Eastbourne Borough Council - Planning Committee

07 August 2007

Report of the Head of Planning

List of Planning Applications for Consideration

1) LAND ADJACENT TO, 10 WORDSWORTH DRIVE, EASTBOURNE
Erection of two semi detached dwellings and one detached dwelling.
EB/2007/0082(FP), ST. ANTHONYS

RECOMMENDATION: Permission be refused.

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2) EASTBOURNE YOUTH HOSTEL, EASTBOURNE
Proposed replacement 26 bed youth hostel (existing building destroyed by fire).
EB/2007/0235(FP), OLD TOWN

RECOMMENDATION: Permission be granted subject to conditions.

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3) 19-25 LEWES ROAD, EASTBOURNE
Removal of four detached houses and replacement with 30 residential flats and 13 affordable housing units in three blocks ranged over 3/4 floors above car park..
EB/2007/0294(OL), UPPERTON

RECOMMENDATION: Permission be refused.

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4) 14 AND 16 JEVINGTON GARDENS, EASTBOURNE
Conversion and extension of two existing five storey houses into 14 flats served by three car parking spaces..
EB/2007/0338(FP), MEADS

RECOMMENDATION: Permission be refused.

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5) 58 FAIRLIGHT ROAD, EASTBOURNE
Change of use from single private dwelling to one self-contained flat and one self contained maisonette together with addition of first floor extension and balcony at rear.
EB/2007/0360(FP), DEVONSHIRE

RECOMMENDATION: Permission be refused.

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6) 4 THE AVENUE, EASTBOURNE
Erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor..
EB/2007/0362(FP), UPPERTON

RECOMMENDATION: Permission be granted subject to conditions.

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7) 5 - 11 HARTINGTON PLACE, EASTBOURNE
Conversion of residential care home to fourteen self-contained flats with parking at the rear.
EB/2007/0379(FP), MEADS

RECOMMENDATION: Permission be granted subject to conditions.

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8) 5 - 11 HARTINGTON PLACE, EASTBOURNE
Conversion of care home to fourteen self-contained flats, with parking at rear, involving internal and external alterations
EB/2007/0380(LB), MEADS

RECOMMENDATION: Permission be granted subject to conditions.

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9) KINGS NIGHTCLUB, 18-20 LANGNEY ROAD, EASTBOURNE
Removal of part of roof on the second floor to form a new external terrace for use by customers (smoking terrace)..
EB/2007/0383(FP), DEVONSHIRE

RECOMMENDATION: Permission be refused

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10) 10 COLLEGE ROAD, EASTBOURNE
Two storey extension at rear.
EB/2007/0387(FP), MEADS

RECOMMENDATION: Permission be refused

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11) BLOCK G, SITE M, PACIFIC DRIVE, SOVEREIGN HARBOUR, EASTBOURNE
Amendment to planning permission EB/2002/0224 to omit 4 duplex apartments and create four additional 2-bedroom apartments on third and fourth floors of block G (to form 22 flats in total).
EB/2007/0393(FP), SOVEREIGN

RECOMMENDATION: Permission be granted subject to conditions

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12) 19 MILL ROAD, EASTBOURNE
Proposed change of use from house in multiple occupation to five self-contained flats..
EB/2007/0394(FP), UPPERTON

RECOMMENDATION: Permission be granted subject to conditions

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13) 144 TERMINUS ROAD, EASTBOURNE
Display of one externally illuminated fascia sign with individually internally illuminated lettering and one projecting sign with internally illuminated lettering.
EB/2007/0419(ADV), MEADS

RECOMMENDATION: Permission be refused

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14) 26 DARLEY ROAD, EASTBOURNE
First floor extension at side and ground floor extension to rear of house.
EB/2007/0420(FP), MEADS

RECOMMENDATION: Permission be refused

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15) 13 WOODCROFT DRIVE, EASTBOURNE
Demolition of existing house and garage and erection of a terrace of four dwellings.
EB/2007/0432(FP), RATTON

RECOMMENDATION: Permission be refused

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16) WILLOW COTTAGE, 24 SPRING CLOSE, EASTBOURNE
Retention of garage as built but with a reduction of height of 250mm and weathering by a lead apron 'flat' with downturn flashings.
EB/2007/0435(FP), RATTON

RECOMMENDATION: Permission be refused

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17) 18 - 20 LANGNEY ROAD, EASTBOURNE
External alterations to Langney Road façade, including two new canopies. External alterations to Pevensey Road façade, including the provision of bin stores on forecourt.
EB/2007/0437(FP), DEVONSHIRE

RECOMMENDATION: Permission be refused

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18) 18 - 20 LANGNEY ROAD, EASTBOURNE
Change of use of first floor from snooker club to nightclub.
EB/2007/0439(FP), DEVONSHIRE

RECOMMENDATION: Permission be refused

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19) 37 PRIDEAUX ROAD, EASTBOURNE
Erection of detached four-bedroom house.
EB/2007/0442(FP), UPPERTON

RECOMMENDATION: Permission be refused

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J. F. Collard
Head of Planning

30 July 2007

Planning Committee

07 August 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

07 August 2007

Report of the Planning Manager

List of Planning Applications for Consideration

1) LAND ADJACENT TO, 10 WORDSWORTH DRIVE, EASTBOURNE

Erection of two semi detached dwellings and one detached dwelling
EB/2007/0082(FP),ST. ANTHONYS

EXECUTIVE SUMMARY

The proposed development would be an overdevelopment of a restricted site, and the provision of two storey dwellings would be out of character with the pattern of development in the immediate locality.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a chalet bungalow with a long side garden on the south side of Wordsworth Drive, close to the junction with Rise Park Gardens, and backing onto the Ashgate Road allotment site. There is an Electricity substation adjacent to the east boundary, and a public sewer crosses the eastern end of the site. The garden had substantial hedges along the rear and front boundaries, but the only a few conifers remain adjacent to the substation, as it has been completely cleared.

PLANNING HISTORY

The existing dwelling was constructed as one of a pair (together with 36 Rise Park Gardens) in approximately 1973. The existing side garden was acquired at a later date, and planning permission was granted in 1983 for an extension to the rear of the dwelling, together with an additional garage at the side and a tiled upstand to cover both garages.

Planning permission was refused in 1989 for the erection of a three bedroom chalet bungalow on part of the side garden for the following reasons:

1) That the proposed site, by reason of its very limited size and its shape, is not suitable for the erection of a dwelling.
2) That the proposal would be an over-development of a very restricted site.
(EB/1989/0348)

CURRENT APPLICATION

Planning permission is sought to demolish the double garage at the side of the existing chalet bungalow, and to erect a pair of semi-detached and one detached dwelling, all two storeys, on the remaining garden area.

The plot for the three additional dwellings has a frontage of 44m to Wordsworth Drive, increasing to 47m adjacent to the allotments, and a depth of 8m adjacent to the substation, increasing to 18m at the new boundary with 10 Wordsworth Drive. Each of the dwellings has three bedrooms and is of a similar footprint of 8m by 4m; the height is also similar at 8.5m. The semi-detached dwellings are orientated to face Wordsworth Drive, with a gap of between 1.4m to 1.9m to the boundary with the footpath. The detached dwelling is located at the narrowest end of the site, and is therefore orientated so that the flank wall faces Wordsworth Drive, with a gap of 1m to the boundary with the footpath. No garages are proposed for the existing or proposed dwellings, and parking is shown on hardstandings either in front of or at the side. The private gardens vary in depth from 3m at their shallowest to a maximum of 7m.

A design and access statement submitted with the application asserts that, inter alia, the development would enhance the appearance of the local area, would help address a housing shortage and would have a sympathetic scale and reflect the character of a number of dwellings on the other side of Wordsworth Drive; it also states that the removal of the unkempt Cupressus trees will do much to improve visual amenity.

PLANNING POLICY

HO2	-	Predominantly residential areas
HO20	-	Residential amenity
HO6	-	Infill development
NE16	-	Development within 250m of former landfill site
UHT1	-	Design of new development
UHT2	-	Height of buildings
UHT4	-	Visual amenity
TR11	-	Car parking
US4	-	Flood protection and surface water

CONSULTATIONS

Southern Water states that as a public sewer crosses the site, the applicant would have to consider diverting it (at the developer's expense) or amend the scheme, as no building should be within 4m of the sewer (the detached dwelling is over much of the sewer).

The Environment Agency objects to the proposal on the basis that the site lies within Flood Zone 3a and no flood risk assessment had been submitted in line with PPS25, nor is there any evidence of the flood risk sequential test being properly applied. Further information has now been submitted and, and the comments of the Environment Agency are awaited.

Six letters and emails of objection have been submitted from residents of Wordsworth Drive, Rise Park Gardens and Shakespeare Walk. The objections are summarised thus:

- there are only bungalows on this side of the road, and two storey dwellings would look out of keeping and interrupt the low level nature of this side of the street
- loss of on street parking (Required by the allotment holders)
- the density is wholly appropriate for the area, and would look too cramped
- the development is described by the agent as being for family housing, when it is patently obvious that there would be only pocket gardens; the construction of bungalow(s) would free up family housing and therefore fulfil the objective
- the hedge that was removed was a welcome green area which will be missed

(Letters & emails 24 February 2007 – 8 March 2007)

The Eastbourne Allotment Garden Society state that the land around the application site, and including the allotments themselves, are continuously waterlogged as they are the lowest point around; EBC have installed a submersible pump behind the substation to keep the water at a reasonable level. The bungalows at 26 and 28 Wordsworth Drive still suffer from excess water and the provision of three additional dwellings will make the situation a great deal worse unless the developer adequately deals with this issue. If permission is granted, the developer should make over a strip of land between the substation and the remaining trees to the Council so that the allotment holders can maintain their existing pedestrian path to the allotments.

APPRAISAL

The application site is wide, but with very little depth, and it is considered that the provision of three dwellings on a very constrained site has resulted in a contrived and cramped layout, which is out of character with the comparatively spacious plots in the surrounding area. The immediate surroundings are characterised by bungalows laid out in regular rows, set back from the public highway with predominantly open plan gardens; the proposed development of three two storey dwellings between 1m and 2m from the public highway (one presenting the mass of a flank wall) would be totally out of character with the prevailing pattern of development in the vicinity.

The town has an adequate supply of housing land at the present time, and therefore the proposal would not address any housing shortage; nor could it be argued that it would enhance the appearance of the area in any way, as for the reasons given above, it replaces a mature hedge with an incongruous form of built development.

The proposed detached dwelling is sited over a public sewer, and Southern Water is unlikely to give consent for a dwelling to be constructed in this location. As the application represents an overdevelopment of the site, it is difficult to see how this could be accommodated elsewhere on the site.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused for the following reason:

That the proposal would be an overdevelopment of a restricted site, resulting in a cramped and contrived layout, which would be incongruous and out of character with the surrounding area, to the detriment of the visual amenities of the area. As such the proposal conflicts with policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan 2001-2011.

2) EASTBOURNE YOUTH HOSTEL, EASTBOURNE

Proposed replacement 26 bed youth hostel (existing building destroyed by fire)
EB/2007/0235(FP),OLD TOWN

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

The proposed replacement youth hostel, designed to have a low impact on the site and surrounding area in terms of both visual and environmental amenity, will provide a useful facility for visitors to the South Downs as well as to the town of Eastbourne.

SITE LOCATION

The triangular shaped site, measuring 0.13 hectares, is located on the northern side of East Dean Road, some 80 metres from the junction with Pashley Road. A public footpath, leading to the South Downs Way, adjoins the site, as does a car park

PLANNING HISTORY

The former building, originally used as the club house to the Eastbourne Downs golf club, became a 36-bed youth hostel in 1972. In 2004 this building was destroyed by fire.

CURRENT APLICATION

The proposal is to provide a replacement building for a new youth hostel, comprising 26 bed spaces in five dormitory style rooms with an additional room for the warden. The building, a single-storey, double mono pitched timber and brick structure, has been designed to incorporate future community use. The proposal utilises the existing access from the adjoining lane to the South Downs Way. The proposal also includes the provision of a dedicated disabled parking space adjacent to the steps from the car park with the inclusion of a wheel chair lift up to the entrance level of the building.

In the Design and Access Statement, submitted with the application, it is stated, in part, that:

"The main elevations are to be formed by (brick work) with horizontal (timber) *boarding, under a standing seam metal decked roof. The building has been cut into the site so as to make the best use of the existing topography, allowing the building to blend with the existing natural environment.*

The new building and access paths have been constrained to the area vacated by the existing building footprint. This means that the existing areas of soft landscaping, primarily the area to the south and the tiered lawns to the east of the building, can be retained."

