or public house use because of the likely detrimental impacts on residential amenity. The applicant's agent has confirmed that the proposed hours of opening of the wine bar would be until midnight on Mondays to Thursdays, 1.00am on Fridays and Saturdays and 11.30pm on Sundays.

It is considered that these later opening hours 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 in the early hours of the morning, 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 wine bar, 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 for the following reason:

That the proposed use would be likely to result in an unacceptable increase in both public disorder and noise and disturbance to adjacent and nearby residents, and would therefore conflict with Policies HO20 and TC6 of the Eastbourne Borough Plan 2001-2011.

**3) STORE AT THE REAR OF, 1 BELMORE ROAD (ADJACENT TO 67A WILLOWFIELD ROAD), EASTBOURNE
Change of use from B8 (store) to a single dwellinghouse
EB/2006/0885(FP),DEVONSHIRE**

EXECUTIVE SUMMARY

The loss of a Class B8 premises conflicts with Policy BI1, and no evidence has been submitted to support a departure from this policy.

RECOMMENDATION: Permission be refused.

SITE LOCATION

This two storey storage building is located at the rear of 1 Belmore Road, adjacent to the vehicular access to the industrial units at the rear of properties in Willowfield Road. Access is from Willowfield Road.

PLANNING HISTORY

There is no planning history for the building, but it would appear to have been constructed between 1910 and 1925. It was the store for the grocers shop at 1 Belmore Road (Hookham & Son) for very many years, but its ownership since the 1970's is unclear. The current owner used the building in conjunction with his business in the adjacent units at 67a Willowfield Road.

CURRENT APPLICATION

Planning permission is now sought to change the use of the building to a single private dwelling. The external alterations would involve the replacement of the garage door at the front with a door and window, the provision of roof lights on the southern roof slope and the blocking up of all the windows on the north elevation (facing into the rear of 1 Belmore Road. The accommodation would comprise of a single room on both floors, with an open plan kitchen/living room on the ground floor and an ensuite bedroom on the first floor. The plans indicate that a 600mm high fence would enclose the forecourt, which is the only curtilage associated with the building, although the existing vehicular crossing is shown to be retained.

A statement submitted with the application indicates that the owner has moved to larger premises, and therefore the premises are surplus to requirements. It is considered that the building is not suitable for employment, and that the proposal therefore complies with Policy BI1. The statement goes on to confirm that the floor area of the dwelling would more than comply with the Council's minimum HMO standards, providing 43m² against a standard of 28.5m², and that it would provide a dwelling on a brownfield site in accordance with government policy. It also indicates that a lack of on sit parking is generally accepted in this locality.

PLANNING POLICY

- UHT1 - Design of new development
- HO2 - Predominantly residential areas
- HO7 - Redevelopment
- HO9 - Conversions and change of use
- HO20 - Residential amenity
- TR11 - Car parking
- BI1 - Retention of Class B1, B2 and B8 sites and premises

CONSULTATIONS

The Highways department have no objections to the proposal, noting that the site is within easy walking distance of the town centre and local transport connections and therefore zero parking provision is acceptable. Conditions are required to safeguard adequate visibility for vehicles using the adjacent access, and to remove the crossover and reinstate the footpath and kerb.

The Economic Development Officer notes that there appears to have been no marketing of the premises, and that to comply with Policy BI1, evidence should be provided on the marketing strategy adopted and the response to it. In the absence of such information, the application should be refused.

One letter has been received from the occupier of one of the industrial units at the rear, objecting to the enclosure of the front forecourt on the grounds that it may impede the very large lorries that use the vehicular entrance, because they have to use the forecourt to gain access.

APPRAISAL

The footprint of the premises is that of a typical garage, whilst the first floor would have a reduced ceiling height because of skelings. The floorspace has been increased by the removal of the existing stairs and their replacement with a spiral staircase. Whilst it is acknowledged that the dwelling would be larger than some flats, it would nevertheless be a very small house, with the only amenity space being a 3m by 4m forecourt at the front. The forecourt is not deep enough to provide any parking, but very few properties in the area have any such facilities, which is characterised by rows of relatively high density Victorian/Edwardian terraced houses. The plan indicates that a 600mm fence would be provided around the forecourt, and this would need to be safeguarded because of the adjoining access to the industrial estate. The crossover would have to be removed, otherwise any occupiers may be tempted to use the forecourt to park overhanging the footpath. The windows on the north elevation, which face directly into the adjacent residential property, are shown to be removed, which is considered to be essential to safeguard the amenities of those residents in terms of noise and privacy.

However the premises do not appear to have been marketed at all and no sound case has been made for the loss of the store in terms of the requirements of Policy BI1, other than it being surplus to the applicants' requirements, and it being unsuitable for employment purposes. It is not considered that a lock up store such as this would not attract either a buyer or leaseholder, but no evidence to the contrary has been submitted. It is therefore considered that the application does not comply with Policy BI1.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused for the following reason:

That no evidence has been submitted with the application to support the loss of these Class B8 premises, which conflicts with the provisions of Policy BI1 of the Eastbourne Borough Plan 2001-2011.

4) 2 BARRIER REEF WAY, EASTBOURNE Conservatory to rear elevation EB/2006/0905(FP),SOVEREIGN

EXECUTIVE SUMMARY

The conservatory is an acceptable enlargement of this house. It will not affect the amenity of neighbouring dwellings or the appearance of the area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site is a detached dwelling on the south-west side of Barrier Reef Way, at the junction with Pacific Drive. The premises are in use as a General Practitioners medical surgery.

PLANNING HISTORY

2003 – Granted: Conversion of the dwelling house to form a surgery for a single general medical practitioner, with 10 car park spaces off Pacific Drive (EB/2002/0760).

2004 – Granted: Time extension of temporary permission for use of dwelling house as a surgery and a second general practitioner to work at the property (EB/2004/0574).

2006 – Granted: Further extension of temporary permission until March 2008 for use of dwelling as a GPs surgery (EB/2006/0171).

CURRENT APPLICATION

Planning permission is sought to erect a conservatory to the rear elevation of this house. The conservatory will project 4.5 metres, be 3.75 metres wide and the pitched roof will be 3.2 metres high to the ridge. The conservatory is to provide additional space for a staff room.

PLANNING POLICY

UHT1 – Design of New Development
HO20 – Residential Amenity

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers and a site notice displayed. At the time of preparing this report (19 December 2006) no representations had been received.

APPRAISAL

The main issues to consider in determining this application are the impacts the conservatory will have on the use of the premises as a doctors' surgery, the visual amenity of the area and neighbouring residential amenity.

Additional floor space is being sought for the premises to create room for staff whilst on their breaks from work. The conservatory is not intended to increase the number of staff working at the surgery or increase patient numbers. The conservatory will not intensify the use of the premises. It is considered that the conservatory will not result in adverse impact on neighbours from extra activity of visitors or demand for car parking.

The proposed conservatory will be visible from Pacific Drive. The roof of the conservatory will protrude above the height of the boundary wall. However, the size of the conservatory will not be domineering. Nor will it be out of character with this residential area.

The conservatory will be built on the left of the rear elevation. There will be a distance of 6 metres between the conservatory and the boundary of 2 and 4 Barrier Reef Way. The conservatory will not cause loss of light or outlook at 4 Barrier Reef Way.

The neighbouring dwelling to the rear, 15 Coral Reef Close, has a conservatory on its rear elevation. The proposed conservatory for 2 Barrier Reef Way will not result in a loss of light or overlooking of 15 Coral Reef Close. There are trees and shrubs next to the boundary that obscure views between the gardens.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.

Reason: To secure that the development is in harmony with the existing building.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:-

The conservatory will not be detrimental to the visual amenity of the area or neighbouring residential amenity, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

- 5) PUBLIC HIGHWAY IN WILLINGDON ROAD, ADJACENT TO 197, WILLINGDON ROAD (EASTBOURNE GARDEN COMPANY), EASTBOURNE Provision of a telecommunications base station comprising a 15m high ultra slimline monopole containing 3 antennas together with ancillary equipment cabinets.
EB/2006/0896(DET),RATTON**

EXECUTIVE SUMMARY

The height and location of the proposed mast would be detrimental to the visual amenities of the area and the amenities of nearby residents.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises part of the grass verge on the west side of Willingdon Road, adjacent to the Eastbourne Garden Company.

PLANNING HISTORY

Prior approval of a 10m high monopole in this location was refused in July 2001, on the grounds of adverse impact on the visual amenities of the area (the operator was T-Mobile). EB/2001/0349.

A further application for prior approval was refused in a respect of a 10.3m high monopole on the same verge 20m to the south in March 2006 for the same reason (the operator was Orange). EB/2006/0065.

CURRENT APPLICATION

The current application is also an application for prior approval, which seeks the Council's approval of the siting and appearance of telecommunications equipment, submitted under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The application is submitted on behalf of Hutchison 3G.

It is now proposed to erect a 15m high ultra slimline monopole on the grass verge between the footpath and the garden centre; the mast is indeed slimline at 16 centimetres in diameter, and is to be painted bottle green. Two cabinets are proposed adjacent to the mast, the larger of which is 1.65m high and 1.26m wide, whilst the smaller is 900mm high and 700mm wide; both are to be painted bottle green. The nearest residential properties are located 40m away on the opposite side of Willingdon Road.

The necessary ICNIRP certificate has been submitted with the application.

Other sites considered in the area are the garden centre, Upper Wish Hill, Ratton School, Eastbourne Rugby Club, Hoo Gardens, Willingdon Roundabout and Willingdon Road. All have been discounted as being unavailable or too close to residential properties. There are no other masts in the vicinity that could be shared.

The agent states that the ultra slimline design is the most lightweight available on the market, and has been chosen to closely mimic the street lamps in the area and reduce the bulk of the pole and its visual impact. A telegraph pole has been discounted, as there are no such structures in the area. The precise location of the pole has been chosen so that it falls within the pattern of the

spacing of the existing lamp columns. The height of the mast is the minimum necessary to clear the surrounding buildings and trees, and has taken into account the height of the proposed assisted housing scheme on the garden centre site (14.2m).

PLANNING POLICY

- US8 - Prior approval of telecommunications development
- US9 - Telecommunications development

CONSULTATIONS

At the time of writing this report six letters of objection had been received. The objections are summarised thus:

- it is an unsuitable development at the entrance to the town
- it will adversely affect trade and the town will start to decline
- masts should not be sited in residential areas
- it would be unsightly and incongruous
- it would spoil the view from the new flats
- health considerations

APPRAISAL

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

This part of town is dominated by residential development, but the site is also a very busy main road where additional coverage is required. It is considered that the only option is a streetworks installation such as that now proposed. The style of mast chosen would blend in well with the existing street furniture, and in particular its slimline appearance would be comparable to the nearby street lamps, although the height of the mast is of some concern, as it would be much higher. The height is dictated by the height of the large trees on the verge (13m) and the proposed flats (14.2m). The existing garden centre building is only 5m high. Until the flats are built, the monopole would certainly be a strident and incongruous feature in the streetscene, as there would be no backdrop to it. Relocating the monopole to the verge on the road side of the footpath, so that it would be in line with the street lamps, would be of no benefit visually, since it would accentuate the difference in height.