(Statement received 13 April 2007)

In a Supplement to the Design Statement, it is stated, in part, that:

"*The existing facility has had the use of the adjacent, council owned, car park to the north east of the application site for the last 30 years and based on the* (previous) *usage and the area allowable for parking a minimum of five car parking spaces can be provided, with additional area set aside for at least three motorcycles. In addition, secure bicycle storage will also be provided for a minimum of six bicycles in a dedicated area adjacent the new building.*

It is acknowledged that there is a reduction on the number of bed spaces provided when comparing the new facility with the existing. A number of factors have contributed to the reduction from 36 to 26 bed-spaces, principally the monies available from the insurance claim have had an impact on the build cost in addition the spatial and design standards that need to be followed with the new building govern the scale of the development. Whilst the facility itself may not house as many occupants the quality of the accommodation provided will be higher than that of the previous building.

To supplement the reduction in bed spaces an area within the application site, to the south of the new building will be set aside for camping visitors.

The external walls will now comprise the following; faced brick up to window cill level of a type and colour to suit local vernacular and to local authority planning approval whilst above the brick work to underside of eaves horizontal timber cladding will be provided from a local source such as, untreated elm/cedar, oak or sweet chestnut all to local authority planning approval.

There are elements in the scheme which will contribute towards sustainable development, the roof construction has been chosen to maximise on any solar gain within the building in addition timber cladding from renewable sources will be provided where indicated on the elevations."

(Supplementary Statement received 18 July 2007)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001 – 2011:

NE1 Developments outside the built-up area boundary.
NE5 Minimisation of construction industry waste.
NE11 Energy efficiency.
NE28 Environmental amenity
D1 Area of outstanding natural beauty.
UHT1 Design of new development.
UHT4 Visual amenity.
UHT5 Protecting wall/landscape
UHT7 Landscaping.
TR6 Facilities for cyclists.
TR11 Car parking.
TO5 New tourist accommodation.

CONSULTATIONS

The County Archaeologist advises that, although this application is situated within an archaeologically sensitive area, he does not believe that any archaeological remains are likely to be affected by these proposals (Letter dated 1 May 2007).

The Economic Development Officer supports the application. As the area has suffered the loss of the previous hostel for at least three years, this proposal will replace a much needed facility built ideally for its surroundings (Memo dated 9 May 2007).
Downland, Trees and Woodlands Manager states that he has no objections to the layout and elevations of the proposed building, as it is basically the same as the original scheme previously discussed (e-mail dated 17 May 2007).

The Environment Agency has no objection, in principle, to the proposal as submitted. It will, however, be necessary for planning Conditions to be imposed on any planning permission granted to ensure prevent pollution and in the interests of protection of controlled waters (Letter dated 17 May 2007).

The Highway Authority does not wish to restrict grant to this particular application. They suggest that for this particular application five off road car parking space (including the "disabled" space provided) will be adequate; however secure cycle parking provision should be at least 6 spaces and parking should also be provided for at least 3 powered 2 wheelers. The Highway Authority also states that as a major application, the applicant should provide a traffic assessment and a travel plan demonstrating that the transport impact of the development is acceptable (Memo dated 21 May 2007).

The South Downs Joint Committee welcomes the proposed replacement of the youth hostel as an important facility for the town and the Downs. However they are concerned about the number of bed spaces reducing from a number of 36 to just 26, they assume this is a consequence of improving the facilities. Conditions should be imposed in respect of materials, and secure cycle storage (e-mail sent 11June 2007).

REPRESENTATIONS

The application was advertised in the local press and by three notices displayed around the site. In addition, letters of notification were sent to the occupiers of surrounding residential properties. One representation had been received with no objection to the YHA being rebuilt (Note received 3 July 2007).

APPRAISAL

The main issues to consider in the determination of the application are the use of the site as a youth hostel, the design and scale of the replacement building, the parking provision to serve the proposal and the impact of the development on the area.

As indicated in the "Planning History" section of this report the land, in question, was used for more than 30 years by the Youth Hostel Association, the current applicant, until the former golf club house burnt down around two or three years a go. As such, the re-use by the YHA is considered to be acceptable.

The proposed replacement youth hostel measures some 17 metres wide and 15 metres deep, containing five 4 or 6 bedrooms (total of 26 bed spaces) and warden's accommodation, together with a kitchen, dry room, office and main hall, under a double shallow mono-pitch roof, with a maximum height of 5 metres. The lower part of the building would be clad in brick and the upper part in timber. The low sloping roof is to be constructed using a seam metal roofing system with six sky lights over the main hall/dining area. The design and scale of the replacement building is considered to fit into the site, with existing tree and planting to the front and rear offering suitable screening.

The Highway Authority has commented about the proposed parking provision for visitors to the youth hostel, including the need to provide for cyclists on site as well as for motorised forms of transport nearby. Indeed, the previous youth hostel operated using the same car parking arrangement for many years with no apparent difficulties.

Given the location and previous use of the application site, the proposed re-development is unlikely to have any adverse impact on the surrounding area. However, the facility will restore a form of visitor accommodation that has been lacking in Eastbourne in recent years.

HUMAN RIGHTS

The proposed development will have not infringed 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) No development shall take place until samples of the materials, including good quality brick and timber cladding (with a natural finish), 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 locality.

(3) No structure, plant, equipment or machinery shall be placed, erected or installed on or above the roof or on external walls unless otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area.

(4) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
(i) proposed finished levels or contours;
(ii) means of enclosure;
(iii) car parking layouts;
(iv) other vehicle and pedestrian access and circulation areas;
(v) hard surfacing materials;
(vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
(vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);
(viii) retained historic landscape features and proposals for restoration, where relevant;
(ix) planting plans;
(x) written specifications (including cultivation and other operations associated with plant and grass establishment);
(xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
(xii) implementation timetables.
b)All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

(5) That the premises shall be used only for the purposes specified in the application and for no other purpose whatsoever.
Reason: To control the precise use of the building in the interests of the amenities of the area.

(6) If during development, any visibly contaminated or odorous material not previously identified is found to be present at the site, then this must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.
Reason: To ensure that the development complies with the approved details in the interests of protecting controlled waters.

(7) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material

Reason: To prevent pollution of controlled waters

(8) Before the development, hereby approved, is commenced details of secure and covered parking for at least six bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be provided before the first occupation of the building and thereafter maintained as such.
Reason: To ensure that an adequate level of cycle parking is provided to serve the development.

(9) All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (eg BS 5837: 1991) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it 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 trees of such size, species and in such number and positions as may be agreed with the Authority.
Reason: To ensure the continuity of amenity afforded by existing trees.

(10) All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see guidance notes enclosed and BS 5837: 1991). No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 1.2m minimum height chestnut paling to BS 1722 Part 4 securely mounted on 1.2m minimum height timber posts driven firmly into the ground. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

(11) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an 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 hedges or hedgerows 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 or hedgerows.

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 the area and would therefore be in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

3) 19-25 LEWES ROAD, EASTBOURNE

Removal of four detached houses and replacement with 30 residential flats and 13 affordable housing units in three blocks ranged over 3/4 floors above car park.
EB/2007/0294(OL),UPPERTON

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The proposed development of 43 flats in three separate blocks, to replace the existing four detached houses, together with new vehicular access arrangements onto Lewes Road, would, by reason of its excessive scale and inappropriate form, not be acceptable.

SITE LOCATION

The row of four large detached houses and associated gardens, which comprise the application site, are situated on the eastern side of Lewes Road, nearly opposite the junction with Enys Road.

PLANNING HISTORY

There is no recent planning history that is relevant to the current application.

CURRENT APPLICATION

Outline consent is sought to replace the four houses with three blocks of flats, arranged in two blocks of 15 flats and one block of 13 flats, making a total of 43 units. There would be car parking either under or to the rear of the proposed blocks.

In the Design and Access Statement, submitted with the application, it is stated, in part, that:

"The layout of the site in three blocks creates 6 metre spaces between the buildings with 9 and 10 metre spaces between the new and existing buildings at the northern and southern boundaries. These larger spaces allow for the two access driveways at positions for full compliance with Local Authority crossovers and to ensure maximum visibility at the egress points onto Lewes Road.

The depth of Block A relates to the rear line of the adjacent block of flats (Malcolm Court) with the remaining Blocks B ~& C stepping forwards to create an acceptable Building Line in relation to the Nursing Home at 17 Lewes Road. The remaining area at the rear will create a substantial communal garden space whilst affording an adequate buffer zone to the rear boundary and the gardens to the houses in Gorringe Road.

The scale of the development relates to that of adjoining properties in terms of eaves levels and roof profiles. This combined with the spaces between the

blocks will create a sense of space around the buildings whilst replicating the general street frontage in terms of size and space

The general east/west changes in site levels allows for a lower ground floor undercroft parking area, with the majority of the on-site parking enclosed within the building shell of Blocks A & B and part of Block C.

The appearance of the development will mirror that of the adjacent properties with stock facing brickwork, rendered panels, tile hanging and matching tiled pitched roofs with gable ended details, incorporating complimentary domestic scale window/door units.

(Statement received 10 May 2007)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011:

- NE5 Minimisation of Construction Industry Waste
- NE15 Protection of Water Quality
- UHT1 Design of New Development
- UHT2 Height of Buildings
- UHT7 Landscaping
- HO7 Redevelopment
- HO13 Affordable Housing
- HO20 Residential Amenity
- TR6 Facilities for Cyclists
- TR11 Car Parking

CONSULTATIONS

The Highway Manager advises that, whilst the Highway Authority does not wish to restrict the grant of consent to this application, as a major application, the applicant should provide a detailed transport assessment and a travel plan for the development. The proposed vehicular access "1" at block A is unacceptable. The junction of Lewes Road and Enys Road is a heavily trafficked junction and is recognised as an accident remedial site. A pedestrian crossing would be required, which should be secured by a Section 106 legal agreement. Furthermore a contribution of some £44,075 is required towards the costs of Local Sustainable Accessibility costs (Memo dated 22 May 2007).

The East Sussex Contributions Coordinator advises that a financial contribution of £1,000 is required for household waste infrastructure (Letter dated 30 May 2007).

The Environmental Agency advises that there are no objections, in principle, to the proposal as submitted but as the site lies within Source Protection Zone One for the Waterworks Road Public Water Supply borehole that conditions should be imposed on any grant of consent in order to protect and to prevent pollution of Controlled Waters (Letter dated 5 June 2007).

The Parks and Gardens Manager advises that an open space contribution in the region of £100,000 is required depending on the total net increase in the number of bedrooms to be provided (e-mail sent 6 June 2007).

Southern Water state that following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result (Letter dated 13 July 2007).

REPRESENTATIONS

- The development will add to existing and unbearable traffic congestion
- The four detached Edwardian houses should not be replaced
- There will be overshadowing, overlooking and a loss of privacy
- The size of the blocks is not in keeping with other buildings
- The are no 4 storey buildings in this part of Lewes Road
- There will be a massive increase in the numbers of people living in a confined area and this will generate an increase in noise
- The increased number of cars will have a direct impact on the flow of traffic along Lewes Road
- Four family homes will be lost
- There is a problem with the Victorian drain system
- The balance of houses and flats will be undermined and decrease the sense of family community within the area
- The proposal is more akin to an inner-city development
- Affordable housing should not be developed in a separatist way
- There will be additional traffic and relate increase in noise
- Headlamps entering the new car park will shine directly into the rear windows of our property
- The drains and sewer infrastructure already fails to cope with the existing usage, which is particularly unpleasant
- There will be a loss of sunshine to houses in Gorringe Road

(Letters dated and e-mail sent 21 May – 25 June 2007)

APPRAISAL

The main issues to consider in the determination of the application are the scale and form of the replacement blocks of flats, the access arrangements to serve the proposal and the impact of the scheme on the residential amenity of the surrounding area.
Outline consent is sought for the principle of residential redevelopment, such as, replacing the existing row of four detached dwelling houses with three blocks of either three- or four-storey flats to be established. Layout, scale, appearance, access and landscaping are reserved matters for subsequent consideration should outline consent be granted.

The application, as submitted, refers to the erection of three blocks – A, B and C – with the following numbers of flats proposed:

Block A 12 x 2-bedroom and 3 x one-bedroom = 15 flats

Block B 12 x 2-bedroom and 3 x one-bedroom = 15 flats
Block C 12 x 1-2 bed and 2-3 bed (Affordable) = 13 flats

A schematic street scene indicates that Blocks A and B would have four floors, with car parking beneath, Block C would have three floors of accommodation with open car parking to the rear for 13 cars. It is proposed to have gardens to the rear of the blocks.

The proposed scale and form of the proposed blocks is considered to be, respectively, excessive and inappropriate. The number of flats and floors is too many. Likewise, the proposed form, with significantly greater massing and footprint, than other buildings, including nearby purpose built blocks of flats, along this section of Lewes Road, is inappropriate, both in respect of the street scene and the relationship with the existing built situation.

With regard to vehicular access arrangements to serve the proposal, it is proposed to create two new junctions onto Lewes Road. The Highway Authority considers that the proposed vehicular access "1" to serve Blocks A and B, with a total of 30 car parking spaces, is unacceptable. The junction of Lewes Road and Enys Road is already a heavily trafficked junction and an accident remedial site. Although there is an existing single vehicular access, serving 25 Lewes Road, the proposal will significantly increase traffic turning movements at the junction and may lead to a worsening of the existing situation.

As indicated in the "Representations" section of this report, there have been a number of objections made by local residents in respect of the adverse impact that the proposed scheme is likely to have on the established residential amenity of the area. Concern has been expressed that the proposed blocks would result in the loss of privacy, together with an increase in traffic, noise and general disturbance.

Although there may be some scope for the (re)development of the existing row of four houses to provide additional units of residential accommodation, the current outline application proposes too much for the site.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:

(1) The proposed development would, by reason of its excessive scale and inappropriate form, together with an unacceptable vehicular access onto the junction of Lewes Road and Enys Road, not harmonise with the local environment and would likely to result in an increase in noise and general disturbance, together with increased danger for users of the public highway. As such, the proposal is contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

4) 14 AND 16 JEVINGTON GARDENS, EASTBOURNE

Conversion and extension of two existing five storey houses into 14 flats served by three car parking spaces.
EB/2007/0338(FP),MEADS

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The proposed conversion and extension to the eastern half of the terrace of four houses, to provide 14 self-contained flats and three on-site car parking spaces, would have a significant adverse impact on both the host building and the car parking situation in Jevington Gardens. Although the sub-division of the property to provide fewer flats could be acceptable, the current proposal is inappropriate.

SITE LOCATION

The application site forms part of a terrace of four 5-storey properties, situated mid-way along the southern side of Jevington Gardens. The properties form part of the Meads Area of High Townscape Value.

PLANNING HISTORY

The terrace 10-16 (even numbers) was constructed in the late 19th Century as four separate dwellings. Later it became the "Brooklyn Hotel" and afterwards a nursing home. There have been a number of planning applications for both uses. In 1999 planning permission EB/1999/0393 was granted for the change of use and conversion from nursing home into four dwellings.

Planning permission EB/2004/0801 was granted in January 2005 for the conversion of 10/12 Jevington Gardens into 13 self-contained flats, with a four-storey extension at rear and 5 on-site parking spaces. A subsequent application, seeking outline consent, for the demolition of the existing residential properties and the erection of 43 purpose built apartments was withdrawn in September 2006.

CURRENT APPLICATION

The application proposes the conversion and extension of two 5-storey houses into 14 flats (2 x one-, 11 x two- and 1 x three-bed) served by three off-street car parking spaces. There would be three flats on each floor except for two units on the top floor. The proposal includes an extension to the east elevation of 16 Jevington Gardens to incorporate a new entrance, staircase and lift, and an extension to the south (rear) elevation of the property. The layout to the front would be altered to provide three off-street parking bays and a screened refuse storage area. Provision has been made for cycle storage, which is accessed from the street via stairs.

The Design and Access Statement, submitted with the application states, in part, that:

"The new side extension is set back from the front elevation and will be rendered. This will be in keeping with the existing side and rear elevations and will therefore not detract from the architectural features of the front elevation, whilst retaining the simple character of the remainder of the building. The render finish and sash style windows will also be applied to the rear extension. Both of the extensions will have pitched roofs and tiles to match the existing

In conclusion the overall architectural character of the building, with its ornate front elevation and remaining simple design, will be retained".

(Statement received 31 May 2007)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

- NE5 Minimisation of Construction Industry Waste
- NE15 Protection of Water Quality
- UHT1 Design of New Development
- UHT5 Protecting Walls/Landscape Features
- UHT16 Protection of Areas of High Townscape Value
- HO09 Conversions and Change of Use
- HO20 Residential Amenity
- TR6 Facilities for Cyclists
- TR11 Car Parking

CONSULTATIONS

The Highway Manager has advised that the Highway Authority wishes to object to the application. The level of off street parking is below the minimum acceptable for Class C3 residential development in Zone 3, in an area where there is already pressure on the level of available on street parking. The minimum level of off street parking should be seven spaces including "disabled" provision. The developer should detail where in the building the secure cycle parking is provided at one space per unit (Memo dated 7 June 2007).

The Council's Historic Buildings Consultant recommends refusal of the application and states, in part, that:

"The infill element of the design, whilst being set back, offers no correlation with the existing buildings in terms of demarcation of storeys. There is also no indication of detailing for this feature and clarification on the proposal to render this element on the front elevation is needed. Conservation & Design also feel that the lift shaft integrated in this element has compromised the overall design as it has produced a two tiered pitch roof effect which does not sit well with the form of the original building.

As part of the scheme it is proposed to alter existing openings which will have an impact on the overall interpretation of the terrace, particularly due to the creation of parking bays which will result in the loss of the boundary wall".

(Memo dated 12 June 2007)

The Council's Arboricultural Officer notes the position of a mature Cherry tree situated within the highway footpath adjacent to an existing vehicle crossover. The plans indicate a further two vehicle parking places to the north of the existing tree which would result in the need to remove this tree due to root severance. However, given the condition of the Cherry, which makes a significant contribution to the area, it should be retained (Memo dated 13 June 2007).

Southern Water does not wish to comment on this application (e-mail sent 21 June 2007).

The Environment Agency confirms that there is no objection, in principle, to the proposal (Letter dated 26 June 2007).

REPRESENTATIONS

The application was advertised in the local press. In addition, notices were displayed at the front of the site and letters of notification sent to the occupiers of surrounding residential properties. In response, at the time this report was prepared (25 July) five letters of objection had been received, the contents of which can be summarised as follows:

- There will only be three parking spaces, which will create a parking problem in the road
- Three car parking spaces is totally insufficient
- There are only three parking spaces in a road already congested
- The proposed development does not allow sufficient parking
- The development should be much less dense

(Letters dated and e-mails sent 6 June – 1 July 2007)

APPRAISAL

The main issues to consider in the determination of the application are the proposed scale and design of the scheme in respect of the host building and surrounding area, the parking to be provided and any adverse effect on residential amenity.

Jevington Gardens is characterised by large terraced properties that have been converted into flats as well as by purpose built flats. Borough Plan Policy HO9 generally supports residential conversions within primarily residential areas subject to certain criteria. Whilst the change of use of the property to provide self-contained flats, would, especially having regard to the planning history of the terrace, be acceptable, the proposed number and layout of the proposed flats would not provide an acceptable standard of accommodation.

As indicated in the "Consultations" section of this report, the Historic Buildings Consultant considers that the proposed extension, to provide residential accommodation at the rear, offers no correlation with the existing building in terms of demarcation of storeys. Furthermore, there is a lack of detailing for

this feature. Also the proposed lift shaft integrated in this element has compromised the overall design as it has produced a two tiered pitch roof effect which does not sit well with the form of the original building. As such, the proposed enlargement of the building, in its present form, is not considered to be acceptable.

The Highway Authority objects to the proposal on the grounds of insufficient car parking. The minimum acceptable standard for flatted accommodation in Zone 3 is seven spaces provided with 2m x 2m visibility splays to either side of the vehicular crossing at the rear of the footway. In addition, the Council's Arboricultural Officer has expressed concern about the loss of a mature Cherry tree, which makes a significant contribution to the street scene. Furthermore secure cycle parking should be provided on the basis of one space per flat. The scheme, therefore, does not meet the required standards.

As indicated in the "Representations" section of this report, local residents have raised objection about the lack of off-street car parking to serve the development in an area where there is already pressure on the level of available on-street parking. Another stated concern is the total number of flats proposed, which is excessive.

With regard to the above, although the subdivision of the application property into a lesser number of self-contained flats is acceptable, in principle, the proposed greater number of units, which requires an enlargement of the host building and does not provide adequate car or cycle parking, is considered to be excessive for the reasons given.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:

(1) The proposed development would, by reason of its excessive scale and inappropriate design, together with a lack of on-site car parking, be detrimental to the appearance and amenity of the surrounding area. As such, the proposal is contrary to Policies HO9, UHT1, UHT16, and TR11 of the Eastbourne Borough Plan 2001-2011.

5) 58 FAIRLIGHT ROAD, EASTBOURNE

Change of use from single private dwelling to one self-contained flat and one self contained maisonette together with addition of first floor extension and balcony at rear
EB/2007/0360(FP),DEVONSHIRE

EXECUTIVE SUMMARY

Permission is sought to convert the property into a flat and a maisonette in association with a small first floor extension to the rear of the property. The property is too small to be considered for conversion and the balcony area would result in unacceptable loss of privacy. The site is also located in Flood Zone 3 and no assessment of floodrisk has accompanied the application.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The mid-terrace property has accommodation over three floors. It has a small rear courtyard garden that backs onto a small alley between the properties in Fairlight Road and Latimer Road. There is a rear dormer and single storey extension built under permitted development rights.

PLANNING HISTORY

There is no planning history for this property.

CURRENT APPLICATION

Permission is sought for a small first floor extension to the rear of the property and the addition of a balcony on the existing flat roof in association with the conversion of the property into a flat on the ground floor and a maisonette on the first and second floor.

PLANNING POLICY

Policy UHT1	-	Design of New Development
Policy HO9	-	Conversions and Change of Use
Policy HO20	-	Residential Amenity
Policy US5	-	Tidal Flood Risk

CONSULTATIONS

The application was advertised by letters of notification sent to occupiers of surrounding properties and a site notice displayed in Fairlight Road. Three objections were received (letters and e-mails dated 29 June – 3 July 2007). The objections can be summarised as follows:

- It would lead to total loss of privacy to rear bedroom windows and courtyard gardens in Latimer Road.
- The development represents an overdevelopment.
- The property has already been extended with a loft conversion that causes loss of privacy.
- The creation of an extra dwelling will exacerbate the parking problems in the area which is already bad due to the numbers of vehicles and the vans associated with the Electrotec business.
- Increased congestion could cause problems for emergency vehicles.

APPRAISAL

The existing single private dwelling house was originally built as a small two-bedroom house and has been increased to three bedrooms through the addition of a loft conversion. Policy HO9 requires all properties with three or less bedrooms to be retained as single private dwellings and therefore the conversion of this property to flats would contravene policy HO9 of the Eastbourne Borough Plan 2001-2011.

The extension would result in no loss of outlook or light to surrounding properties and the rear windows, as they serve a bathroom, could be obscured glazed to prevent any loss of privacy to surrounding properties. However, the proposal retains a small flat roof area to be used as a balcony. Due to the close proximity of all the properties in Fairlight Road and Latimer Road and the nature of the small courtyard gardens a balcony in this position would result in serious loss of privacy to neighbouring properties gardens and the rear windows of properties in Latimer Road.

The property is located within the Environment Agency flood Zone 3 area. No flood risk assessment has been submitted with the application and it is considered that the increased floodrisk from further development within the floodzone has not been satisfactorily dealt with.

Parking problems have been raised as an issue by local residents. It is not considered that the lack of off-street parking at the property, with regard to the car use that could be expected in a small house as appose to two small flats would be a reason to withhold the grant of consent.

HUMAN RIGHTS IMPLICATIONS

It is considered that due to loss of privacy that the proposed development would infringe the above noted rights of occupiers of adjoining properties to the reasonable enjoyment of possessions and property.

RECOMMEND: Permission be refused for the following reason:

(1) That the dwelling is below the size appropriate for conversion and should be retained as a single private dwelling house, to allow the proposal would contravene policy HO9 of the Eastbourne Borough Plan 2001-2011.