The concerns of local residents focus on health issues. Government guidance in PPG8 is that:

"...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

Nevertheless, government advice is that health concerns are capable of being a material consideration in determining planning applications. In this particular instance the monopole would be very close to a significant number of windows to habitable rooms in the approved block of flats on the garden centre site. It is considered that this proximity would serve as a constant reminder of the health issues associated with masts, to the detriment of the amenities of the residents. Although it might be argued that the future residents would have the option of not buying a flat adjacent to a mast, any approval would make similar applications difficult to resist.

It is considered, therefore, that whilst the design of the monopole is acceptable in the streetscene, its height and location would be detrimental to visual and residential amenity.

HUMAN RIGHTS IMPLICATIONS

Whilst residents concerns are noted, it is considered that the monopole would be a sufficient distance from the closest existing dwellings not to have a direct impact on the right to peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused for the following reason:

That the proposed installation, by reason of its height and proximity to an approved residential building, would be seriously detrimental to the visual amenities of the area and the amenities of future residents, and would therefore conflict with Policy US9 of the Eastbourne Borough Plan 2001-2011.

6) 20 KINGS AVENUE, EASTBOURNE
Extension to existing roof including the addition of dormer to rear
roofslope
EB/2006/0877(FP),UPPERTON

EXECUTIVE SUMMARY

The proposal seeks consent for extensions to the main roof of the dwelling with a flat roof dormer on the rear elevation. It is considered the design and height of the extensions and the prominent position of the building would result in an incongruous feature within the streetscene to the detriment of the visual amenity of the area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The detached property is located in an elevated position with relation to Kings Avenue. It has a parking space excavated in the front garden. It backs onto properties in Prideaux Road. Opposite the site are modern flat roofed blocks of flats.

PLANNING HISTORY

There is no planning history relevant to the determination of this application.

CURRENT APPLICATION

Permission is sought for an extension to the main roof of the dwelling with the addition of a flat roof dormer to the rear elevation. The extension would involve raising the ridge height by 1m and creating vertical faces of tile hanging with half hips. The rear dormer would project 5m across the rear roofslope of the building.

PLANNING POLICY

Policy UHT1	-	Design of New Development
Policy UHT4	-	Visual Amenity
Policy HO20	-	Residential Amenity
Policy US4	-	Flood Protection and Surface Water

CONSULTATIONS

The application was advertised by letters of notification sent to occupiers of surrounding properties and a site notice displayed to the front of the property. At the time of writing this report on 13 December 2006 no letters of objection had been received.

APPRAISAL

The increased size of the roof would not it is considered result in any significant impact to the amenities of the directly adjoining properties in Prideaux Road or Kings Avenue with regard to loss of outlook or sunlight. The rear facing dormer would not cause a significant loss of privacy, with only oblique views to the gardens of the adjoining properties in Kings Avenue. The distance to the properties in Prideaux Road would be 35m, with the rear boundaries 15m from the dormer. There are existing first floor windows closer to the rear boundary than the proposed dormer.

For the above reasons it is considered that the proposed extensions would have an acceptable impact on the amenities of the occupiers of adjoining properties.

The north east elevation of the building is a prominent feature in the streetscene, due to the elevated position of the property and the set back of the adjoining property at 22 Kings Avenue. The proposed roof design would not be inkeeping with the existing roof, or the predominant roof forms in Kings Avenue.

The increased height of the ridge and the vertical faces to the half hips would prevent the extensions from complimenting the existing hipped roof, with the large areas of vertical tile hanging creating a prominent and incongruous addition to the roof.

It is considered that the proposed roof would be inappropriate in form and would not harmonise with the appearance of the area, creating an incongruous feature in the streetscene. It would therefore be contrary to policy UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

There is a degree of variety in roof forms in the area, with some more modern buildings, however, it is not considered that this variety provides a context that the proposed roof form would reflect or compliment.

There would be no requirement for a flood storage contribution for the proposal as there would be no increase in hard surface cover of the application site.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed extension would not infringe the above noted rights of occupiers of surrounding properties to the reasonable enjoyment of possessions and property.

RECOMMEND: Permission be refused for the following reason:

That the proposed extension by reason of its design and prominent location would form an incongruous feature in the streetscene that would not harmonise with the appearance and character of the local environment and would therefore be contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

- 7) **KENT HOUSE, 6 TRINITY TREES, EASTBOURNE**
New vehicular crossover to Trinity Trees and creation of hardstanding in front garden to provide off-street parking for five vehicles
EB/2006/0804(FP),MEADS
- 8) **KENT HOUSE, 6 TRINITY TREES, EASTBOURNE**
Demolition of part of front boundary wall and railings
EB/2006/0914(CA),MEADS

EXECUTIVE SUMMARY

Permission is sought for conservation area consent to demolish part of the front boundary wall and railings. Permission is also sought to hard surface the front garden and create a vehicular crossover to provide 5 car parking spaces. It is considered that the proposal would cause unacceptable harm to the character of the conservation area and would harm the amenities of residents in the upper and lower ground floor flats of 6 Trinity Trees.

RECOMMENDATION A: Permission be refused (Application EB/2006/0804) .

RECOMMENDATION B: Conservation area consent be refused (Application EB/2006/0914).

SITE LOCATION

The large detached property is converted into flats and is situated with the Town Centre and Seafront Conservation Area. The area to the front of the property is currently lawned with planted beds. The front boundary is marked by a rendered wall with railings above. The ground levels in the site are slightly higher than the public footpath.

PLANNING HISTORY

The single private dwelling was converted into a two bedroom flat with doctors surgery on upper ground floor and eight study bedrooms on the first and second floors (EB/1980/0066).

The building has subsequently been converted into flats with an additional storey added to provide an additional two flats (EB/2003/0182 and EB/2003/0609).

Permission was granted for the erection of a block of six flats on the land to the rear of 6 Trinity Trees (EB/2004/0146).

CURRENT APPLICATION

Permission is sought to demolish part of the front boundary wall and railings to allow a vehicular access to the front of the property in association with hardsurfacing of the front garden area to provide five parking spaces.

PLANNING POLICY

- Policy UHT1 - Design of New Development
- Policy UHT5 - Protecting Walls
- Policy UHT15 - Conservation Areas
- Policy HO20 - Residential Amenity

CONSULTATIONS

The applications have been advertised by letters of notification sent to occupiers of surrounding properties and a site notice displayed to the front of the property. At the time of writing the report on 14 December 2006 no letters of objection had been received.

The Conservation Area Advisory Group meet on the 2 January and comments received will be reported verbally at the Planning Committee meeting.

The Conservation Officer was consulted any comments received will be reported verbally at the Planning Committee meeting.

The Highway Authority were consulted, any comments received will be reported verbally at the Planning Committee meeting.

The Council's Arboricultural Officer has confirmed there is a purple plum tree on the site which provides some amenity within the conservation area. However, this is not considered of sufficient merit to be the subject of a tree preservation order. In his opinion the tree could not be retained as part of the development but no objection would be made to its removal (Memo dated 14 December 2006).

APPRAISAL

The main issues to consider with regard to the determination of this application are the impact of the proposal to the character of the conservation area and the amenities of occupiers of residents in the surrounding properties.

Trinity Trees is characterised by large detached buildings with landscaped front gardens and strong front boundary treatments constituting walls and railings. These features add to the special character of this part of the conservation area.

It is considered that the loss of a substantial part of the front boundary and the landscaped front garden area would have an unacceptable impact on the character of the conservation area. The parking of vehicles in the front garden would further detract from the amenities of the conservation area and the setting of the building. There is no room for screen planting to the front boundary and the open nature of the railings would result in the parked vehicles dominating the site when viewed from the public domain. Further to this the Council's Arboricultural has confirmed that the purple plum tree to the front of the site would also have to be removed, further detracting from the visual amenity of the area. Although the loss of the tree in itself would not warrant a refusal it adds to the harm that would be caused by the development.

Policy UHT5 requires the retention of front boundary walls that are typical of an area unless it is demonstrated that they are beyond their useful life and cannot be restored. This is not considered to be the case with regard to the front boundary to the application site.

The existing front garden currently provides a buffer for the occupants of the flats from the busy road. The provision of parking within the front of the property would lead to an increase in noise and disturbance, through comings and goings of vehicles, that would harm the amenities of the occupiers of the flats on the lower and upper ground floors. The proposed planting would provide some screening but the parking would impinge on the current pleasant outlook of the upper and lower ground floor flats into the garden.

The Applicant in their design and access statement refers to the East Sussex County Council's - Parking Standards for Development. The site falls within zone 2 where the number of spaces provided should be between 25% and 50% of the maximum standard. This would give a range for the site of between 6 and 11 spaces. It is therefore considered that the existing 8 spaces falls in this range and that to increase the number of spaces to 13 spaces would exceed the levels supported in the above document. In view of the harm the parking area would cause to the character of the conservation area, this overprovision of parking spaces, with regard to the town centre location, is considered to add weight to the reason for refusal.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would infringe some of the residents above noted rights to the reasonable enjoyment of possessions and property although this would have to be weighed up against the desire for off street parking for the residents.

RECOMMEND A: Permission be refused for the following reason:

That the loss of the front boundary wall and addition of a hard surfaced parking area to the front of the property would cause unacceptable harm to the special

character of the conservation area and would therefore be contrary to policies UHT5 and UHT15 of the Eastbourne Borough Plan 2001-2011.

RECOMMEND B: Conservation area consent be refused for the following reason:

The demolition of the front boundary wall and railings would result in the loss of a front boundary feature that contributes to the special character of the conservation area and would result in an opening up of the site to allow the hard surfacing of the front garden. This would not preserve or enhance the conservation area and therefore the proposal would be contrary to Policy UHT5 and UHT15 of the Eastbourne Borough Plan 2001-2011.

**9) WILLINGDON GOLF CLUB, SOUTHDOWN ROAD, EASTBOURNE
Installation telecommunications base station comprising a 15metre
high simulated telegraph pole with integral antennas, two equipment
cabinets and associated development
EB/2006/0910(FP),RATTON**

EXECUTIVE SUMMARY

The proposed mast would be an acceptable form of development on the edge of the South Downs Area of Outstanding Natural Beauty.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a small area of grass/scrub adjacent to the 14th tee on the northern edge of Willingdon Golf Course, where it abuts properties in Linkway and The Combe.

The site is located in the South Downs Area of Outstanding Natural Beauty and the Downland Site of Nature Conservation Importance.

PLANNING HISTORY

An application for planning permission for a 15m high tree mast on the opposite side of the golf course was refused in June 2006, and is currently the subject of an appeal. The Inspectors decision is expected shortly. The operator is Vodafone.
(EB/2006/0292)

CURRENT APPLICATION

Permission is now sought for the installation of a 15 metre high simulated telegraph pole within a fenced compound 3.5m by 8m enclosed by a 1.1m high stock proof fence. Two standard size equipment cabinets are proposed within the compound, to be finished in green. The operator is T-Mobile.

The necessary ICNIRP certificate has been submitted with the application.