(2) That the proposed balcony would result in a serious loss of privacy to the small rear courtyard gardens of the adjoining properties and would therefore contravene Policy HO20 pf the Eastbourne Borough Plan 2001-2011.

(3) That no Flood Risk Assessment has been submitted and the proposal therefore fails to demonstrate that such risk resulting from the proposed development can be safely managed.

6) 4 THE AVENUE, EASTBOURNE

Erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor.
EB/2007/0362(FP),UPPERTON

EXECUTIVE SUMMARY

The proposal is considered to be acceptable in terms of its height, design, impact on the adjacent conservation area and adjoining residents.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a two storey, 1930's purpose-built government office building, located on the corner of The Avenue and Upperton Lane. Hadley House, a 1950's five storey block of flats occupies the adjoining site to the west, whilst to the east, the site is separated from the Upperton Gardens Conservation Area by Upperton Lane.

PLANNING HISTORY

The building dates from the 1930's, although being a government building there is no formal planning history. It was originally occupied by the Inland Revenue, and has accommodated various other uses over the years, most recently the law courts.

An application for a change of use to Class B1 offices was submitted in December 2006, but was withdrawn in January 2007.

An application for a five storey block of fourteen flats was refused on 3 April 2007 for the following reason:

That the proposed building would be an overdevelopment of the site by reason of its height, scale and massing, and together with its design, would be detrimental to the visual amenities of the area, the setting of a designated conservation area and the amenities of adjacent residents as a result of overshadowing, overlooking, loss of light and loss of outlook. The proposal would therefore conflict with policies UHT1, UHT2, UHT4, UHT15, and HO20 of the Eastbourne Borough Plan 2001-2011.
(EB/2007/0099 – background paper)

CURRENT APPLICATION

Permission is sought to replace the existing building with a five storey block of eleven flats, with garages and stores on the ground floor and accommodation in the roof space. Nine of the flats are two bedroom units, one has three bedrooms and one has one bedroom. The building would be 11m wide and 23.5m deep, with a maximum height of 17m. The materials would be cream render with brick on the ground floor at the rear, under a slate roof with lead clad dormers and lift shaft. The seven garages would be accessed from Upperton Lane (which is unadopted), whilst the bin store would be accessed from the rear (also a right of way for Hadley House), and cycle stores accessed from the front. There would be three flats on each of the first and second floors, two flats on each of the third and fourth floors, and one flat within the roof space.

The design of the proposed building has changed significantly from the previous scheme. The overall height has been reduced by 1.5m, so that it is lower than Hadley House, although the eaves height remains the same. The front elevation echoes the central vertical feature on Hadley House of a central bay flanked with balconies, but with an Art Deco interpretation. The most significant change is at the rear, where the upper floors have been truncated at an angle of 45^0 in order to allow more light into the habitable rooms at the rear of Hadley House, and to preserve the outlook.

PLANNING POLICY

HO2	-	Predominantly residential areas
HO7	-	Redevelopment
HO11	-	Residential densities
HO20	-	Residential amenity
TR11	-	Car parking
UHT1	-	Design of new development
UHT2	-	Height of buildings
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas

CONSULTATIONS

The Environment Agency and the Crime Prevention Design Adviser have no objections to the scheme.

The Highways Manager has no objections to the proposal.

The Economic Development Officer would prefer to see the site retained for office accommodation, but recognises that the site is allocated as residential in the Borough Plan, and that Policy BI1 cannot be applied. He comments, nevertheless, that the development is of excellent quality in terms of design, and is to be built by one of the more imaginative local policies, and therefore supports the proposal.

The Historic Buildings Consultant notes that all previous comments raised (on the previous scheme) appear to have been addressed and the scheme is much improved. The proposal is supported subject to conditions, including details of the lift shaft.

One email of objection has been received from a resident of Hadley House, who is pleased that the design has been revised, but considers that the height is too high and the colour is too light, and that it will therefore be too prominent. He states that all the buildings in this end of The Avenue are lower rise and the area is not crowded with development, and there is a feeling of room and openness for such a busy area. He considers that the high-rise and light coloured development would make the area look much more crowded, and that something less prominent would be welcome.

APPRAISAL

The main issues to take into account in determining this application are the design of the proposal, its impact on the visual amenities of the area, the amenities of nearby residents, parking and highway safety.

Design

The application site is long and narrow, and the proposed building takes up the whole of the plot, apart from the forecourt and the access at the rear. The existing building also fills the full width of the plot, however it is only two storeys (although these are fairly tall storeys because of their function). It could be argued that the existing building does not fit in with the general height of the buildings on the north side of The Avenue, which apart from the kiosks in Upperton Gardens, are all four storeys or over. It is considered that the building now proposed sits comfortably between the taller corner building (Hadley House) and the slightly lower Victorian buildings in the Upperton Gardens Conservation Area. The revised design has also struck a balance between the brick 1950's block and the rendered Victorian terraces which sit on either side, with the use of features from both styles together with those from the Art Deco period. The resultant building with its use of circles, squares and oblongs has a modern appearance, based on classical architectural styling, and is both elegant and pleasing to the eye.

Residential amenity

By removing a substantial amount of the bulk of the upper floors, the current scheme has reduced the impact of the flank wall on the light and outlook to the windows at the rear of Hadley House. The existing building is approximately 7.5m high, which obstructs the view and outlook from the rear of the ground and first floor flats adjacent to it, and to some extent the second floor flat. The rear wing of the revised scheme is 8.5m high, which will further impact on the second floor flat, specifically a bedroom and kitchen window. The agent has confirmed that the ceiling and parapet heights are at a minimum and cannot be reduced any further. It is considered that, whilst the impact on these two windows is regrettable, the impact is not so severe as to warrant a refusal on this ground alone.

Windows on the flank elevation facing into the rear of Hadley House all serve kitchens and bathrooms and are to be obscure glazed. The windows and balconies facing the rear of the properties in Upperton Gardens serve predominantly habitable rooms, and the distance between the buildings is 24m, which is considered acceptable.

Parking and highway safety

Seven garages are proposed for eleven flats, and there are six internal stores which are suitable for cycles. As the site is within a short walking distance of the town centre and railway station, this is considered acceptable. The garages are accessed from Upperton Lane, and there are many similar garages with direct access onto this unadopted road, which is relatively narrow and, therefore, self-policing in terms of speed and parking.

Conclusion

In conclusion, it is considered that this revised scheme has adequately addressed the previous reason for refusal, and would have an acceptable impact on residential and visual amenity, and on highway safety.

HUMAN RIGHTS IMPLICATIONS

The impact on the amenities of adjacent residents would 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) 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 suurounding area

(3) 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.

(4) No developmentshall take place until sections at a scale of 1:20 through the lift shaft have been submitted to and approved in writing by the local planning

authority. The plans shall specifically detail the height in relation to the roof/ ridge lines. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the neighbourhood, and for the avoidance of doubt.

(5) No development shall take place until elevations at a scale of 1:10 and sections at a scale of 1:2 of all joinery (windows,doors, garage doors) 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.

(6) All leadwork shall be carried out in accordance with the recommendations of the Lead Sheet Association.
Reason: In the interests of the appearance of the building.

(7) No development shall take place until details of all external flues/vents/mechanical extract systems 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: In the interests of the appearance of the building.

(8) No development shall take place until protective 2.4m high heavy duty hoardings securely mounted on scaffold poles has been erected all around the lime tree adjacent to the front boundary on a line that shall extend to the furthest extent of the canopy. Such fencing shall be inspected and approved by the local planning authority before any works or demolition commence on site, and shall be maintained during the course of the works. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the protected area.
Reason: To ensure that the tree is adequately protected from damage to health and stability throughout the construction period, in the interests of the amenity it provides.

(9) No development shall take place until details of hard and soft landscaping proposals at the front of the building have been submitted to and approved in writing by the local planning authority. The details shall include:
a) proposed finished levels or contours
b) means of enclosure
c) hard surfacing materials
d) proposed and existing services (drainage, gas, electricity, water, telephone etc)
e) planting plan
All hard and soft landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the building. Any plants that die or are removed within a period of five years after planting, shall be replaced as soon as is reasonably practicable with others of a similar species, size and number as originally approved.
Reason: In the interests of the visual amenities of the area, and the long term health and retention of the adjacent tree.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

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

7) 5 - 11 HARTINGTON PLACE, EASTBOURNE
Conversion of residential care home to fourteen self-contained flats with parking at the rear
EB/2007/0379(FP),MEADS

5 - 11 HARTINGTON PLACE, EASTBOURNE
Conversion of care home to fourteen self-contained flats, with parking at rear, involving internal and external alterations
EB/2007/0380(LB),MEADS

EXECUTIVE SUMMARY

The proposed development is acceptable in terms of its use and the impact on the listed building and the amenities of the area in general.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises four end of terrace properties converted into one unit, and is located on the southern corner of the junction Hartington Place and Compton Street, in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

The terrace was constructed ca 1855/1860 as a row of single dwellings, and is now listed (GII). The application properties have a history of hotel and residential use, and were converted into one unit in the 1960's as a residential care home for the Royal Alfred Seafarers Society. This use continued until earlier this year, when the home closed; the property is currently vacant.

Permissions have been granted over the years for various alterations, including the garage, car port and the former conservatory.

CURRENT APPLICATION

Planning permission and listed building consent is sought for the conversion of the whole building into 14 self contained flats, arranged as four 2 bedroom flats on the lower ground floor, three 2 bedroom flats and one 1 bedroom flat on the upper ground floor, and two 3 bedroom flats on each of the first, second and third floor flats.

This would also involve the demolition of the existing sheds, garage and car port, and an ugly UPVC conservatory at the rear; the latter has already been demolished following vandalism.

Externally, there would be little alteration to the front of the building; an additional access is proposed to the lower ground floor of nos. 9 and 11 (to match the existing at nos. 5 and 7), and the existing low brick boundary wall is to be removed and the original wall and railings reinstated to match the remainder of the terrace. The missing front door to no.7 would also be reinstated.

At the rear, seven balconies are proposed, to be enclosed by railings. Four would be formed on the top of existing first floor bays to serve the second floor flats, two would be formed from the space between the first floor bays, and the third would formed on an existing lower ground floor extension to serve an upper ground floor flat. This would require the conversion of eight windows into door. Two small extensions are proposed, one would infill an area of $4m^2$ underneath the rear wing of the upper ground floor of no.7, whilst the other would extend the rear wing of the lower ground floor of no.11 by 1.6m in width.

Internally, the self containment of the flats would be achieved principally by reordering partitions, with relatively little in the way of major structural changes. However, the scheme does involve the removal of a staircase in order to provide a lift to all five floors.

In the rear courtyard, the demolition of the sheds, garage and car port would provide space for a secure bin store and parking for five cars and a cycle store; it is proposed that these be covered because of the proximity of a line of five mature Wheatley elms, three of which are in the application site, all covered by a tree preservation order. Two sets of steps down to the lower ground floor are to be removed and replaced in order to achieve adequate on site turning space for cars.

PLANNING POLICY

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT5	-	Protecting walls and landscape features
UHT7	-	Landscaping
UHT17	-	Protection of listed buildings
HO9	-	Conversions and change of use
TR6	-	Provision for cyclists
TR11	-	Car parking

CONSULTATIONS

The issue of parking and visibility splays has been the subject of discussions with the Principal Highways Engineer, who has confirmed verbally that he is now satisfied with the proposal.

The Environment Agency has confirmed that they have no objection in principle to the proposal, and Southern Water do not wish to comment.

At their meeting on 3 July 2007, the Conservation Area Advisory Group raised no objection to the proposal, subject to a condition being imposed regarding landscaping.

The Historic Buildings Consultant states that the scheme has been designed following pre-application discussions and is considered in principle to be supportable subject to the imposition of planning conditions to control various aspects and unresolved matters.

The owners of the adjacent hotel at 13 Hartington Place have concerns regarding the alleyway at the rear, the overlooking of their garden from the proposed balconies, and disruption from noise and to parking as a result of building works.

APPRAISAL

The main issues to take into account in determining these applications are the impact of the proposal on the character and appearance of the listed building, and the impact of the change of use on the area in general, including highway safety.

On the first issue, the scheme preserves the integrity of the listed building to a significant degree. The front elevation will be improved by the removal of the inappropriate modern wall and the reinstatement of the original railings and missing front door. Internally, many of the original features have been lost; there are only two very small, simple fireplaces remaining on the top floor (these would have been in the servants quarters) and no ceiling roses are to be found anywhere in the building. There are, however, a large number of original skirtings, architraves and cornices to be found, and although these will remain, some will be concealed within false ceilings etc., as the requirements of the Building Regulations have to be met. Three of the four original staircases remain, and on of these will be lost to provide an additional lift. The four buildings will effectively be separated into two, so that each half has access to a lift and a staircase. It is considered that this is a necessary compromise to ensure that the building is brought back into a suitable use. One feature of the building which has been something of a surprise is that virtually the whole building retains its original timber vertical sliding sash windows, and they are all in very good condition, which is remarkable given the age of the building and its location close to the seafront. Nearly all of these are to be retained, except where doors are required on the rear elevation.

At the rear, the removal of the UPVC conservatory, garage, car port and sheds is very welcome, and will enhance the appearance from Compton Street. The provision of five parking spaces is considered adequate for this town centre location, and it would be impossible to provide any more without the loss of the preserved trees. It is considered essential that the area adjacent to the trees is preserved as amenity space, and that the parking and cycle storage areas are covered, to prevent future complaints about the debris and bird mess from the trees falling on cars etc. This aspect can be adequately covered by a planning condition, as the details are still being investigated, but it is anticipated that a traditional appearance using cast iron can be achieved.
On the second issue, the conversion of the property to flats is considered an appropriate use of the building. Whilst they are located in a tourist accommodation area, there has been no tourism related use of any of the separate parts for more than 40 years, and it could not be argued that there

would be any loss of holiday accommodation. Similarly, whilst the building may be capable of accommodating more units, an intensification would have an adverse impact on the fabric of the listed building.

With respect to the comments of the adjoining owners, it is not considered that the provision of balconies as proposed would exacerbate the existing overlooking of their garden, since all of it is already visible from the many windows of the application site, as well as those of the surrounding hotels (Imperial and Mansion).

In conclusion, it is considered that the applications have been well conceived and are worthy of support.

HUMAN RIGHTS IMPLICATIONS

It is considered that he proposal would not result in any adverse impact on residential amenity.

RECOMMEND: Permission be granted subject to the following conditions:

In relation to EB/2007/0379 (FP):

(1a) 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.

In relation to EB/2007/0380 (LB):

(1b) The development and works hereby permitted shall be begun before the expiration of three years from the date of this consent.
Reason: To comply with Section 18 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

In relation to EB/2007/0379 (FP) and EB/2007/0380 (LB):

(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) No development shall take place until the following have been submitted to and approved in writing by the local planning authority:
a) Methology Statement for the removal of the original staircase and construction of a new lift shaft, including 1:20 sections, any structural strengthening required and specifications for making good as necessary.

b) Methodology Statement for the formations of new openings, the removal of original partitions and associated making good, including the specification for traditional lime mortars amd plasters.
c) Methodology Statement for the insertion of noise attenuation measures with regard to the impact on the historic fabric of the building.
d) Method Statement for the retantion of historic features, to include a photographic survey of all original/historic features (cornices, skirting, picture rails, plaster arches, fireplaces). The statement shall include confirmation that no existing features shall be removed without the formal approval in writing of the local planning authority.
e) Methology Statement of the proposed details at a scale of 1:2 of the dry lining of external walls, under floor heating and any wet rooms.
f) Methodology Statement for the applicationof any proposed tanking system to the basement areas, including details at a scale of 1:2
g) Methodology Statement for the excavation of the proposed basement courtyard, including any temporary support interface details between the existing and proposed.
The development shall be carried out in accordance with the approved methodology statements.
Reason: In the interests of preserving the fabric of the listed building.

(4) No development shall take place until samples of all materials and finishes to be used in the development, both internally and externally, including a sample panel of painted render 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: In the interests of preserving the fabric of the listed building.

(5) No development shall take place until details of the following have been submitted to and and approved in writing by the local planning authority:
a) details of all joinery at a scale of 1:10 for elevations and 1:2 for sections
b) details of the lift motor housing
c) details of rainwater goods, which must be cast metal
d) details at a scale of 1:50 of all pipe and conduit runs where they impede the historic fabric, including all associated wiring etc. for any fire and/or burglar alarm system.
e) details of the alteration of any floor levels due to the removal of existing steps
f) details of the features to be lost in the lower ground floor hallway of no.9
g) details of the bin store at a scale of 1:20
i) details of the enclosure/covering of the parking and cycle storage area
The development shall be carried out in accordance with the approved details.
Reason: In the interests of preserving the fabric of the listed building

(6) Prior to the commencement of the development, localised areas shall be opened up to validate the wall construction under the supervision of the local planning authority.
Reason: In the interests of preserving the fabric of the listed building.

(7) Any damage to the historic fabric of the listed building should be notified immediately to the local planning authority, and work ceased until a site inspection has been made and a method for making good approved.

Reason: In the interests of preserving the fabric of the listed building.

(8) There shall be no external flues/vents/extracts or television aerials, hanging baskets or window boxes fixed to the building without the prior approval in writing of the local planning authority.
Reason: In the interests of the character and appearance of the listed building.

(9) No development shall take place until a justification has been submiited to and approved in writing by the local planning authority for the removal and reinstatement of partitions between the bedrooms and ensuites, and for the flattening of the kitchen wall on the ground floor of no.11
Reason: in the interests of preserving the fabric pf the listed building.

(10) All leadwork shall be carried out in accordance with the recommendations of the Lead Sheet Association.
Reason: In the interests of the character and appearance of the listed building.

(11) Any variation from the approved layout to achieve compliance with the Building Regulations shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced.
Reason: In the interests of preserving the fabric of the listed building.

(12) No bonfires or burning of materials shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group on or overhanging the site.
Reason: To protect the health of trees to be retained in the interests of amenity.

(13) All existing trees not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see guidance notes enclosed and BS 5837: 1991). No work shall commence on site until all trees to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.4m minimum height heavy-duty hoardings securely mounted on scaffold poles. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

(14) No development shall be carried out until details of both the hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The details shall include:
a) proposed finished levels, including any changes in levels
b) means of enclosure and boundary treatments, including piers and railings
c) all surfacing materials
d) position of all services above and below ground (drainage, water pipes, gas pipes electricity cables, telephone cables)
e) planting plans
The development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the fabric of the listed building.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

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

8) 5 - 11 HARTINGTON PLACE, EASTBOURNE

Conversion of care home to fourteen self-contained flats, with parking at rear, involving internal and external alterations
EB/2007/0380(LB),MEADS

Please see the report for EB/2007/0379 (FP) – item 7

9) KINGS NIGHTCLUB, 18-20 LANGNEY ROAD, EASTBOURNE

Removal of part of roof on the second floor to form a new external terrace for use by customers (smoking terrace).
EB/2007/0383(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The proposed development would adversely impact on the amenities of adjacent residents by reason of noise and disturbance.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is located on the south east side of Langney Road, between the junctions with Terminus Road and Susans Road.

PLANNING HISTORY

Planning permission was first granted for the use of the basement and ground floor of the premises as a nightclub, with a snooker club on the first floor, in 1980. The former amusement arcade at 2 Pevensey Road was incorporated into the nightclub in 1999.

Planning permission was granted in 2004 to extend the opening hours until 3.00am (1.00am on Sundays and Easter Sundays) for a trial period of six months, and this was granted full permission later the same year.

CURRENT APPLICATION

Permission is now sought to remove part of the roof to the disused flat on the top (second) floor to provide an open smoking deck. The area would be approximately 4.5m by 7m, and the outside wall would be maintained at a minimum height of 3.4m. It is proposed to line the walls with shiplap boarding to cover mineral wool insulation.

PLANNING POLICY

HO20 - Residential amenity
TC7 - Area for later opening of Class A3 uses
UHT1 - Design of development

CONSULTATIONS

Four letters of objection have been received from residents/owners of the flats at Herald Court, 6 Pevensey Road, who are concerned about the noise and disturbance into the early hours of the morning arising from the use of the terrace, as their bedrooms would be in close proximity to it. They are also concerned about loss of privacy.

The Assistant Environmental Health Officer considers that the proposal has potential to cause noise nuisance to surrounding properties from patrons using the smoking area; those most at risk are the flats to the rear (Herald Court). Keeping noise levels to a minimum would rely not only on adequate soundproofing, via maintaining the full height of the wall and acoustically lagging the wall with rockwool or other suitable material, but also on ensuring the area is managed at all times. If permission is granted, appropriate conditions must be attached (these relate to no drinking, proper lighting, signage and supervision as well as the height of the wall).

APPRAISAL

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

On the first issue, it is considered that there would be no impact on visual amenity, as the physical alterations would be almost imperceptible from outside the site. The disused flat is virtually derelict, and has suffered from pigeon infestation; the proposed works would resolve this problem.

The second issue of residential amenity is more problematic. It is considered that the flats on the opposite side of Langney Road would be relatively unaffected by the terrace, given the high parapet wall facing the street and the general levels of noise from traffic and people well into the early hours. However, there are residential flats in Pevensey Road (Flats 1 to 9 Herald Court) adjacent to the site, which would be on the same level as the proposed terrace and at a distance of 27m. The general levels of noise at the rear of the flats would be significantly lower than those at the front. It is considered that the noise from the terrace could potentially be significant; in quieter surroundings the noise from just a few people can be very disturbing, particularly at high level, and the terrace would be in use until 3.00am. Whilst the area is designated as being suitable for later opening hours, and residents must expect some noise and disturbance, it is considered that they are entitled to have existing areas of relative peace and quiet safeguarded.

Provided that the wall is maintained at the height shown on the plans (3.4m), there should be no issue regarding loss of privacy, and it is assumed that the objectors have not fully understood the plans (which are shown in section) on this point.

HUMAN RIGHTS IMPLICATIONS

It is considered that the provision of an open terrace in close proximity to residential premises would adversely affect the amenities of the occupiers.

RECOMMEND: Permission be refused for the following reason:

That the use of the proposed external area at second floor level to allow customers to smoke outside the building, is likely to result in an unacceptable level of late night noise and disturbance, to the detriment of the amenities of nearby residents, contrary to policy HO20 of the Eastbourne Borough Plan.

10) 10 COLLEGE ROAD, EASTBOURNE
Two storey extension at rear
EB/2007/0387(FP),MEADS

EXECUTIVE SUMMARY

The size and position of the proposed extension would result in overshadowing and loss of light of the neighbouring dwelling, and also a loss of outlook. The impact would be detrimental to residential amenity of the dwelling immediately to the north.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a two-storey detached house with a hipped roof on the east side of College Road. There is a garage on the southern flank elevation and a conservatory on the rear of the house. The external materials are red facing bricks and clay tiles. The property is situated within the Devonshire Park Area of High Townscape Value.

PLANNING HISTORY

1949 – Granted: Erection of single-private dwelling house and garage (EB/1949/0029).

1970 – Granted: Change of use from single-private dwelling house to two flats (EB/19700154).

1991 – Granted: Change of use of ground floor flat to Osteopath's Practice (EB/1991/0166).

1991 – Refused: Change of use from 2 flats to medical consulting rooms and offices (EB/1991/0428).

1997 – Granted: Extension to garage at front (EB/1997/0251).

CURRENT APPLICATION

Planning permission is sought to enlarge the house with a two-storey extension. The proposed extension is at the rear of house and would be built level with the north flank. It would project 5 metres and be 3.7 metres wide. The extension would have a hipped roof with a height of 7 metres to the ridge.

PLANNING POLICY

UHT1	–	Design of New Development
UHT17	–	Protection of Areas of High Townscape Value
HO20	–	Residential Amenity

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring buildings. One letter of objection, written on behalf of the owner of 8 College Road, has been received and summarised below:-

- My client is building a conservatory and patio at the rear of 8 College Road, off an en-suite bedroom on the ground floor for his disabled wife.
- The proposed extension would result in both a loss of outlook and a reduction in the amount of sunlight that is received in both the conservatory and the patio area at 8 College Road.
- The proposed extension would present an outlook of a 5 metre high blank flank wall where there is presently an outlook to garden trees and sky is visible. It will create a feeling of being hemmed in and be overbearing.
- Building Research Establishment sunlight indicators have been applied and the extension would reduce the amount of sunlight reaching the patio and conservatory.

(Letter dated 17 July 2007).