A supporting statement submitted with the application contains the following information:

The proposed installation is well separated from the adjacent public footpath and residential area. The topographical difference allows for the screening for most of the pole, however some glimpse views through existing vegetation and trees of the top portion of the pole may be achieved. There will be no interruption of any panoramic views across the golf course. In the summer months the generous tree cover will disrupt views into the golf course. During the winter months some partial views would be obtained, however the maintenance of the vegetation around three sides of the installation would ensure that the pole would not be intrusive to an extent that would harm residential amenity or the character of the AONB. The advantage of using a telegraph pole design is its slimline form and its colour, which increases the opportunity for it to be absorbed amongst the adjacent trees. The scale of the structure is in keeping with the scale and form of the trees located in the copse that forms the backdrop to the site.

Other locations that were considered, but were not available, were Chalk Farm Hotel, Sussex Downs College and Eastbourne District General Hospital. Other discounted sites were Willingdon roundabout, St. Mary's Church (Willingdon) and Crossways Service Station.

PLANNING POLICY

- NE20 - Sites of nature conservation importance
- US7 - Telecommunications development on Eastbourne Downland
- D1 - Area of Outstanding Natural Beauty

CONSULTATIONS

At the time of writing this report no representations had been received.

APPRAISAL

The main issues to take into account in determining this application are the impact of the proposal on the visual amenities of the AONB and the amenities of nearby residents.

On the first issue, it is considered that most public views of the installation would be at a considerable distance, and with a diameter of 240mm, it would be barely noticeable against the backdrop of trees, which are of a comparable height. This would be the case in winter and summer. The public footpath closest to the application site is some 30m away, and given the density of the trees and undergrowth in the intervening space, it is considered that there would be little impact on users of the footpath.

On the second issue, the nearest dwelling is 50m away, and it is considered that at this distance the impact of the mast would be minimal; indeed most of the mast would not be visible from even the closest properties due to the topography of the surrounding area and the extensive tree cover both on the golf course and in the gardens.

Most objectors have serious concerns regarding the health issues associated with telecommunications base stations and the perceived risks of them being sited close to residential properties. Government advice is that health considerations and public concern can in principle be material considerations in determining planning applications; whether such matters are material in a particular case is ultimately a matter for the courts. The local planning authority must determine what weight to attach to such considerations in any particular case. However, the Government's further advice is that the planning system is not the place for determining health safeguards, and regards it as central governments' responsibility to protect public health. In the Government's view, if a base station meets the ICNIRP guidelines for public exposure it should not be necessary for the local planning authority, in processing a planning application, to consider further the health aspects and concerns about them. Nor should local planning authorities implement their own precautionary policies by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That before the development hereby approved is commenced, details of the route of any underground power supply to the mast shall be submitted to and approved by the local planning authority. The provision of the power supply shall be carried out in accordance with the approved details.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on the visual amenities of the area or the amenities of nearby residents, and therefore it complies with the relevant policies of the Eastbourne Borough Plan 2001-2011.

**10) 7 & 8 FLINT HALLS, 12 CHURCH STREET, EASTBOURNE
Installation of a satellite dish
EB/2006/0774(LB), OLD TOWN**

EXECUTIVE SUMMARY

The proposed satellite dish would not be visible from the road. An existing dish was granted listed building consent in 2003 after it was relocated to a position that could not be viewed from the main highway. It is considered that the granting of consent to this application would not set precedence as each application should be treated on its own merits and a dish that would be visible from the highway would be considered unacceptable.

RECOMMENDATION: Permission be granted.

SITE LOCATION

The application site comprises a large detached property situated on the north side of Church Street. The property has been divided into 8 flats.

PLANNING HISTORY

Planning permission was granted in 1987 for the change of use of the property from nursery to 8 self-contained flats. Since then there have been several applications, both for planning and listed building consent, for minor alterations including a listed building consent granted for the installation of a satellite dish to the rear of the property.

CURRENT APPLICATION

The current application seeks listed building consent to install a satellite dish to the rear of the property.

PLANNING POLICY

UHT1 Design of New Development
UHT18 Protection of Listed Buildings

CONSULTATIONS

Letters of notification were sent to the remaining occupiers of Flint Halls and a site notice was placed to the front of the application site.

The Council's Historic Buildings Advisor does not support the proposal and considers that an alternative that would not require fixing to the listed building should be examined.

The Conservation Area Advisory Group mirrored these concerns at their meeting on 28 November 2006.

APPRAISAL

The main issues to consider in the determination of this application are the effects the proposal would have on the Listed Building and on the visual amenities of the surrounding area.

The proposed satellite dish would be situated to the rear of the property and would not be visible from the road. There is an existing dish on the property which received listed building consent in 2003. Its position was amended on the previous application to ensure that it would be concealed from view from the road in order to respect the character of the listed building and its setting. As this is a private dish and was only intended for private use it would seem unreasonable to force it to become a communal dish.

The Conservation Area Advisory Group was concerned that the approval of this application would set a precedent for future dishes. However, each dish should be treated on its own merits and as was outlined in the 2003 application if they could be viewed from the road they would be unacceptable.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following condition:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

11) COASTGUARD STATION, BEACHY HEAD ROAD, EASTBOURNE Installation of two 0.3m dish antennas on existing mast, together with equipment enclosure, ventilation duct and ancillary development EB/2006/0883(FP),MEADS

EXECUTIVE SUMMARY

The proposal would have an acceptable impact on the South Downs Area of Outstanding Natural Beauty.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

Members will be aware of the existing mast at Beachy Head, between the Coastguard Station and the Countryside Centre, in the South Downs Area of Outstanding Natural Beauty.

PLANNING HISTORY

The existing mast was a replacement erected at the time of the construction of the Beachy Head Hotel, Countryside Centre and Coastguard Station. Planning permission was granted in 2001 for the provision of an antenna for the RNLI, and in 2003 two separate applications were granted for additional antennas for Transcomm (emergency services/breakdown) and Airwave.

CURRENT APPLICATION

Planning permission is now sought to install two 0.3mm dishes on the existing mast to improve the resilience of the existing Airwave network. The upgrading is required by government to provide radio links between existing base stations that will operate in the event of network failure.

The dishes are required to provide line of sight communication which cannot be achieved by antennas. The diameter of 300mm is the smallest that can be used, and will be placed near the top of the mast 20m above ground level (the top of the highest antennas is 23m).

The equipment cabinet is to be contained in a brick built enclosure with stained timber doors attached to the back of the coastguard station.

PLANNING POLICY

- US7 - Telecommunications development on the Downland
- US9 - Telecommunications development

CONSULTATIONS

No representations have been received as a result of notifications and a notice posted on site.

APPRAISAL

The existing mast supports a variety of small scale antennas, and it is considered that the two dishes would have very little impact on the overall appearance of the mast because of the combination of their size and height above ground level. The dishes have been reduced in size from 600mm to 300mm as a result of pre-application negotiation.

Similarly the brick enclosure is modest in size and would not have an adverse impact on the appearance of the building. It will be constructed of a size to enclose both the existing and proposed cabinets, which will be an improvement in respect of the impact on visual amenity.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That the brick equipment cabinet enclosure shall be provided in accordance with the approved plans within three months of the installation of the dishes, and shall be permanently maintained as such thereafter.

Reason: In the interests of the visual amenities of the AONB.

(3) No development shall take place until samples of the materials to be used in the external surfaces of the enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the existing building.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on the visual amenities of the area, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

12) 12 JOHNSTON PLACE, EASTBOURNE Erection of a conservatory to the rear EB/2006/0816(FP),SOVEREIGN

EXECUTIVE SUMMARY

Although the amendments to the plan do not incorporate the suggestions raised in the previous report it is considered that the decreased height would reduce the impact on the visual amenities of the surrounding area and therefore make the conservatory more acceptable.

RECOMMENDATION: Permission be granted.

SITE LOCATION

The application site is located within a crescent of properties situated on the northern side of Johnston Place. It is mid terrace and has a rear garden that backs onto Johnston Place.

PLANNING HISTORY

An application was submitted in September of this year for a conservatory to the rear of the property. It was refused by the Committee on the grounds that it was a prominent structure and would have an unacceptable impact on the visual amenities of the surrounding area.

CURRENT APPLICATION

The current application proposes a similar style conservatory to the rear of the property. This application has

PLANNING POLICY

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

UHT1	Design of New Development
HO20	Residential Amenities

CONSULTATIONS

Letters of notification were sent to the occupiers of the remaining properties in Johnston Place. Two representations have been received. The objections can be summarised as follows:

- The layout of the surrounding neighbourhood would mean that the conservatory would be visible from the road and would be out of keeping with surrounding area and would spoil the look of the crescent;
- The gardens are south facing and currently enjoy sunshine for the majority of the day; due the height of the conservatory the sun in our garden would be lost from approximately midday.
- We feel we would lose a sense of privacy when seated in the garden due to the size of the proposed conservatory.

APPRAISAL

The main issues to consider in the determination of this application are the effects the proposed development would have on the residential amenities of the occupiers of the surrounding properties and the visual amenities of the surrounding area.

The previous application proposed a conservatory that was 3.85 metres high taking into account the slightly elevated position of the dwellinghouses to the road. Under this application the height of the conservatory has been reduced to 3.4 metres and so wouldn't be as dominant within the street scene. In the last application it was suggested to the applicant to incorporate a mono-pitch roof that could have a shallow pitch, however, this suggestion was not considered acceptable as the intention is to keep the conservatory in a design that is in keeping with the host building. It is considered that, although, the conservatory would still be visible from the highway the reduced height would help mitigate its impact on the visual amenity of the surrounding area

The objections raised by the owner of 10 Johnston Place centre not only on the potential impact of the proposed conservatory on the visual amenities of the surrounding area and with the loss of light and privacy that they would experience. The side elevations of the proposed conservatory show lights that will be 0.35 metres in length starting at 1.8 metres above ground level extending to the eaves. It is considered that at this height no additional overlooking would result from the proposed development. The garden of the application site and the adjoining properties face a south-easterly direction. As the conservatory proposed would be situated to the south-west of the objector's property it is considered that any overshadowing would be minimal.

HUMAN RIGHTS IMPLICATIONS

Whilst the proposed development may have an impact on nearby residents, it is considered that it would be within acceptable limits.

RECOMMEND: Permission be granted subject to the following condition:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

13) 77 LONG BEACH VIEW, EASTBOURNE
Alterations to roof to provide screen to roof terrace and associated glazed balustrade
EB/2006/0893(FP),SOVEREIGN

EXECUTIVE SUMMARY

The property has an existing glazed balustrade to the roof with associated decked terrace. This was erected on the basis of planning application EB/2005/0376. However, the balustrading does not comply with the approved drawings and is creating a negative impact on the visual amenity of the area and could be subject to enforcement action. The proposed valence is designed to screen the balustrading and rectify the visual harm to allow the retention of the terrace.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The large block of purpose built flats directly fronts the north harbour and is located within 'Site X'. The application relates to an existing flat roof area on the main roof of the building. A deck has already been attached to the roof with a timber and glazing balustrade. This does not have planning permission.

PLANNING HISTORY

Permission was refused for a roof terrace and lantern enclosure in 2005 (EB/2005/0214).

Permission was granted for a roof terrace with balustrade in 2005 (EB/2005/0376). This consent has resulted in a deck being added to the roof of the building. The balustrade attached does not conform with the approved drawing due to its projection above the existing ridge and lack of ridge detailing. This balustrade is currently unauthorised development.

CURRENT APPLICATION

Permission is sought for a glazed balustrade to the existing flat roofed area of the building concealed by a tile valence to match the existing detailing of the roof to allow the use of the flat roof area as a roof terrace.