APPRAISAL

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

The proposed extension would have external materials to match the existing house and a roof angle to match the main roof. As it is at the rear it will not be visible from public areas. Therefore, no adverse impact on the appearance of the Devonshire Park Area of High Townscape Value would result.

The proposed extension would be situated directly to the south of the nearest dwelling, 8 College Road. Due to the height and length of the extension, there would be a considerable increase in shading to the north. This would have a significant impact on the light received in habitable rooms and the garden of 8 College Road. Furthermore, the rear gardens of dwellings in this part of College Road are small and a large flank wall would be overbearing when viewed from 8 College Road. The result would be that the extension would have a seriously harmful effect on the living conditions currently enjoyed at the neighbouring dwelling. The proposal is therefore contrary to policy HO20 of the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed extension would adversely affect neighbouring occupiers' right to peaceful enjoyment of the property and possession.

RECOMMEND: Permission be refused for the following reason:

The two-storey extension, by reason of its size and position, would result in a loss of light and outlook detrimental to the residential amenity enjoyed by the occupants of 8 College Road, and therefore contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001 - 2011.

11) BLOCK G, SITE M, PACIFIC DRIVE, SOVEREIGN HARBOUR, EASTBOURNE
Amendment to planning permission EB/2002/0224 to substitute duplex apartments with four additional 2-bedroom apartments on third and fourth floors of block G (to form 22 flats in total)
EB/2007/0393(FP),SOVEREIGN

EXECUTIVE SUMMARY

The applicant proposes the retention of some duplex apartments within the building. It is considered that the proposed increase in the number of residential units from 18 to 22 will not have a demonstrably harmful impact on the character of the area, neighbouring residential amenity, car parking or visual amenity of the area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises Site M at the north-east corner of Sovereign Harbour North. Site M is currently being developed by Jones Homes. The application relates to Block G, a five-storey building to be constructed fronting the beach.

PLANNING HISTORY

2003 – Granted: Erection of 26 three-storey town houses and 110 apartments, together with garages and ancillary works (EB/2002/0224(RM)).

2007 – Refused: Amendment to planning permission EB/2002/0224 to omit duplex apartments and create six additional flats on the third and fourth floors of block G (to form 24 flats in total) (EB/2007/0197).

CURRENT APPLICATION

Planning permission is sought to vary the building to be constructed at Block G. Plans approved under planning permission EB/2002/0224(RM) show Block G with garages on the ground floor, six flats on both the first and second floors, and six maisonettes occupying the third and fourth floors. The current proposal is to substitute four of the maisonettes with four two-bedroom flats. The proposal would result in total of 2 maisonettes and 20 flats in the building.

PLANNING POLICY

Relevant Borough Plan policies:-

UHT1 – Design of New Development
HO1 – Residential Development within the Existing Built Up Area
HO12 – Residential Mix

HO20 – Residential Amenity
TR11 – Car Parking

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring properties and notices displayed around the site. One letter and twenty-four emails of objection had been received, summarised below:-

- The proposal is overdevelopment of the site.
- It will add to the already serious overdevelopment of the 'Marina Village' and does not conform to the concept of the 1986 outline consent.
- There are already enough two bedroom flats in Sovereign Harbour and there is need for more at the marina or the town as a whole.
- There are many empty flats that are empty that can neither be sold or rented unless at very low prices.
- The infrastructure will not support more residential building. There are insufficient parking facilities and the foul-water drainage system is already overstretched.
- A village centre / social structure is needed – play areas, community centre, health and education facilities and local shops (other than the main retail park).
- The number of residents entering the North Harbour has steadily increased since the latter part of last year.
- There is more traffic, noise and pollution, and it dangerous for pedestrians and residents in this area.
- A motion to the full Council that was unanimously supported by those available to vote stated that the final completion of the harbour shouldn't include further residential development.

(Letter and emails received 1 July – 17 July 2007).

Highway Authority: Does not wish to restrict grant of consent to this application (memo dated 20 July 2007).

APPRAISAL

The main issues to consider in the determination of this application are the impacts on the visual amenity of the area, neighbouring residential amenity, car parking and the general character of the area.

The proposed development has a different elevation treatment for Block G than the approved scheme (EB/2002/0224(RM)). The proposed external alterations include mansard roofs, with two dormers remaining on the front (beach facing) elevation, and different fenestration arrangement to communal stairwells. The elevations will be similar to apartment buildings constructed elsewhere on Site M. The external alterations resulting from the proposed internal layout will not adversely affect the visual amenity of the area. Nor will the external alterations cause greater overlooking or overshadowing of nearby dwellings.

The proposal number of flats will increase the density of the development. This complies with general planning guidance from Central Government. It is considered that four additional residential units (a 2.95% increase on the approved scheme for Site M) will not have a detrimental impact on the surrounding area. Each flat will have car parking, with either a garage or a parking space in the landscaped garden area. Nine visitor spaces will also be provided. It is considered that the proposed development has sufficient parking allocation in line with current parking policies. The current proposal is a compromise between the approved scheme and the amendment recently refused, and would provide a mix in the size of flats available in the building. Additional units would also help meet future demands for residential accommodation and housing allocations placed upon the Borough.

Additional dwellings will generate activity, with residents and visitors coming and going from the site. However, it is considered that adding four flats to make the total number of 140 dwellings at Site M will not have an adverse effect on the general character of this residential area.

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 conditions attached to planning permission EB/2002/0224(RM) granted 6 March 2003 are reiterated and, unless otherwise discharged to by the satisfaction of the Local Planning Authority should be complied with to ensure the validity of the planning permission.
Reason: For the avoidance of doubt.

SUMMARY OF REASONS FOR DECISION

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

The development will not be detrimental to neighbouring residential amenity, the visual amenity of the area or car parking in the vicinity complying with the relevant policies of the Eastbourne Borough Plan 2001 – 2011.

12) 19 MILL ROAD, EASTBOURNE

Proposed change of use from house in multiple occupation to five self-contained flats.
EB/2007/0394(FP),UPPERTON

EXECUTIVE SUMMARY

The conversion of the former residential care home from a House in Multiple Occupation to provide five self-contained flats, with five car parking spaces, is considered, given the property's planning history and re-development potential of the site, to be acceptable.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

This large detached three-floored property is situated on the south-west side of the junction of Mill Road and Hurst Road. The site is triangular in shape with vehicular access and car parking available off a service road, which also serves the rear of properties fronting Willingdon Road.

PLANNING HISTORY

The following planning applications have been made:

- Change of use from a guesthouse to a rest home – Approved by EB/1980/1980/0584.
- Single-storey extension at side and room to provide enlarged lounge and dining room, additional bedroom, utility room and staff room – Approved by EB/1988/0185.
- Formation of dormers on sides and rear roof slopes – Approved by EB/1989/0752.
- Erection of first floor extension at sides and erection of a conservatory at front – Approved by EB/1995/0163 but not implemented.
- Change of use from residential care home (Class C2) to single private dwelling (Class C3) – Approved by EB/2000/0676.
- Change of use of single private dwelling to a house in multiple occupation (Retrospective application) – Approved by EB/2003/0738 for a temporary period until 31 July 2005
- Demolition of existing building and erection of a 4-storey building with 8 one-bedroom and 4 two-bedroom flats together with 6 parking bays – Refused by EB/2004/0635
- Demolition of existing building and erection of five-floored building with 7 one-bedroom and 3 two-bedroom flats together with 11 parking spaces – Refused by EB/2005/0323 and dismissed on appeal in April 2006.
- Retrospective application for the change of use of a single private dwelling to a house in multiple occupation - Permission granted until 31 August 2007 by EB/2006/0540

CURRENT APPLICATION

Planning permission is sought for the conversion of the three-storey property, which has a total of 12 bedrooms (three bedrooms on the ground floor, five bedrooms on the first floor and four bedrooms on the second floor) to provide three 2-bedroom and two one-bedroom flats. Five parking spaces are shown on the block plan forming part of the application.

PLANNING POLICY

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

HO09 – Conversions and change of use
HO20 – Residential amenity
NE28 – Environmental amenity
TR6 – Facilities for cyclists
TR11 – Car parking standards
UHT1 – Design of new development

CONSULTATIONS

The Local Highway Manager advises that his comments, made in respect of a similar application in December 2003 and August 2006, still stand and that there are no objections in principle to the application on condition that, as there is a high demand for parking within the area, the applicant confirms the car parking will be allocated in some form to the occupiers of the flats (Memo dated 20 July 2007).

Southern Gas Networks were consulted on 28 June 2007. Any response will be reported to Members verbally.

REPRESENTATIONS

Two notices were displayed at the front of the site and letters of notification sent to surrounding residential properties. In response, at the time this report was prepared (25 July), two letters of representation had been received; one objecting outright and the other conveying reservations about the parking element of the scheme. The contents can be summarised as follows:

- I wish to oppose this application and request to speak at the meeting when the matter is brought before the Committee
- In principle, the development can be supported
- I question the practicality of the four spaces along the front border
- There is great need for reasonable off street parking to be provided

(Letters dated 6 and 21 July 2007)

APPRAISAL

The main issues to consider in the determination of the application are the suitability or otherwise of converting the building to five self-contained residential units, and impact of the proposal, including in terms of car parking, on the surrounding residential area.

Planning Policy Statement Note 3 "Housing" states that the national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant or derelict as well as land that is currently in use but which has potential for re-development. Policy HO9 "Conversions and Change of Use", of the Borough Plan, states that within the primarily residential areas residential conversions will be permitted subject to acceptable standard of accommodation being provided together with compliance with residential amenity considerations and adequate car parking.

Turning to residential amenity considerations, of particular relevance to the proposal is Policy HO20, which in part refers to privacy and general disturbance. In the past, local residents have raised a number of nuisance related issues relating to the behaviour of students living in a House in Multiple Occupation at 19 Mill Road. However, the proposed conversion of the building to provide self-contained flats is likely to reduce the instance of such noise and disturbance. The proposed layout of the five flats is unlikely to give rise to any increase in either overlooking or loss of privacy than associated with previous or existing uses of the building.

As indicated in the "Representations" section of this report, the parking arrangements have been the subject of local objections to the scheme. Although parking spaces exist, as shown on the submitted application drawing, it is understood that at the present time such spaces are rented to other people or used by the applicant rather than being available for the students living at 19 Mill Road. The Highway Authority recommends that a condition be imposed on the grant of any planning permission to ensure that the five parking spaces shown on the block plan are only available for the residents of the application property. The application would then be acceptable in terms of car parking provision. A condition requiring secure bicycle parking would further benefit the proposal.

HUMAN RIGHTS IMPLICATIONS

The proposed use of the property, if appropriately managed, 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) That details of the provision to be made for the storage of domestic refuse and for access thereto by the occupiers of the building and collection vehicles shall be submitted to and approved by the Head of Planning before the development hereby authorised is commenced.
Reason: In the interests of the appearance of the area.

(3) The approved parking area shall be available primarily for the accommodation of vehicles of the occupiers of and visitors to the property and shall not be used for any other purpose.
Reason: To avoid the obstruction of surrounding streets by waiting vehicles.

(4) That details of secure and covered on-site cycle parking provision to serve the development shall be submitted to and approved in writing by the Head of Planning. The approved storage scheme shall be implemented before the first occupation of the flats and thereafter maintained as such.
Reason: To ensure adequate cycle storage to serve the development.

(5) No roof area forming part of the property shall be used as a private amenity or sitting out area.
Reason: To safeguard the privacy of occupiers of adjoining properties.

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.

13) 144 TERMINUS ROAD, EASTBOURNE

Display of one externally illuminated fascia sign with individually internally illuminated lettering and one projecting sign with internally illuminated lettering EB/2007/0419(ADV),MEADS

EXECUTIVE SUMMARY

The proposed signage would result in an adverse impact on the visual amenity of the area due to the projection and size of the projecting sign and the double illumination of the fascia sign.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The town centre property is currently in use as a building society. It has an existing internally illuminated projecting sign and an externally illuminated fascia sign.

PLANNING HISTORY

Consent was granted in 1997 for the installation of a new shop front retaining the existing fascia and signage (EB/1997/0335).

Consent was granted in 1995 for the display of an internally illuminated fascia sign double sided internally illuminated projecting sign non-illuminated name plate and non-illuminated services plate (EB/1995/0244 (ADV)).