At the time of writing the report the applicant has been asked to submit further details showing a 1:20 section of the valence and how it relates to the roof and balustrade with details on the materials to be used. It has verbally been agreed that the valence should be clad with real tiles to ensure a permanent solution which matches the main roof. An alternative being the use of composite tiles if lightweight construction is required.

PLANNING POLICY

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

CONSULTATIONS

The application was advertised by letters of notification sent to occupiers of surrounding properties and a site notice displayed outside the property. At the time of writing this report on 15 December 2006 no letters of objection had been received.

APPRAISAL

The main issues to be considered with regard to this application is the impact of the proposal on the visual amenity of the area and the amenities of occupiers of surrounding residential properties.

The principle of a roof terrace has been considered to have an acceptable impact on the amenities of occupiers of surrounding properties in the previous application with regard to privacy. It is considered that the additional height of the valence, being 60cm above the existing ridgeline, would not result in any serious loss of outlook or light to surrounding properties over and above that resulting from the existing building. Precise heights will be confirmed by the section detailing requested.

The building forms part of the frontage to the north harbour. The properties in site X have been designed to show a consistent style of roof with matching tiles and the fleur-de-ly ridge tiles. The application property forms the highest building in the frontage. The majority of the views of the property are distant from the opposite side of the north harbour. It is considered that the additional height to the roof would not be significant within the frontage, provided that the materials used match those on the existing roof. The existing ridge tiles are to be removed so the property would have a consistent ridgeline. The angle of the valence would not match exactly the plane of the roof, however, it is considered that provided the tile courses are spaced appropriately this would have an acceptable impact on the visual amenity of the area. Conditions to control the materials and require a sample panel to show the tile coursing to be submitted will ensure that the proposed valence will have an acceptable impact. Nine months to complete the works is considered to be acceptable with regard to the scale of works required.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would not infringe the above noted rights of occupiers of surrounding properties to the reasonable enjoyment of possessions and property

RECOMMEND: Permission be granted subject to the following conditions:

(1) That prior to the commencement of development samples of the cladding materials in the form of a sample panel shall be positioned on site and the materials and details shall be agreed in writing by the Local Planning Authority and the valence shall be installed in strict accordance with the approved details and maintained as such thereafter.

Reason: In the interests of the visual amenity of the area

(2) That the valence hereby approved shall be completed by 30 September 2007

Reason: In the interests of the visual amenity of the area as the existing glass balustrading is unacceptable unless screened.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

With the proposed conditions the valence would screen the existing balustrading and would result in an acceptable impact to the visual amenity of the area and would not harm the amenities of any occupiers of surrounding residential properties and would therefore comply with all relevant policies of the Eastbourne Borough Plan 2001-2011.

INFORMATIVE: You are reminded that the existing glazed balustrade is currently unauthorised and unless the valence is installed within the timeframe of this permission enforcement action could be taken to remove this.

14) 1A MYRTLE ROAD, EASTBOURNE Erection of 1.8 metre security fence to the front and side EB/2006/0869(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The proposed fence will be located approximately five metres from the highway. It will be partially screened by the rear garden wall of 1 Myrtle Road and will be of a similar height to the walls and fences in the surrounding area. The proposed fence will leave a metre gap to the boundary treatment of the neighbouring properties on Seaside in order to maintain their right of access. It is considered that the fence would not significantly impact on the visual amenities of the surrounding area or the residential amenities of the surrounding occupiers.

SITE LOCATION

The application site comprises a detached property situated on the northern side of Myrtle Road. It is currently being used as a

PLANNING HISTORY

The property was granted permission in 1950 for use as a warehouse and store. Since then there have been several permissions for minor alterations and renewal of temporary permission for continued use as light industrial.

CURRENT APPLICATION

The current application seeks permission to erect a timber fence to the front and side of the property's forecourt. The fence will be 1.8 metres high and constructed from close boarded timber panels.

PLANNING POLICY

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

UHT1	Design of New Development
HO20	Residential Amenities

CONSULTATIONS

Letters of notification were sent to the occupiers of the surrounding properties and a site notice was placed to the front of the site. As a result one letter of objection has been received. The objections can be summarised as follows:

- The fence would restrict and stop access to my property.
- The 1.8 metre close boarded fence will be an eye soar and not in keeping within the street.

APPRAISAL

The main issues to consider in the determination of this application are the effects the proposed fence would have on the residential amenities of the surrounding occupiers and on the visual amenities of the surrounding area.

The proposed fence will effectively 'square-off' the existing building enclosing an area of less than 15 metres². The fence would be located approximately 5 metres from the highway and the majority of it would be screened behind the wall of the rear garden of 1 Myrtle Road. The walls and fences to the rear gardens of the adjacent properties are of similar size and it is therefore considered that the effects the proposed fence would have on the visual amenities of the surrounding area or the residential amenities of the surrounding residents would be minimal.

Both of the objectors to this application have raised the issue that they have right of access through the alleyway to the rear of their properties. In order to accommodate this, the plans show a metre gap between the proposed fence and the rear gardens of these properties which is considered acceptable to maintain their access. Objections have also been raised about the amount of parking and the blocking of the pedestrian footpath in Myrtle Road by the applicants. It is considered that the proposed development would have little effect on the current parking situation and as the fence and gates would be set approximately 5 metres away from the highway it is considered that they would not be able to block the highway.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That before the development hereby approved is commenced details of the colour of the fence will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently maintained thereafter.

Reason: To safeguard the visual amenities of the area

(3) That the external storage of goods, articles or equipment shall not exceed in stacking height a level of 100mm below the height of the fence hereby approved.

Reason: In the interests of the visual amenities of the area.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

**15) FISHERMANS GREEN TENNIS COURTS, ROYAL PARADE, EASTBOURNE
Change of use from tennis courts to motor cycle learning area,
weekends only
EB/2006/0907(FP),DEVONSHIRE**

EXECUTIVE SUMMARY

The proposed motorcycle training will be a formal use of the tennis courts. The proposed weekend-only use will not result in the harmful loss of tourist or leisure facilities or be detrimental to residential amenity.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises the tennis courts on the South-east side of Royal Parade and next to the Fisherman's Green car park.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Planning permission is sought for the use of two tennis courts for motorcycle rider training on Saturdays and Sundays.

PLANNING POLICY

TO7 - Preferred Area for Tourist Attractions and Facilities
HO20 - Residential Amenity

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers and a site notice was displayed. At the time of preparing this report (20 December 2006) five letters of objection (including one signed by 11 residents) had been received. The consultation period expires 5 January 2006 and any further letters will be reported verbally at the meeting.

- Having lengthened the parades to Sovereign Harbour this is now a very popular all year walking area for people of all ages.
- Royal Parade is already over-used and does need added fumes and smells.
- Houses already suffer too much noise and vibration without motorcycles.
- It will disturb considerably people living opposite, generally elderly people who do not need the addition of noise and pollution.
- The mention of weekends only will not be respected, no more than cycling along the promenade.
- All tennis courts are constantly used for recreation and exercise (the Government wants young people to exercise); families often turn up to teach their children tennis and are disappointed to find them without nets.
- What will happen to the young folk?
- Access to and from the busy main road will cause more hold-ups in the heavy flow of traffic.
- There is certainly another space away from houses that should be more suitable.
- The tennis courts should be used by families.

(Letters dated 15 and 16 December 2006).

Economic Development: *"I am aware that the company applying for this use are in need of relocation due to the sale of the Coach and Lorry Park.*

From an Economic Development perspective, I feel this proposal should be recommended for approval, taking the following into account:

- *The company provide a very valuable community facility- aimed predominately at the younger generation.*
- *The users, when trained will then have a valuable independent means of travel.*
- *This independence will then open many opportunities for employment within the Borough, where reliance on public transport was not possible.*

- *The company has the experience and respect of the community, and are identified as encouraging responsible road use.*

I would strongly recommend this case for acceptance."

(Email dated 18 December 2006),

Highway Authority: Comments to be reported verbally at the meeting.

Environmental Health: Comments to be reported verbally at the meeting.

APPRAISAL

The main issues to consider in the determination of this application are the impacts on tourist facilities and residential amenity.

The tennis courts are in a rundown condition and do not have nets. The courts are officially closed but are still informally in use for tennis and recreation. The proposed use will take place at weekends when it can be expected that members of the public wish to use the courts for tennis or other leisure uses, particularly in the summer. It is considered that the proposed motorcycle training only two days a week will not detrimentally affect the number and quality of tourist and leisure facilities at Fisherman's Green. This is because the courts' conditions have deteriorated since the official closure and are now a poor standard for playing tennis. Furthermore, basketball courts will remain available and four tennis courts for informal use.

The tennis courts are opposite houses on Royal Parade. There can be a high level of vehicular traffic along Royal Parade. Given the activity in the area, it is considered that the proposed motorcycle rider training will not create noise and disturbance over and above the existing situation. The proposed use will not have a detrimental impact on neighbouring residential amenity.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 January 2008.

REASON: To enable the Council to review the situation in the interests of the amenities of neighbouring residents.

(3) That the use hereby permitted shall only take place between the hours of 8.30am - 5.00pm on Saturdays and 10.00am - 4.00pm on Sundays.
Reason: In the interests of the amenities of the area.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:-

The change of use will not result in the detrimental loss of tourist or leisure facilities, nor be detrimental to nearby residential amenity, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

16) 43 SEASIDE, EASTBOURNE

**Erection of a replacement four storey building to provide childrens centre (Class D1) on the ground floor and eleven two and one bedroom flats on the upper floors (amendment to previously approved application EB/2006/0586)
EB/2006/0889(FP),DEVONSHIRE**

EXECUTIVE SUMMARY

The proposal is considered acceptable in terms of its impact on the character and appearance of the conservation area and the amenities of nearby and adjoining residents.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a three storey terraced building fronting Seaside, with a garage and two storey extension at the rear fronting Marine Road. The building is currently vacant, but was formerly used as a retail shop on the ground floor with offices on the upper floors. It is located in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

The main part of the building is Victorian, whilst the rear extension dates from 1961.

An application to convert and extend the upper floors into flats was withdrawn in 2005 after concerns were expressed by the Conservation Area Advisory Group and the case officer.

Planning permission was granted in March 2006 for the change of use of the upper floors and a two storey extension at the rear to provide six flats and three maisonettes (EB/2006/0040).

Conservation Area Consent was granted at your meeting on 8 July 2006 for the demolition of the whole of the building (except the party walls), although planning permission was refused for the replacement building as it was considered that the design of the barrel vaulted roof on the front elevation would be out of keeping with character and appearance of the conservation area and the other buildings in the terrace. (EB/2006/0395 & EB/2006/0396).

Planning permission was granted for a replacement building on 5 September 2006, comprising four storeys with a retail unit on the ground floor and eleven one and two bedroom flats on the upper floors (essentially the same scheme as that refused but with a traditional roof). (EB/2006/0586).

CURRENT APPLICATION

Planning permission is now sought to construct the same building as approved under EB/2006/0586, but with a different use on the ground floor, with a minor alteration to the rear access and the provision of one parking space. A completely new application is required, since it is not possible to apply for a change of use of a building that has not been constructed.