CURRENT APPLICATION

Consent is sought to display one externally illuminated fascia sign with internally illuminated individual lettering and a projecting sign with internally illuminated lettering. The fascia sign would be sited on the existing fascia board, the lettering would range form 29.3cm to 13.2cm in height and stretch for 3.379m across the frontage. The projecting sign would project 1m from the building with a height of 50cm. Its lowest point would be 2.513m above street level.

PLANNING POLICY

Policy UHT12 - Advertisements

APPRAISAL

The proposed signage raises no issues of public safety so the application falls to be determined on the impact of the signs to the visual amenity of the area.

Although there are projecting signs that are up to 50cm deep within the vicinity of the shop, none project as far as 1m from the building. The overall size and projection of the projecting sign would it is considered result in a dominant feature in the streetscene that would harm the visual amenity to the area.

The size of the fascia signage and the internal illumination of the lettering would have an acceptable impact on the visual amenity of the area. However, it is considered that the additional trough lighting would represent an unnecessary level of illumination that would harm the visual amenity of the area.

RECOMMEND: Permission be refused for the following reason:

That the proposed projecting sign by reason of its projection and depth, and the fascia sign by reason of its combined internal and external illumination would have a detrimental impact on the visual amenity of the area and would contravene policy UHT12 of the Eastbourne Borough Plan 2001-2011.

14) 26 DARLEY ROAD, EASTBOURNE

First floor extension at side and ground floor extension to rear of house
EB/2007/0420(FP),MEADS

EXECUTIVE SUMMARY

The proposed extensions would not have a detrimental impact on neighbouring residential amenity. However, the proposed side extension would not be harmonious with the existing house and imbalance the appearance of a pair of semi-detached dwellings. The result would be in incongruous feature in the street scene detrimental to the character and appearance of the Meads Conservation Area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a semi-detached house on the southern side of Darley Road, situated between All Saints Hospital and Meads Street. The house has red-facing bricks as the external finish for the walls and clay tiles on the roof. It has been enlarged in the past, and has a conservatory at the rear and a garage and a two-storey extension at the side.

PLANNING HISTORY

1990 – Granted: Single-storey side extension, new brick pier and timber gates, and demolition of part of boundary (EB/1990/0521).

CURRENT APPLICATION

Planning permission is sought to enlarge this house by erecting a first floor extension at the side, building over the existing garage. The proposed first floor extension would be 6 metres wide and level with the main front wall of the house. The proposed extension would also have a pitched roof with a barn hip, and extend over the flat roof of the existing first floor extension. A new canopy covering the garage door and the door to the house would project slightly beyond the front bay window. The proposed ground floor extension at the rear would project 2 metres further than the existing conservatory, be across the full width of the house and have a pitched roof.

PLANNING POLICY

UHT1	–	Design of New Development
UHT15	–	Protection of Conservation Areas
HO20	–	Residential Amenity

CONSULTATIONS

Occupiers of neighbouring properties notified, a site notice displayed and an advert placed in the local newspaper. No replies have been received.

Historic Buildings Advisor:- The proposed extensions to the property would further unbalance the relationship of the two semi-detached properties and is not suitably subservient to the existing building. The proposed side extension also has a horizontal emphasis compared with the vertical emphasis of the existing property through the loss of the differing roof heights.

There is particular concern regarding the alteration to the porch area. By projecting the porch forward to the line of the existing bay window it will draw attention away from this original feature.

If this application is deemed supportable under Planning
Policy the following information will need to be submitted for approval:

- Samples of materials
- Joinery details 1:20 elevations and 1:2 sections
- Illustration of any down pipes and vents/flues
- Details of any new rainwater goods
- Details of the fixings of 'canopy' over the garage entrance and porch

(Memo dated 25 July 2007).

APPRAISAL

The main issues to consider in the determination of this application are the impacts on neighbouring residential amenity and the character and appearance of the Meads Conservation Area.

The proposed ground floor extension would not be visible from a public area. It is therefore considered that it would not have a detrimental impact on the character and appearance of the Meads Conservation Area. The extension will project further than the existing conservatory. However, it is considered that the ground floor extension would not be detrimental to neighbouring residential amenity. The rear elevations are south facing and there is a small extension at the rear of 28 Darley Road. No objections from the neighbouring occupiers.

The original design of the house has a verticality which the proposed extension does not replicate. The proposed first floor side extension would appear wider than the main body of the house, and the canopy over the garage and main door would sit proud of the main wall of the house and project slightly further than the bay window. The design of the proposed extension has a horizontal emphasis which would appear inharmonious with the existing house. The different design styles would be incongruous in the street scene as it would imbalance the appearance of this pair of semi-detached houses. The extension would have a harmful effect on the character and appearance of this part of the Meads Conservation Area. There are no dwellings near to the position of the proposed side extension and therefore no impact on residential amenity.

HUMAN RIGHTS IMPLICATIONS

There are no adverse Human Rights implications.

RECOMMEND: Permission be refused for the following reason:

The first floor side extension, by reason of its size and design, would imbalance the pair of semi-detached houses and be incongruous in the established street scene, and be harmful to the character and appearance of the Meads Conservation Area, contrary to policies UHT1 and UHT15 of the Eastbourne Borough Plan 2001 - 2011.

15) 13 WOODCROFT DRIVE, EASTBOURNE

Demolition of existing house and garage and erection of a terrace of four dwellings
EB/2007/0432(FP),RATTON

EXECUTIVE SUMMARY

The proposed development would make greater use of the land for residential purposes. However, the proposed terrace of four houses would be out of character with the general pattern of development and appearance of the area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is a dwelling situated between the main thoroughfare of Woodcroft Drive and the private access road to the rear of Ratton School and 23 – 29 Park Lane. Vehicular access to the site is from Park Lane via the private access road. A public footpath leads from Woodcroft Drive past No13 toward the private access road.

The existing dwelling is a detached house with gable ends. It has yellow bricks and render for the external finish of the walls and a concrete tiles on the roof.

PLANNING HISTORY

The application site forms part of the development of 27 houses and 2 blocks of nine flats each, on land at Ryefield Close (EB/1960/0356).

CURRENT APPLICATION

Planning permission is sought to demolish the existing house and re-develop the site with a row of four terrace houses fronting the public footpath from Woodcroft Drive. Each house will have 3 bedrooms. The design of the terrace has a pitched roof with gable ends. The external materials would be vertical hanging tiles at first floor level at the front, with facing bricks on the rear and flank elevations and ground floor level at the front. It is also proposed to have pitched roofs above the front entrance doors.

Vehicular access to the proposed dwellings would be from Park Lane along the existing private access road. The existing vehicle access point into the garden area would be utilised for the proposed eight parking spaces. An enlarged car parking area would be formed where there is presently a garage and garden space. Five of the spaces would be adjacent to the rear boundary with Ratton School, with the three adjacent to the boundary with the public footpath.

PLANNING POLICY

UHT1	–	Design of New Development
UHT4	–	Visual Amenity
HO2	–	Predominantly Residential Areas

HO7	–	Redevelopment
HO11	–	Residential Densities
HO20	–	Residential Amenity
TR11	–	Car Parking

CONSULTATIONS

Occupiers of properties in Woodcroft Drive and Park Lane were notified in writing and site notices displayed. The consultation period expires on 4 August 2007. At the time of preparing this report (26 July 2007) one reply had been received:-

"*I would suggest that if planning permission is approved, that the address of the site is changed from Woodcroft Drive to Park Lane as there is no vehicular access from Woodcroft Drive. If this is not done, vehicles would be encouraged to park at the end of the footpath in Woodcroft Drive on a sharp bend and narrow section of road causing danger to other road users.*"

(Email received 17 July 2007).

Highway Authority: No reply received at the time of preparing this report (26 July 2007). Comments will be reported verbally at the meeting.

APPRAISAL

The main issues to consider in the determination of this application are the impacts on the provision of residential accommodation, the character and appearance of the area, car parking and neighbouring residential amenity.

Demolition of the existing house and replacing it with four dwellings would be a more efficient use of the land within the built up area. The proposal is therefore in line with Government and local planning policies of concentrating residential development within existing urban areas.

The proposal for 4 houses would have a development density of approximately 70 dwellings per hectare. This is greater than the density of 30 – 50 dwellings per hectare recommended by policy HO11. Higher residential densities are encouraged to make better use of previously developed land. However, it is considered that the proposed density of development would not conform to the general pattern of development in the area.

Woodcroft Drive is mostly detached dwellings. The nearest houses in Park Lane are terrace houses, but at a lower density. It is considered that the proposed terrace of four houses would appear out of character in the surroundings. Furthermore, it is considered that the proposed treatment of the front elevation of the terrace would not harmonise with the neighbouring house at 12 Woodcroft Drive or the terrace dwellings at 23 – 41 Park Lane. 12 Woodcroft Drive has a mix of yellow bricks and render, whilst the Park Lane terrace houses do not have vertical hanging tiles and have deep overhanging eaves. The application proposes the retention of the existing boundary fence, approximately 1.6 metres high. It is considered that retention of this fencing would make the proposed development appear separate from the surroundings and out of character.

Eight car parking spaces are proposed for the four houses. This number would be sufficient to accommodate residents' and visitor parking. The existing access road is considered sufficient width to accommodate extra vehicle movements. Bus services are also available nearby on Willingdon Road and Kings Drive.

The proposed terrace would be closer to the boundary with 12 Woodcroft Drive and the public footpath than the existing house. However, there would be adequate distance between the proposed and neighbourings to prevent loss of light or immediate outlook. Windows in the proposed houses are arranged so that there would not be overlooking of neighbouring dwellings and gardens.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:

The proposed development of four terrace houses, by reason of the density of development and design, would be out of character and appearance with the general pattern of development in the surrounding area, and therefore contrary to policies UHT1 and HO11 of the Eastbourne Borough Plan 2001 - 2011.

16) WILLOW COTTAGE, 24 SPRING CLOSE, EASTBOURNE
Retention of garage as built but with a reduction of height of 250mm and weathering by a lead apron 'flat' with downturn flashings
EB/2007/0435(FP),RATTON

EXECUTIVE SUMMARY

The proposed alteration would reduce the maximum height of the garage, but it would remain higher than the drawings approved in 2004. It is considered that the proposal to remove 250mm from roof ridge would not reduce the overall impact that the enlarged garage roof has on the residential amenity of neighbouring dwelling at 78 Wish Hill.

RECOMMENDATION: Permission be refused.

SITE LOCATION

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

PLANNING HISTORY

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

Condition No.3 attached to the consent states:

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

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

2) EB/2004/0304: In April 2004, permission was sought for the erection of a pitched roof detached garage at the side of the dwelling. The structure was to measure 9 metres in length by 3 metres in width and was to have a maximum ridge height of 4 metres. The building was proposed to be constructed of facing brick and roofing tiles to match the existing dwelling.

The garage was to be set back some 7 metres from the front boundary of the site and less than 300mm from the rear boundary of 78 Wish Hill.

The application was recommended for refusal for the following reason:

"That the proposed garage by reason of its size and siting would represent a dominant feature along the rear boundary of 78 Wish Hill, which would result in restricted outlook and would therefore be detrimental to the amenities of

occupiers of this property and therefore contrary to Policy HO20 of the adopted Borough Plan (2001-2011)."

However, before the relevant meeting of the Planning Committee (25 May 2004), a revised drawing was received indicating a reduction in the height of the garage roof from 4 metres to 3 metres. Planning permission was granted for the revised scheme. Condition 3 and attached to the consent stated:

"That the development hereby approved shall only be carried out in accordance with the revised drawing submitted on 21 May 2004."

Condition 4 stated:

"That the finished floor level of the garage shall be a minimum of 1.8 metres below the top of the existing boundary fence adjacent to 78 Wish Hill."

The reasons for attaching such conditions were:

"For the avoidance of doubt and in the interests of the amenities of occupiers of 78 Wish Hill."

In January 2005, it was found that the garage had been built 200mm wider and approximately 500mm higher than shown on the approved plan. The additional height had been achieved by the addition of four courses of bricks above the garage door.

3) EB/2006/0108: An application for retrospective planning permission for the garage as built was submitted. Planning permission was refused in April 2006. The subsequent appeal was dismissed in March 2007.

As the garage was not built in strict accordance with approved plans (condition 3 of EB/2004/0304) a Breach of Condition Notice was served in May 2006. The Breach of Condition Notice required structural alterations to the garage to bring in accordance with the approved drawings. Further enforcement action was held in abeyance whilst the appeal for EB/2006/0108 was being considered.