It is proposed to use the ground floor as a children's centre (use class D1) to serve the Devonshire ward on behalf of East Sussex County Council. A supporting statement contains the following information:

Devonshire Children's Centre is one of 28 Children's Centres that ESCC plan to establish across the county by March 2008.

Children's Centres provide a range of services to support families with children up to the age of 5. Parents with young children often find it difficult to travel to different places and so offering a variety of activities from one centre makes it easier for families to access the services they need.

Services that are delivered from Children's Centres will vary from area to area. In Eastbourne, we already have an established presence in the town centre and currently deliver a range of activities in a local church hall.

These include:

- *parent and toddler groups*
- *play sessions for children*
- *baby club*
- *yoga for pregnant women*
- *baby massage*
- *story sessions*
- *small cookery groups*
- *baby weighing with the health visitor*
- *advice on parenting*

Most activities take place to fit in with parents who have school-aged children and need to take them or collect them from school.

PLANNING POLICY

The following policies are relevant to this application:

UHT1	-	Design of new development
UHT2	-	Height of buildings
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
HO20	-	Residential amenity
HO7	-	Redevelopment
HO9	-	Conversions and changes of use
HO10	-	Residential use above shops
HO11	-	Residential densities
TR11	-	Car parking
LCF20	-	Community Facilities

CONSULTATIONS

The Economic Development Officer supports the application as it will bring a much needed community facility to the Devonshire ward.

The Historic Buildings Consultant has no objections in principle to the scheme, subject to conditions.

At the time of writing this report, one letter of objection has been received from a resident of Metropole Court, who considers that the scheme will increase traffic congestion and demand for on street parking. The area is already congested and with the imminent parking charges eleven flats and a children's centre will add to the chaos. (Letter dated 6/12/2006).

APPRAISAL

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the conservation area, the impact on residential amenity and the impact on parking.

Impact on the conservation area - externally the building is essentially the same as that previously approved, and therefore the principle of the design, height and form is now established. The minor change to the rear elevation is the deletion of a pair of large shutter doors and their replacement by a window and a separate door, and this is regarded as an improvement.

Impact on residential amenity – it is not considered that the proposed use as a children's centre would have any adverse impact on residential amenity, nor the use of the upper floors for residential purposes.

Impact on parking – the location of the site within Zone 3 would appear to be an anomaly, since it is clearly a town centre location close to services and access to travel choices. The application makes provision for 12 cycle spaces, which exceeds the required standard of one space per unit; this application also provides one parking space on the land at the rear of 43 Seaside. The ESCC Parking Standards at Development 2002 document acknowledges that planning

authorities should exercise discretion in conservation areas and in areas close to services etc. No parking could realistically be provided on site, and it is considered that, given its proximity to services and the town centre, it would be unreasonable to insist on such provision. The lack of on site parking provision was accepted on this basis in the previously approved application. It should also be borne in mind that the authorised use of the existing building (a large retail shop and two floors of offices above) could also generate a significant demand for parking, for which there has been no provision in the past.

In conclusion, it is considered that the application is acceptable in terms of its impact on visual and residential amenity and the area in general. The proposed flats are modest, but with adequate room sizes. The conversion of upper floors complies with Borough Plan policies, as does the density of the development, which is comparable with other upper floor flats in this area. The provision of a children's centre will provide a much needed resource in this town centre location. Whilst there is a shortfall in on site parking provision, it is considered that this would be acceptable in this location and is no different from the existing situation.

HUMAN RIGHTS IMPLICATIONS

It is considered that the impact on adjoining residents will be within acceptable limits.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

(3) That before the development is commenced, a specification of all the proposed metal elements shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the design does not cause bimetallic corrosion.

(4) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the neighbourhood.

(5) No development shall take place until a sample panel of render, showing colour and texture, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved sample.

Reason: To ensure that the development is in harmony with the neighbourhood.

(6) No development shall take place until details of all windows, doors, gates, guttering and balustrading have been submitted at a scale of 1:20 in elevation and 1:20 in sections, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the neighbourhood.

(7) That before the development hereby approved is first occupied, obscure glazed balustrading shall be provided to all the terraces on the north and south boundaries in accordance with details (including the height) to be submitted to and approved in writing by the local planning authority. The balustrading and obscure glazing shall be permanently maintained in accordance with the approved details.

Reason: To safeguard the privacy of the occupiers of the adjoining properties, and to secure that the development is in harmony with the neighbourhood.

(8) That before the development hereby approved is first occupied, a minimum of 11 secure bicycle racks shall be provided in the courtyard and storage areas shown on the approved plan, and permanently maintained thereafter.

Reason: To ensure adequate bicycle storage is available for residents.

(9) That before the development is commenced, details, including materials, of the shopfront and associated fascia (for signage) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

(10) The proposed development shall be carried out in strict accordance with the amended drawing 0525-10D received by the Local Planning Authority on 20 December 2006.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the amended plans to which the permission relates.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on the character and appearance of the conservation area, residential amenity or highway safety, and it therefore complies with relevant policies in the Eastbourne Borough Plan 2001-2011.

17) 15 ROCHESTER CLOSE, EASTBOURNE

**Single-storey extension to front and side of house to form garage and study, new vehicular access at front, and single-storey rear extension to rear of house
EB/2006/0879(FP),MEADS**

EXECUTIVE SUMMARY

The extensions will appear harmonious with the existing dwelling. The development will not harm the street scene or the Area of Outstanding Natural Beauty. The enlargement of the house will not harm neighbouring residential amenity.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site is a two-storey dwelling on the southern side of Rochester Close. It has a hipped roof and a dormer on the front elevation. The property is at the end of row of five similarly designed houses. The front gardens are open plan with no boundary fences, walls or hedges. The rear garden has a lower ground level with the rear boundary abutting Wells Close.

PLANNING HISTORY

The application site forms part of a development of forty dwellings in Rochester Close and Lincoln Close approved in 1980 (EB/1980/0269).

CURRENT APPLICATION

Planning permission is sought to enlarge this house by erecting a garage to the east elevation. The garage will be level with the existing front building line and have a pitched roof. The application also proposes an extension to the front of the house. This will be adjacent to the proposed garage, with the bay projecting 1.125 metres and have a gable roof. A new vehicular access from Rochester Close and a driveway to the garage will be formed in the front garden.

The application also proposes a single-storey extension to the rear of the house. This will project 2.7 metres, be 9.1 metres wide and have a flat roof with a dummy pitch around the edges.

PLANNING POLICY

The following Borough Plan policies applicable:-

- D1 – Area of Outstanding Natural Beauty
- UHT1 – Design of New Development
- UHT4 – Visual Amenity
- HO20 – Residential Amenity
- TR11 – Car Parking

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers and a site notice was displayed. At the time of preparing this report (20 December 2006) no replies had been received.

South Downs Joint Committee: No reply received at the time of preparing this report.

APPRAISAL

The main issues to consider in determining this application are the impacts on the appearance of the area and neighbouring residential amenity.

The garage and front extension will be the most visible of the enlargements. It is considered that the garage and front extension, apart from a minor alteration, will be harmonious with the existing house. The garage will have a roof to match the pitch of the main roof of the house and have a subservient size. The garage will be set 600mm from the side boundary and with the roof angled away from No11, the detached appearance of the houses will remain. To help form the roof of the garage, the eaves of the existing roof will be made lower and surround a first floor window. This will effectively create an inverse dormer. It is considered that this feature will not harm the appearance of the house.

Extending the house 1125mm forward of the existing front building line is considered acceptable and the bay will not appear obtrusive. Amending the front extension so it has a hipped roof will soften its appearance and the agent has been advised accordingly.

The appearance of the garage and the front extension is not considered detrimental to the visual amenity of the area. It will be the first side extension to one of the dwellings in Rochester Close. However, as the design of the extensions will harmonise with the existing house and maintain the detached appearance, it will not harm the street scene. The property is at the fringe of the Area of Outstanding Natural Beauty (AONB). The extensions will not be a dominant feature and the proposal to enlarge an existing building will not affect the AONB.

The garage and front extension will not fall within 45-degrees of windows of the nearest dwelling. As the windows of 11 Rochester Close face northwards, there will not be a loss of daylight or outlook.

The construction of a driveway does not normally require planning permission as hardstandings at single-private dwellings are permitted development. It is considered that the proposal for a new driveway at 15 Rochester Close will not affect the appearance of the area or residential amenity. Driveways are a feature of the front gardens of Rochester Close and the proposed will not be uncharacteristic. It is considered that the number of vehicles using the driveway of this residential property will not cause noise and disturbance to neighbouring dwellings. The application dwelling is at the end of a cul-de-sac with low a number of vehicle movements, and low speeds. A new vehicular access in the vicinity of open plan front gardens will not harm highway safety.

The formation of the driveway will require the felling of a small ornamental tree in the front garden. The tree does not contribute significantly to the visual amenity of the area. Removal of the tree will not demonstrably harm the appearance of the street scene.

The extension to the rear will be a size and in location that will not affect daylight or the outlook of neighbouring dwellings. There is a tall evergreen hedge on the boundary with 17 Rochester Close and the extension will be some 7 metres from the boundary with No11. A corner window is proposed. The ground level of No11 is lower than No15 and there already a degree of overlooking from windows and a garden patio. It is considered that arrangement of windows for the extension will not be harm the level of privacy the neighbouring dwellings currently enjoy.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Subject to the receipt of drawings amending the roof of the front extension from a gable to a hipped roof, permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) No development shall take place until samples of the materials to be used in the external surfaces and driveway of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the surrounding area.

(3) No railings, balustrading or other means of enclosure shall be erected on any part of the rear extension hereby approved, nor shall the roof of the extension be used as a balcony, patio, roof garden or similar amenity area at any time.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:-

The development will not be detrimental to the visual amenities of the area, highway safety or be harmful to neighbouring residential amenity, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

18) 11F UPPERTON GARDENS, EASTBOURNE

**Replacement of the three existing box sash windows at the rear with double glazed uPVC units
EB/2006/0855(FP),UPPERTON**

EXECUTIVE SUMMARY

The windows to be replaced are on the rear elevation of the building and it is considered that their replacement with UPVC windows would have a neutral impact on the character of the conservation area.

RECOMMENDATION: Permission be granted.

SITE LOCATION

The top floor flat is located within an end of terrace property within the Upperton gardens conservation area. The rear of the property backs on to a private unmade access road.

PLANNING HISTORY

There is no relevant planning history to the determination of this application.

CURRENT APPLICATION

Permission is sought to replace three of the box sash windows to the rear of the property with UPVC replacements.

PLANNING POLICY

Policy UHT15 - Conservation Areas

CONSULTATIONS

The application was advertised by a site notice and letters of notification sent to surrounding properties. No letters of objection have been received.

CAAG considered the application on 28 November 2006 and raised objections to the loss of the existing windows.

The Conservation Officer has objected to the application due to the windows being visible from the access at the rear (Memo dated 28 November 2006)

APPRAISAL

The windows raise no issues with regard to impacts to the amenities of occupiers of adjoining properties.