CURRENT APPLICATION

Planning permission is now sought to retain the garage as it has been built but with the removal of 250 mm from the very top of the roof. This would remove the roof ridge and a flat section would be formed instead.

PLANNING POLICY

UHT1 – Design of New Developments
HO20 – Residential Amenity

CONSULTATIONS

Occupiers of the adjacent dwellings notified in writing. At the time of preparing this report (25 July 2007) no representations had been received.

APPRAISAL

The main issue to consider in determining this application is the effect that the proposed alteration will have in reducing the harm that the existing garage has on the amenity of the neighbouring dwelling.

The garage has been constructed higher and wider than the approved drawings of planning permission EB/2004/0304. A Planning Inspector has determined that the enlarged structure does have a harmful impact on the residential amenity of the dwelling at 78 Wish Hill. The current proposal would reduce the overall height of the garage. This would be achieved by skimming off the ridge. The overall height of the garage with the ridge removed would still be higher than the approved plans (the applicant's statement gives the altered height as 3.130 metres). The height of the lower slopes of the garage roof would not be affected. The lower part of the roof slopes would remain higher and also closer to the boundary than the approved drawings. The bulk of the roof of the enlarged garage would not be sufficiently reduced to have a noticeable effect to alleviate the harm on neighbouring residential amenity. The oppressive visual impact would remain.

HUMAN RIGHTS IMPLICATIONS

It is considered that the neighbouring occupier's Right to peaceful enjoyment of property and possessions would not be restored by the proposed alteration to the height of the garage.

RECOMMEND: Permission be refused for the following reason:

The proposed alteration to the top height of the garage roof would not reduce the oppresive visual impact the enlarged structure has on the residential amenity of 78 Wish Hill, and therefore does not comply with policy HO20 of the Eastbourne Borough Plan 2001 - 2011.

17) 18 - 20 LANGNEY ROAD, EASTBOURNE

External alterations to Langney Road façade, including two new canopies. External alterations to Pevensey Road façade, including the provision of bin stores on forecourt
EB/2007/0437(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The proposed bin stores would be seriously detrimental to the visual amenities of the area and the character and appearance of the building.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is located on the south east side of Langney Road, between the junctions with Terminus Road and Susans Road.

PLANNING HISTORY

Planning permission was first granted for the use of the basement and ground floor of the premises as a nightclub, with a snooker club on the first floor, in 1980. The former amusement arcade at 2 Pevensey Road was incorporated into the nightclub in 1999.

Planning permission was granted in 2004 to extend the opening hours until 3.00am (1.00am on Sundays and Easter Sundays) for a trial period of six months, and this was granted full permission later the same year.

CURRENT APPLICATION

Permission is sought for various external alterations to both the Langney Road and Pevensey Road frontages, required as a general refurbishment of the premises, and in conjunction with a separate application to change the first floor from a snooker club to a nightclub (a later item on this report). A summary of the changes is:

Langney Road frontage
New fenestration within existing openings, including tiled inserts
New entrance doors within existing openings, including tiled inserts
Provision of two vertical, rendered built-out panels
Provision of two solid box canopies

Pevensey Road frontage
Provision of four additional sets of solid doors within existing glazed shopfront
Provision of two timber bin stores on front forecourt

A design and access statement submitted with the application asserts that the proposal will improve the Langney Road elevation by making the façade more formal and simplifying the current disparate elements into one unified whole; the Pevensey Road elevation will be improved by introducing a glazed elevation and glazed door headers, adding interest and activity to what appears to be a rear elevation, although with all of the structural elements (and their mouldings) retained; this façade will be improved further by adding formalized bin alcoves to strategic locations (to match those on the adjacent property) in order to hide the existing bins currently stored along the face of the building.

PLANNING POLICY

HO20 - Residential amenity
TC7 - Area for later opening of Class A3 uses
UHT1 - Design of development

CONSULTATIONS

The occupier of 24 Pevensey Road objects to the provision of bin stores on the forecourt, stating that it will add to the poor access and restrictive space on Pevensey Road which is already hazardous to pedestrians, thereby increasing the problem.

APPRAISAL

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

Langney Road
The proposed alterations to the doors and fenestration are appropriate in relation to the style of the building. The built-out panels add interest and verticality to an otherwise plain elevation. The provision of canopies is also acceptable in principle, however the design is rather uninspiring. The projection is only 800mm from the face of the building, but with a depth of 530mm, and is constructed as a solid powder coated box. It is considered that, whilst the proposed canopies are plain and simple, a more elegant design might be more appropriate. Nevertheless, the building is not listed, in a conservation area, or an area of high townscape value, and it is therefore considered that a refusal would not be sustainable.

Pevensey Road

Despite the agents view that this is a back entrance, it was a separate retail unit many years ago, and has a very unique timber shopfront, quite unlike anything else in the town. The main structure of the shopfront will be retained intact, and will remain black, although the arched mouldings and mullions are to be painted white (unfortunately there is no control over this element). The loss of the stall risers in order to provide further doors is regrettable, however, for the reasons given in the previous paragraph, it is unlikely that a refusal could be sustained for this element of the scheme. The provision of bin stores on the front forecourt would radically alter the frontage of the premises and it is considered that it would be detrimental to the visual amenities of the area. The smaller bin store would be 2m by 1.3m, and the larger 1.9m by 2.6m; both would be 2m in height. They would be constructed of shiplap timber fixed to 100mm by 100mm posts, and painted white with a black plinth. It is acknowledged that the adjacent premises has a similar timber clad bin store on its forecourt (with planning permission), however it is clad with the same timber as the main building, which in any case has a modern appearance. Notwithstanding this, it has to be said that the bin store, whilst serving a function, does nothing to enhance the building. It is considered that the provision of two bin stores of modern appearance located immediately in front of a traditional shopfront would be seriously detrimental to the visual amenities if the area and the character and appearance of the building.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused for the following reason:

That the proposed bin stores, by reason of their size, design, finish and prominent position would be seriously detrimental to the visual amenities of the area and the character and appearance of the building, and therefore would conflict with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

18) 18 - 20 LANGNEY ROAD, EASTBOURNE

Change of use of first floor from snooker club to nightclub
EB/2007/0439(FP),DEVONSHIRE

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

It is considered that the proposal would be seriously detrimental to the amenities of residents in the immediate and wider area, and would be likely to increase crime and disorder in the town centre.

SITE LOCATION

The application site is located on the south east side of Langney Road, between the junctions with Terminus Road and Susans Road.

PLANNING HISTORY

Planning permission was first granted for the use of the basement and ground floor of the premises as a nightclub, with a snooker club on the first floor, in 1980. The former amusement arcade at 2 Pevensey Road was incorporated into the nightclub in 1999.

Planning permission was granted in 2004 to extend the opening hours until 3.00am (1.00am on Sundays and Easter Sundays) for a trial period of six months, and this was granted full permission later the same year.

CURRENT APPLICATION

Permission is now sought to change the use of the former snooker club on the first floor to a nightclub, to be used in conjunction with the nightclub on the lower floors.

A design and access statement submitted with the application states that the change of use will allow a series of improvements that will incorporate disabled access to all floors, and will provide an enhanced customer experience and contribute towards the future economic success of the venue and the resultant customer facility and employment opportunities.

PLANNING POLICY

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

CONSULTATIONS

No representations have been received at the time of writing this report, however the date by which comments must be received does not expire until 6 August 2007, therefore any responses received will be reported verbally.

The comments from Environmental Health, Licensing and the Police Authority will be reported at your meeting, however it has been indicated that there are serious concerns in relation to the intensification of the nightclub use and its cumulative impact on an area that is already well served by nightclubs and already gives cause for concern in terms of crime and disorder.

APPRAISAL

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

The premises are, it is understood, well run, and are located in an area allocated for later opening hours. The proposed development would not only result in an improvement of the facilities for patrons, but also a significant increase in the number of people on the premises, which generally operates until 3.00am. The premises are currently licensed for a maximum of 770 people, and it is of some concern that this will increase by 300-400, however it should be noted that no licensing application has yet been made (licensees are encouraged to seek planning permission beforehand) and therefore this figure is estimated. Policy TC7 is clear that residential amenity must not be significantly harmed when considering planning applications, and is reinforced by policy HO20. The Crime and Disorder Act 1998 places a responsibility on local authorities to have due regard to the likely effect of their decisions on the prevention of crime and disorder. No matter how well the premises are run, there is no control over customers once they have left the premises, and by attracting even more customers into an already saturated area, it is considered that the potential for an increase in noise, disturbance crime and disorder is very significant. The impact would be on a wider area than just Langney Road, as the number of people dispersing from the premises would spread out into the surrounding streets, and it is here that the greatest potential for problems arise.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal is likely to have an adverse impact on nearby residents.

RECOMMEND: Permission be refused for the following reason:

That the proposed intensification of the nightclub use in the building would be seriously detrimental to the amenities of the immediate and wider area, by reason of noise and disturbance, and the potential for crime and disorder. The proposal would therefore conflict with policies TC7 and HO20 of the Eastbourne Borough Plan 2001-2011.

19) 37 PRIDEAUX ROAD, EASTBOURNE

Erection of detached four-bedroom house
EB/2007/0442(FP),UPPERTON

EXECUTIVE SUMMARY

The surrounding area is characterised by large properties set within spacious plots. It is considered that the size of the existing plot is not sufficient to accommodate another two storey property and provide sufficient amenity space for both. The proposed dwelling would be located 1 metre away from the boundary with 19 Ashburnham Road and would result in the rear garden having no private part. This relationship is considered to be unacceptable and un-neighbourly.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises the rear garden of an established two-storey dwelling situated on the southern side of Prideaux Road near to the junction with Ashburnham Road.

PLANNING HISTORY

Planning permission was granted in 1956 to erect a covered way to the garage.

CURRENT APPLICATION

The current application seeks permission to erect a two-storey dwelling in the rear garden of 37 Prideaux Road. The proposed property would be 12.1 metres in width and 10.6 metres in length. It would comprise 4 bedrooms and an integral garage.

PLANNING POLICY

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

UHT1	Design of New Development
HO2	Predominantly Residential Areas
HO20	Residential Amenity
TR11	Car Parking

CONSULTATIONS

Letters of notification were sent to the occupiers of the surrounding properties and a site notice was placed to the front of the application site. At the time this report was completed, 19 July 2007, no representations had been received.

The Council's Arboricultural Officer and the Local Highway Manager have been consulted, any responses received will be reported verbally to the Committee.

APPRAISAL

The main considerations in assessing this application are the effects the proposed two-storey house will have on the occupiers of the surrounding properties, the visual amenities of the surrounding area and the suitability of the site of residential development.

The application site is approximately 34 metres in length which extends along Prideaux Road. The plot is an irregular shape in which the existing building sits to the western side. The site is bordered to the rear by mature trees and shrubs and a fine ash tree sits in the eastern side and is visible from the street.

The application seeks to erect a two storey dwelling in the rear garden of 37 Prideaux Road which would reduce the private amenity space of the existing dwelling to a maximum depth of 12 metres which reduces sharply either side due to the irregular shape of the site. The maximum width of the garden space, directly outside the building, is 12 metres and this reduces to five metres towards the rear of the garden. The proposed dwelling would have two triangular shaped garden areas, one to the rear and one to the side, which would give an approximate area of $144m^2$.

The surrounding area has a spacious feel which is created by the large properties, spacious gardens and the gaps between the properties. The garden of 37 Prideaux Road does create a visible gap within the street scene; however, it is considered that the area available would not accommodate a two-storey property and provide sufficient amenity space in comparison with the surrounding properties. At its widest point the proposed property would be approximately 4 metres away from 37 Prideaux Road which itself is only 3 metres from the property at 39 Prideaux Road. It is considered that these factors would create a cramped feeling that is incongruous to the surrounding area and would result in an overdevelopment of the site.

The proposed dwelling would be 12.1 metres in width and would extend to the boundary of 19 Ashburnham Road leaving approximately 1 metre between the corner of the property and the boundary. It is considered that this relationship is unacceptable and would result in an over bearing presence and overlooking to the rear gardens of 17 and 19 Ashburnham Road.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:

(1) That the proposed development would result in an adverse impact to the character of the area being at variance with the large properties in spacious plots and 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.

(2) That the proposed dwelling situated 1 metre from the boundary with 19 Ashburnham Road would result in overlooking of the rear amenity space.

(3) That further to reasons (1) and (2) above, the proposed development would be contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.