The location of the windows to the rear of the premises prevents any impact to the principal elevations of the front of the terrace that form the conservation area's special character. Although there is a rear access lane to the properties, the rear elevations of the buildings do not relate to the character of the conservation area and there are many other modern additions and replacement windows to the rear of the properties. The views are relatively distant and the windows will have a horizontal glazing bar to reflect the sliding sash windows. Further to this the highway is unadopted with modern buildings fronting on to Willingdon Road flanking the other side of the lane. It is therefore considered that the replacement of the windows would have a neutral impact on the character of the conservation area and as such could not be refused on conservation grounds.

HUMAN RIGHTS IMPLICATIONS

It is considered the replacement of the windows do not raise any issues regarding the above legislation.

RECOMMEND: Permission be granted subject to the following condition:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

The windows are located to the rear of the property and the replacement of the original timber sash windows would have a neutral impact on the conservation area and would not harm the amenities of occupiers of surrounding properties and would therefore comply with all relevant policies of the Eastbourne Borough Plan 2001-2011.

19) 83-85 SEASIDE ROAD, EASTBOURNE

**Conversion of single storey extension at rear of shop from storage use into one bedroom flat
EB/2006/0794(FP),DEVONSHIRE**

EXECUTIVE SUMMARY

The development will provide residential accommodation within the town centre. However, it is considered an over intensive use of the site impacting on the effective use and servicing of the existing shop unit. Access to the flat along the length of a secluded access road is considered poor.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is a retail shop on the ground floor of a three-storey building on the southern side of Seaside Road. The application relates to the single-storey storage building at the rear of the shop. The storage area can be accessed at the rear, via an adopted service road, from Elms Avenue.

PLANNING HISTORY

1952 – Granted: Erection of garage (EB/1952/0128).

1963 – Granted: New shop front and fire escape at rear (EB/1963/0240).

1964 – Granted: Ground floor addition at rear and new shop front (EB/1964/0504).

1997 – Granted: Installation of new shop front including access to first floor dwelling, and alterations to rear elevation (EB/1997/0004 & EB/1997/0007(CA)).

2005 – Granted: Retrospective application for conversion of upper floors into one flat and one maisonette (EB/2004/0883).

2006 – Refused: Conversion of single storey extension at rear into a one-bedroom flat (EB/2006/0594).

CURRENT APPLICATION

This application is an amended scheme following refusal in September 2006 of a similar proposal. Planning permission is sought to convert the rear of the ground floor from a storage area of the shop into a one bedroom flat. The building will be altered with the creation of a light well in the flat roof of the building, to provide light to a patio area and new windows serving habitable rooms. The proposal includes erecting a 1.8 metre high fence on the flat roof to sub-divide the roof terrace and protect the privacy of the light well. Behind the rear boundary that faces the service road, the existing garage will be removed and a courtyard garden created, and a new entrance and window to the flat.

PLANNING POLICY

Relevant Borough Plan policies:-

UHT1	-	Design of New Development
UHT15	-	Protection of Conservation Areas
HO2	-	Predominantly Residential Areas
HO20	-	Residential Amenity
TR11	-	Car Parking

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers and a site notice displayed. No representations received.

Economic Development: The site is well known to me, having previously been occupied by South Coast Collectables.

I have serious concerns over this proposal, which if permitted could adversely impact on the potential use of the trading area. The concerns relating to the much reduced size, and therefore potential retail use, could be summarised as:

- No rear access to the retail area, making all deliveries only through Seaside Road. This would impact on the type of business willing to trade, so reduce, quite significantly, the available potential market.
- If permitted the remaining area would consist of a small retail area, with no storage facility, again impacting on the numbers of future users.

Based on the above, I would recommend this proposal is refused.
(Memo dated 12 December 2006).

Historic Buildings Advisor: In principle the overall scheme appears largely supportable; the only area that may require further consideration relates to the entrance door and adjacent window openings.

In addition the existing elevation drawing appears to show a down pipe however the proposal does not appear to allow for drainage of the roof terrace.

If Planning permission is considered, any consent should be conditioned to allow control of the following:

- Samples of external materials and finishes.
- Sample panel of render to identify proposed colour and texture of the proposed rendered walls.
- Joinery Details at a scale of 1:20 elevations and 1:2 sections of all windows and door types.
- Details at a scale of 1:20 elevations of all associated rainwater goods.

(Memo received 18 December 2006).

APPRAISAL

The main issues to consider in the determination of this application are the quality of the residential accommodation, and the impacts of the proposed development on the servicing of the shop, car parking and the Town Centre and Seafront Conservation Area.

The proposed flat will generate an additional residential unit within the town centre and comply with national and local policy to concentrate such development within urban areas. Such developments must also provide suitable accommodation, be in character and not adversely affect neighbouring properties or the amenities of the area.

Access to the flat will be along the length of the service road at the rear of the site. The road provides servicing to the rear of the shops. Its condition is not considered pedestrian friendly. There is little natural surveillance and pedestrians will have to walk the full length of the service road, which is quite secluded in parts.

The proposed flat will be set behind the property's rear boundary wall. New windows will be created in the rear elevation of the building, together with a light well and a rooflight. The current proposal has a bigger lightwell than the previous application and a courtyard garden instead of a car port. It is considered that the design improves the outlook for proposed habitable rooms.

The proposed flat will divide the ground floor into two units. Access to the shop unit will be from the front only. Delivery vehicles to the shop will have to use Seaside Road, which has limited on-street parking. A potential parking space for shop staff will also be lost. It is considered that the loss of rear servicing to the shop will remove the advantages this offers and impact on traffic movement along Seaside Road.

The proposed external alterations are to the rear of the building. The rear boundary wall will obscure views of the proposed entrance and windows. The fencing for the flat roof of the extension will be visible from the rear of Seaside Road and Elm Grove properties. The drawings indicate the fence with an open appearance rather than close-boarded. It is considered that the development, as proposed, will not have a harmful effect on the appearance of the designated conservation area.

The development does not include off-street car parking for the proposed flat. Given that the site is in a town centre location, a zero parking provision for residential development can be acceptable.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Permission be refused for the following reason:

(1) The proposed flat at the rear of a shop unit is an undesirable location for a dwelling with poor pedestrian access and be out of character with the general pattern of development in the area; and adversely affect the serviceability of the shop unit to the detriment of parking and free-flow of traffic in Seaside Road. The proposed development is therefore contrary to policies UHT1, HO20 and TR11 of the Eastbourne Borough Plan 2001 – 2011.

**20) THE TALLY HO, 42 CHURCH STREET, EASTBOURNE
Telecommunications base station consisting of 10m high roof mounted
flagpole mast containing 3 antennas, one 200mm dish antenna, radio
equipment housing and ancillary development thereto
EB/2006/0888(DET),OLD TOWN**

EXECUTIVE SUMMARY

The proposed mast would have an adverse impact on the character and appearance of a Building of Local Interest.

RECOMMENDATION: Permission be refused.

SITE LOCATION

This prominent public house is located on the corner of Church Street and Green Street; Bradford Street runs immediately behind it. It is a Building of Local Interest, and was constructed as a replacement public house by Kemp Town Brewery after the widening of Church Street in the 1920's.

PLANNING HISTORY

None relevant.

CURRENT APPLICATION

It is proposed to install a 10m high white GRP flagpole to the rear of the building, on a flat roofed area adjacent to one of the rear chimney stacks. The flagpole would conceal three antennas, and would also support a 200mm diameter transmission dish 5.5m below the top (a little under halfway). An equipment cabinet is also proposed on the flat roof, measuring 1.25m wide by 1.5m high, and is to be finished in nut brown.

The necessary ICNIRP certificate has been submitted with the application.

Other sites considered include:

T-Mobile mast, East Dean Road – site share
Orange mast, East Dean Road – site share
Seaforth Court, Victoria Drive
Highlands House, Salehurst Road
Jeves Furnishings, Green Street
Greenfield Methodist Church, Greenfield Road
Highway verge, Greenfield Road
St. Mary's Church, Church Street
Kildare Court, Barcombe Walk
Selmeston, Arlington, Jevington, Farnol House & Sherbourne Court, Upperton Road

All these sites have been discounted as being either unavailable, difficult to build or having an unacceptable visual impact.

In a supporting statement, the agent avers that the pole would have the appearance of a realistic flagpole, and that the drawings accompanying the application demonstrate the slimness of the pole and its scale in relation to the public house; the pole would be located to the rear of the building, reducing its prominence, together with a cabinet, which would be partly concealed by a 1m high parapet wall. The siting takes account of the sensitivity of the building and the need to respect its architecture; it is considered that it would not be out of place to install a flagpole in such a location on a distinctive building on a corner site.

PLANNING POLICY

US8 - Prior approval for telecommunications development
US9 - Telecommunications development
UHT18- Buildings of Local Interest

CONSULTATIONS

At the time of writing this report sixteen letters of objection have been received. The objections are summarised thus:

- inappropriate on a historic building, a blot on the landscape, unsightly and overpowering
- health concerns, with so many residential properties nearby and two children's nurseries
- reduction in property values

(Letters & emails dated 7 to 15 December 2006)

The Historic Buildings Consultant considers that the mast has been positioned off centre which will unbalance the principle elevations of the locally listed building, and therefore cannot support the application.

APPRAISAL

The only issue to take into consideration is the siting and appearance of the equipment and its impact on the visual amenities of the area.

This part of Old Town is dominated by residential development, with some small shops in the vicinity, although the application site itself is located on a main route through the town (A259). The Tally Ho is a very prominent building on the corner of a classified road and another busy road (Green Street), and was designed to be seen as a symmetrical building when approached from the east. Whilst the chimney stacks are large, they are set down fairly low and at the rear, so that they do appear as particularly prominent features. It is considered that the provision of a flagpole attached to a chimney on the north side of the building would disrupt its symmetry, particularly the roofline, to the detriment of its character and appearance. It would represent an incongruous feature exacerbated by its unbalanced position. Furthermore the provision of a dish halfway up the flagpole, even one as small as 200mm, would draw attention to and underline an already foreign feature.

The concerns of local residents focus on health issues. Government guidance in PPG8 is that:

"...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

Nevertheless, government advice is that health concerns are capable of being a material consideration in determining planning applications. In this particular instance the mast would be very close to a significant number of windows to habitable rooms in the terraced dwellings at the rear in Bradford Street (approximately 13-14m), as well as those slightly further away in Church Street and Letheren Place, which are on higher ground and therefore look directly at the roof of the building. It is considered that this proximity would serve as a constant reminder of the health issues associated with masts, to the detriment of the amenities of the residents.

It is considered therefore that the siting and appearance of the proposed mast and its proximity to residential properties would be detrimental to visual and residential amenity.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proximity of the mast to residential properties would have an adverse impact of the amenities of local residents.

RECOMMEND: Permission be refused for the following reason:

That the proposed installation would have an adverse impact on the character and appearance of a Building of Local Interest, by reason of its design and location on the property, and would therefore conflict with Policy UHT18 of the Eastbourne Borough Plan 2001-2011.

21) 228 TERMINUS ROAD, EASTBOURNE

**Change of use from retail shop (A1 Use Class) to amusement arcade (sui generis) and installation of new shop front
EB/2006/0882(FP),MEADS**

EXECUTIVE SUMMARY

The change of use will marginally exceed the threshold of A1 and non-A1 uses that policy TC6 recommends for this frontage. It is considered that the difference will not have an adverse impact on the vitality of the secondary shopping area. An amusement arcade will not be out of character with the activity of this commercial area and will not harm neighbouring residential amenity. Shop front alterations will not harm the appearance of the building or the street scene.

RECOMMENDATION: Permission be granted subject to conditions.

APPLICATION SITE

The application site is a vacant retail shop unit on the south-western side of Terminus Road. It forms part of the ground floor of Victoria Mansions, a Building of Local Interest.

PLANNING HISTORY

Alterations to the shop front were granted planning permission in 1953 (EB/1953/0027 – background paper).

CURRENT APPLICATION

Permission is sought to change this retail shop, which is currently vacant, into an amusement arcade, a *sui generis* use. The applicant states in a supporting letter that the arcade will be open to those only 18 years of age or above. The proposal also includes alterations to the shop front. The alterations entail moving the entrance to the right-hand side of the shop front.

PLANNING POLICY

Relevant Borough Plan policies:-

UHT1	-	Design of New Development
UHT11	-	Shopfronts
UHT17	-	Protection of Buildings of Local Interest
HO20	-	Residential Amenity
TC6	-	Town Centre Shopping Areas

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring properties. At the time of preparing this report (20 December 2006), two letters had been received (the consultation period expires 24 December 2006). The objections are summarised:-

- Policy SH1 of the Borough Plan states that retail developments in the area should be focussed as a priority; policy TC6 identifies only change to Class A2 and A3 and that there should be no more than 35% non-A1 use.
- The proposed use can be considered a tourist attraction; Terminus Road is not a preferred tourist attraction area.
- The proposal will result in the loss of a retail unit in a prime part of the town centre that is well suited to retail occupation.
- Amusement arcades and adult gaming centres are well represented in Eastbourne and the proposed change of use would generate disturbance affecting nearby properties and the general neighbourhood; the cumulative effect of another arcade will have a serious detrimental impact on the centre's vitality and attractiveness to new A1 users.
- The applicant claims it will support the evening economy; the site is directly opposite an established residential frontage and the level of noise and disturbance will be detrimental to the character of the area, especially nearby residential and commercial properties.
- I have noticed over the recent years how the Council has been improving and upgrading Terminus Road and Seaside Road, and the area is welcoming to townspeople and tourists.
- I feel this may end if there is to be an amusement arcade as these tend to attract the wrong type of people; I am sure it will put people off going to one of the nearby restaurants.
- There is an amusement arcade in Seaside Road and attracts average age of 15 and 16 year olds, some loud louts and can be quite aggressive.
- If this goes ahead, the Council's good work for the area will go down the drain.

(Letters dated 8 and 18 December 2006).

Economic Development: From the Borough Plan recommended split of A1 and other uses, I have identified that this case, if permitted, would exceed the permitted non A1 use, albeit by only a small percentage.

Taking into account the strict application of these guidelines in other parts of the town, I do not feel this proposal will add to the overall retail offer in such a manner to justify ignoring our own agreed regulations.

I recommend that this case be declined, and A1 retained.

The Town Centre Manager shares the above views, having first hand experience of that area of town, and the importance of retaining an even mix of businesses.

(Memo dated 11 December 2006).

Historic Buildings Consultant: In principle the scheme appears supportable, however further details will need to be conditioned if approval is considered:

- Joinery details 1:10 elevations including the elevations that make up the door reveals and 1:2 sections of windows, stall risers, door etc to ensure a traditional shop front design
- Samples of materials and finishes to include the proposed finish of the door reveal, shop signage

The proposed glass sign board and timber panelling at high level above the glazed elements may not be appropriate within the conservation area as they are not a true representation of a traditional shop front.

(Memo dated 11 December 2006).

APPRAISAL

The main issues to consider in determining the application are the impacts on the retail provision of the shopping frontage, residential amenity and the appearance of the street scene.

The application site is in a Secondary Shopping Frontage (Area 4 identified in Policy TC6 covering 210 – 258 Terminus Road). Policy TC6 of the Borough Plan provides a threshold for A1 and non-A1 uses in the frontage. This is to ensure that the frontage contains a suitable amount of retail shops. Policy TC6 requires that 65% of this designated frontage remain in retail (A1) use. Calculations show that the change of use will result in 64% of this secondary shopping frontage in Terminus Road being in Class A1 use. Achieving a strict 65/35 percentage split is not possible due to the existing length of the shop fronts. The amusement arcade will result in a marginal breach of the threshold of policy TC6. Due to the 1% difference, it is considered that the change of use will not adversely affect the overall retail provision in Secondary Shopping Area 4. The applicant states that the premises have been vacant and available to let for more than 12 months. Bringing the premises back into use will improve the vitality of the shopping frontage and redress the rate of vacancy.

Opposite the application site, Terminus Road has an established restaurant frontage with residential above. Flats also exist on the floors above the application site in Victoria Mansions. The vicinity is commercial in nature with a high level of activity, including the evening time. Nearby dwellings are in a commercial area and subject to a noise and activity from street level. It is considered that the number of visitors and level of activity of the amusement arcade will not be dissimilar to a retail shop or restaurant. Restricting the hours of operation will prevent use into the late evening when greater disturbance is most likely to occur.

The application site is a Building of Local Interest and situated just outside the Town Centre and Seafront Conservation Area. The proposed shop front alterations are not considered detrimental to the appearance of the building. The new shop front will have a traditional appearance with a display window and not create a dead frontage. There will be no effect on the nearby conservation area.

HUMAN RIGHTS IMPLICATIONS

It is considered that there the proposed change of use will not adversely affect nearby occupiers' Rights to enjoyment of property and protection of possessions.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That the use hereby permitted shall not be open to customers outside the following times 9.00am - 9.00pm.

Reason: In the interests of the amenities of the area.

(3) That the before the use hereby authorised is commenced, details drawings of the shop front alterations shall be submitted to and approve in writing by the Local Planning Authority. Details shall include joinery and sections of windows, stall risers, doors etc at a scale of 1:2 and elevation drawings at a scale of 1:10. The development shall be carried in accordance with the approved details before the use hereby approved is first commenced.

Reason: In the interest of the appearance of this Building of Local Interest and visual amenity of the area.

(4) That before the use hereby authorised is first commenced, samples of materials and finishes of the shop front shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the appearance of this Building of Local Interest and the visual amenity of the area.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

The change of use will exceed the threshold for non-A1 uses defined by policy TC6 of the Eastbourne Borough Plan 2001 - 2011, but will not have an adverse impact on the overall retail provision in the shopping frontage. Nor will the change of use harm residential amenity or the shop front alteration harm the visual amenity or the area, complying with policies HO20, UHT1 and UHT17 of the Eastbourne Borough Plan 2001 - 2011.

22) 4 HAWTHORN ROAD, EASTBOURNE

Retention of four storage containers, relocation of skip and installation of four additional storage containers, all for use by customers of self-storage depot

EB/2006/0898(FP),ST. ANTHONYS

EXECUTIVE SUMMARY

The four existing containers are situated to front of this self-storage warehouse. Their installation is contrary to a condition in the original planning permission for the estate that requires no articles, goods and equipment being stored outside. The storage containers create visual clutter to the appearance to the estate. Adding further containers, albeit to the side of the building, will have a cumulative visual impact.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is a warehouse on the southern side of Hawthorn Road. It has car parking to the front of the warehouse. The rear elevation faces Lottbridge Drive.

PLANNING HISTORY

1971 – Granted: Block of single-storey warehouse units (EB/1971/0622).

1972 – Granted: Block of six single-storey warehouse units with parking (EB/1972/0587).

CURRENT APPLICATION

Planning permission is sought for the retention of four shipping containers that have been placed to the front this warehouse. The containers are painted in the blue and orange corporate colours of the applicant, Lok 'N' Store Ltd. The application also proposes the location of four more containers and a refuse skip to the western side of the warehouse. The applicant states that the storage containers are for use by customers outside the normal business hours of the warehouse.

PLANNING POLICY

UHT1 – Design of New Development
UHT4 – Visual Amenity
BI7 – Design Criteria

CONSULTATIONS

Occupiers of neighbouring buildings notified and a site notice displayed. At the time of preparing this report (20 December 2006) no representations had been received. The consultation period expires 28 December 2006.

Economic Development: "Having studied the application including pictures of the existing containers, I admit I do not regard the situation as ideal, and would naturally prefer that further accommodation is obtained by acquiring a further industrial unit.

I am aware of other industrial sites available in Hawthorn Road, and see this as a less obtrusive option.

The visual impact of the existing units, coupled with further expansion should not be encouraged, and I therefore cannot support this application."

(Memo dated 11/12/06).

Highway Authority: No reply at the time of preparing this report (20 December 2006). Comments received will be reported at the meeting.

APPRAISAL

The main issues to consider in the determination of this application are the impacts on the visual amenity of the area and provision of car parking.

The existing containers are situated on a concrete plinth. The plinth is on an area shown as car parking on the plans approved for the development of the estate. Prior to the current storage containers, silos were sited on the plinth. The length of time the silos were in place is uncertain. Planning permissions EB/1971/0622 and EB/1972/0587 for the development of the estate have conditions preventing goods, articles or equipment being stored outside the buildings. The existing storage containers are noticeable in the estate because forecourts of neighbouring buildings are kept clear of structures. Although Hawthorn Road is an industrial area, maintaining a tidy appearance is considered reasonable. The storage containers are an unsightly addition to the established appearance of the industrial estate.

The proposal to install further storage containers at the site and to re-locate a skip will add to the visual clutter. The proposed containers and skip will be to the side of the warehouse and less prominent than the existing. However, it is considered that the proposed and existing containers will have a cumulative harmful effect on the visual amenity of the area. Developments detrimental to the visual amenity of an area, including industrial locations, are contrary to policies UHT1 and BI7 of the Borough Plan.

The existing containers have been installed to an area that was originally designed for car parking. The proposed containers will also be on an area that was originally for car parking. It is considered that the proposed development will remove potential parking spaces, to the disadvantage of the visitors and staff working at the estate. There is a great demand for parking in the area and often spills onto Hawthorn Road. Off-street spaces help meet the parking demand. However, the car park at the front of 4 Hawthorn Road does have a large number of spaces. Refusing the application on car parking alone is considered a reason that may be difficult to sustain.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Permission be refused for the following reason:

Retention of the existing storage containers and the relocation of the refuse skip and installation of four new containers will result in unnecessary visual clutter to the detriment of the appearance of the area, contrary to policies UHT1 and BI7 of the Eastbourne Borough Plan 2001 - 2011.

- 23) LAND ADJACENT TO, 161 WILLINGDON ROAD, EASTBOURNE**
Proposed variation of condition 6 attached to planning consent allowed on appeal to form a new access to the approved dwelling on land adjacent to 161 Willingdon Road
EB/2006/0850(FP), RATTON

EXECUTIVE SUMMARY

The creation of a 3-metre wide opening in the existing hedge fronting Wish Hill, in order to provide a vehicular access to serve the approved dwelling, recently allowed on appeal, will not have any significant adverse impact on the visual or residential amenities of the area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The tapering site, adjacent to 161 Willingdon Road, is situated immediately to the north of the junction between Wish Hill/Parkway/Walnut Tree Walk and Willingdon Road.

PLANNING HISTORY

In 2001 permission EB/2001/0270 was granted for a two-storey extension to 161 Willingdon Road, a detached dwellinghouse with separate garage.

Planning permission EB/2005/0196, for the erection of a two-storey detached house fronting Willingdon Road, together with a detached garage positioned

between 161 Willingdon Road and the approved dwelling, with vehicular access off Wish Hill, was allowed on appeal, following an informal hearing, in July 2006.

CURRENT APPLICATION

Permission is sought for a variation of Condition 6, attached to the planning consent allowed on appeal, in order to form a new access, measuring 2.75 – 3.05 metres wide, for vehicular use off Wish Hill. The relevant condition states:

"A boundary hedge along Willingdon Road and Wish Hill shall be retained permanently at a height of at least 2.5 metres above the level of the adjoining grass verge".

In a letter/design statement submitted with the application the agent states, in part, that:

"The new access is required because the land upon which the original access was located, and which formed part of application EB/2005/0196 for the erection of a four bedroom dwelling, granted on appeal, is now in separate ownership. Importantly as this land now forms part of the residential cartilage to 161 Willingdon Road, it would not be appropriate to continue to seek to utilize this land to gain access to the adjacent site.

Access to the site would be gained from Wish Hill and would necessitate the removal of 3.05 metre of the hedge that borders the western part of the application site. The proposal has been designed in liaison with the Highway Authority and meets all necessary standards in terms of width and visibility.

In conclusion, I consider that the proposed new access will allow a safe and independent means of access to the recently approved dwelling, allowing the development to proceed towards completion. The proposed new access meets favourably with the Highway Authority recommendations and proposes only to make material alterations to the existing site and boundary landscaping of a *de minimus* nature".

(Letter/Statement dated 15 November 2006)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

- UHT1 Design of new development
- UHT4 Visual amenity
- UHT5 Protecting Walls/Landscape Features
- TR11 Car parking

CONSULTATIONS

The Local Highway Manager advises that the Highway Authority does not wish to restrict the grant of consent providing that the vehicular crossing extension is constructed in accordance with the Highway Authority's requirements (Memo dated 18 December 2006)

The Arboricultural Officer advises that whilst the existing cypress hedge is considered to be in good condition, the hedge only has limited visual amenity and screening value.

"The plans indicate the creation of a vehicle access through the hedge, which will require the removal of a number of individual trees. It should be noted that the specimens adjacent to the (proposed) opening will have significant dead patches on their side due to light restriction from those removed. We would recommend that replacement planting is undertaken at the ends of the hedge adjacent to the opening to re-form an aesthetically pleasing hedge".

(Memo dated 13 December 2006)

REPRESENTATIONS

A notice was displayed at the front of the site and letters of notification were sent to surrounding residential properties. In response, at the time this report was prepared (20 December 2006) four letters of objection had been received the contents of which can be summarised as follows:

- Access to the development would be adjacent to a bus stop
- The Council appears to have no powers to ensure that the off-street parking is used
- Recently non-residents' cars have begun to park in Wish Hill
- The junction of Wish Hill and Willingdon Road is a known danger point with a record of accidents
- The proposed access would reduce safety and increase difficulties for traffic movement through reduction of clear sight lines
- My main concern is one of highway related safety
- Two parking spaces are not enough to serve the approved house
- Cars parked outside the property would impair visibility from the new access
- There are badgers' sets in the vicinity

(Letters dated 30 November - 9 December 2006)

APPRAISAL

The main issues to consider in the determination of the application are the visual impact of the proposed opening in an established hedge fronting, and the use of the proposed vehicular access onto, Wish Hill.

The application proposes the formation of a new vehicular access in the Wish Hill boundary of the building plot, granted consent on appeal, by removing a section of between 2.75 metres (nearest the public highway) and 3.05 metres (closest to the proposed dwelling) in order to create an opening for use by vehicles to gain access to the detached single garage (and parking area for at least another car), also approved by the same appeal. There will also be pedestrian access onto Willingdon Road.

The Inspector who determined the appeal for the erection of a new house, on land adjacent to 161 Willingdon Road, considered that the boundary hedge

along Willingdon Road and Wish Hill should be subject to a condition stipulating its permanent retention. Furthermore, as indicated in the "Consultations" section of this report, the boundary hedge surrounding the appeal site is considered to be in good condition. Notwithstanding, the loss of a section of some 3 metres of the established 29 metre long hedge fronting Wish Hill is unlikely to have a significant impact on the visual amenity of the area.

As indicated in the "Representations" section of this report, several local residents have expressed concern in respect of Highway related safety issues associated with the use of the proposed new vehicular access close to an existing bus stop and road junctions. The Highway Authority, however, does not object to the proposal.

HUMAN RIGHTS IMPLICATIONS

The proposed development is unlikely to infringe the above noted Rights of local residents.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The existing hedge shall be retained, unless shown on the approved drawings as being removed. The hedges so formed immediately adjoining the opening shall be protected from damage for the duration of works on the site and replacement planting shall be undertaken at the ends of the hedges adjacent the opening to re-form an aesthetically pleasing boundary feature. This shall be to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (BS 5837: 1991). Any parts of the hedge removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by the established hedge.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

24) 60 THE GOFFS, EASTBOURNE

Proposed conversion of existing four flats and extension to form seven flats

EB/2006/0833(FP), UPPERTON

EXECUTIVE SUMMARY

The proposed development of comprising a modest extension to the side of the property that is subservient to the main building at 60 The Goffs, at present containing four flats, in order to create a total of seven flats and two car parking spaces, is considered to be acceptable.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The three-storey semi-detached building, with rooms in the roof, is situated on the northern side of The Goffs, on the corner with Moatcroft Road. The property forms part of the designated Old Town Conservation Area.

PLANNING HISTORY

In 1949 planning applications EB/1949/241 and EB/1949/337 were granted permission for conversion of the building into four flats.

Planning application EB/2006/0269, for the conversion and extension of the existing building from four flats to form nine flats with five car parking spaces and re-positioned vehicular access, was refused as being an over-development in May 2006. Application EB/2006/0833 for the proposed conversion of the existing four flats and extension to form seven flats was withdrawn in September 2006.

CURRENT APPLICATION

Permission is now sought to convert and extend the semi-detached building by way of a two-storey extension with rooms in the roof on the eastern side of property (nearest 58 The Goffs), to provide an additional three flats, served by the existing vehicular access, two car parking spaces and three cycle stores. It is also proposed to make other alterations to the existing building such as removing a redundant dormer and constructing a cat slide roof at the rear.

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

- UHT1 – Design of new development
- UHT15 – Protection of Conservation Areas
- HO20 – Residential amenity
- TR6 – Facilities for cyclists
- TR11 – Car parking provision

CONSULTATIONS

Whilst the Council's Historic Buildings Consultant welcomes the reduction in the number of flats, the size and massing of the proposed development, there are some elements of the scheme that are of concern, such as, inconsistent head heights and width to height ratio, the use of upvc fascia, barge boards and vertical sliding sash windows and the change to sliding patio doors which are not consistent with the detailing of the original building. In addition, the scale of the glazed elements should be reduced to restore the vertical emphasis of the building.

If approved conditions need to be attached to the approval in respect of: samples of materials and finishes, sample panel of brickwork and render, joinery and rooflights details, no external flues, vents or extracts without approval and rainwater goods to be cast metal painted black (Memo dated received 11 December 2006).

The applicant has been made aware of the above and has amended the scheme in order to address the stated concerns.

The Local Highway Manager has advised that the Highway Authority does not wish to restrict the grant of consent.

"The proposal is ideally located... to satisfy the criteria for sustainability being within easy walking distance of a number of bus routes as well as Eastbourne railway station. To two car parking spaces and three cycle spaces allocated for the development, consisting of (four existing and three proposed) flats is considered adequate for the proposal. Existing vehicular access is to be utilized for the proposal" (Memo dated 20 December 2006)

The Environment Agency was consulted on 30 November 2006 and any response will be reported verbally to Members. However, the Agency did not object, in principle, to the previous application EB/2006/0269 (See details in the "Planning History" section of this report) to form an additional five flats to the side and rear of the application property.

REPRESENTATIONS

The application was advertised in the local press, two notices were displayed at the front the site and letters of notification sent to the occupiers of surrounding residential properties with a deadline for any responses being 23 December 2006. In response, at the time this report was prepared (20 December), two letters of objection had been received, the contents of which can be summarised as follows:

- The development will cause more parking problems
- Two parking spaces are not sufficient
- Concerned about any new brick wall in the Conservation Area

(Letters dated 6 and 11 November 2006)

APPRAISAL

The main issues to consider in the determination of the application are the scale and position of the proposed extension, the impact of the proposal on the character and appearance of the Conservation Area, the parking and access arrangements to serve the development, and any affect the proposal would have on the residential amenities of the area.

It is proposed to extend the existing building sideways by way of a three-floored extension measuring some 7.0 metres wide and 9.0 metres high, towards 58 The Goffs, situated to the east, and 13.0 metres long towards Moat Croft Court, situated to the north. The proposed extension combined with the existing 3-storey semi-detached property would allow the creation of a total of three one-bedroom and four two-bedroom flats with living, dining and bedrooms at the front, side and rear of the enlarged building covering land at present occupied by an existing single garage, to the side of the building, and garden/private amenity land at the side and to the rear of the property.

The proposed extension would, as indicated above, comprise a modest addition to the host building, both in terms of its overall width fronting the public highway and its depth into the existing open space between the application building and surrounding residential properties. The Council's Historic Buildings Consultant advises that whilst the reduction in the number of flats (from nine to seven) together with the size and massing is welcome there are some detailing elements that need to be resolved. Amended drawings will be presented at the meeting for Members to consider.

In association with the proposed enlargement of the application building from four flats to seven flats, it is proposed to provide two car parking spaces, at the front of the property, served by the existing vehicular access, which currently serves a single garage and parking area. The Highway Authority advises that, given the location of the application site close to a main bus route, a District Shopping Centre and other community facilities, including Gildredge Park, the proposed parking provision is sufficient with the existing vehicular access being utilised thereby retaining the established frontage which makes a positive contribution to the street scene and Old Town Conservation Area. Furthermore, cycle storage is to be provided in the form of three purpose-built conveniently sited cycle stores at the front of the property.

As indicated in the "Representations" section of this report, local residents have expressed concerns about the adverse impact that the proposed development would have, especially in terms of car parking. However, as indicated above, the sustainable location of the application property means that the two proposed on-site car parking spaces, to serve the development, are likely to be adequate.

HUMAN RIGHTS IMPLICATIONS

The proposed development would have an adverse affect on the above noted Rights of residents surrounding the application site.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) No development shall take place until samples of the materials and finishes to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Furthermore, a sample panel of brickwork and render shall be provided for approval. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the host building.

(3) Before the commencement of development, hereby approved, joinery details with 1:10 elevations and 1:2 sections of windows, doors, fascias and bargeboards, together with 1:10 detail of rooflights, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

(4) No external flues, vents or extracts to be installed without the details being approved by the Local Planning Authority.

Reason: In the visual interests of the building.

(5) Rainwater goods to be cast metal and painted black in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the visual interests of the building

(6) All existing hedges shall be retained, unless shown on the approved drawings as being removed. All hedges immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (BS 5837: 1991). Any parts of the hedges removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges.

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

Reason: To avoid the obstruction of surrounding streets by waiting vehicles.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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