Eastbourne Borough Council

Planning Committee

8 January 2008

Report of the Head of Planning

List of Planning Applications for Consideration

1) 1 SOUTHDOWN ROAD, EASTBOURNE
Erection of fence 1.8 metre high fence (to replace hedge) along boundary fronting Southdown Road.
EB/2007/0663(FP), RATTON Page 7
RECOMMENDATION: Permission be refused.

2) 17 GRANVILLE ROAD, EASTBOURNE
Re-development to provide 12 flats in replacement building with five floors together with 13 car parking spaces and 12 bicycle stores (Amended Scheme)..
EB/2007/0684(FP), MEADS Page 9
RECOMMENDATION: Permission be granted subject to conditions.

3) MINNESOTA JAX POOL CLUB, 121 - 123 SEASIDE ROAD, EASTBOURNE
Variation of conditions 1, 2 and 3 of planning permission EB/2006/0636, for permanent use of premises as a members billard club on ground and mezzanine floors and members pole dancing club in basement and operating hours of 12pm - 3am Monday to Sunday.
EB/2007/0707(FP), DEVONSHIRE Page 17
RECOMMENDATION: Permission be refused.

4) HYDRO HOTEL, MOUNT ROAD, EASTBOURNE
Proposed single storey orangery to north east elevation.
EB/2007/0709(FP), MEADS Page 21
RECOMMENDATION: Permission be granted subject to conditions.

5) THE CASTLE RESTAURANT, 346 SEASIDE, EASTBOURNE
Demolition of existing premises and erection of 13 one-bedroom and 9 two-bedroom flats (including 6 affordable housing units) together with the provision of 12 car parking spaces and cycle storage (Amended scheme).
EB/2007/0711(OL), ST. ANTHONYS Page 25
RECOMMENDATION: Outline consent be granted subject to the prior conclusion of a Section 106 legal agreement and appropriate conditions.

6) 19 LANGNEY ROAD, EASTBOURNE
Change of use from betting office (A2 Use Class) to an adult gaming centre (a sui generis use) and installation of new shop front.
EB/2007/0712(FP), DEVONSHIRE Page 35
RECOMMENDATION: Permission be granted subject to conditions.

7) 13 SOUTHDOWN ROAD, EASTBOURNE
Retrospective application for the retention of greenhouse in rear garden.
EB/2007/0738(FP), RATTON Page 41
RECOMMENDATION: Permission be granted subject to conditions.

8) UNIT 7E SOUTHBOURNE BUSINESS PARK, COURTLANDS ROAD, EASTBOURNE
Erection of 1.8 metre high close boarded fencing along Ringwood Road elevation, and 2.3 metre high fence and gates to rear of property.
EB/2007/0742(FP), ST. ANTHONYS Page 45
RECOMMENDATION: Permission be refused.

9) FORT FUN, ROYAL PARADE, EASTBOURNE
Erection of replacement boundary fencing and metal gates facing Royal Parade, and part of south-west boundary (to enclose ice-cream kiosk), and the erection of 8 lighting columns and installation of new façade to building and formation of a hardstanding next to existing workshop building to provide seating area for catering stall (amended description).
EB/2007/0747(FP), SOVEREIGN Page 47
RECOMMENDATION: Planning permission and advertisement consent be granted subject to conditions.

10) FORT FUN, ROYAL PARADE, EASTBOURNE
Display of banner signs on proposed lighting columns along promenade and car park boundaries.
EB/2007/0774(ADV), SOVEREIGN Page 47
RECOMMENDATION: Planning permission and advertisement consent be granted subject to conditions.

11) 9 FRISTON AVENUE, EASTBOURNE
Erection of two single-storey extensions and two dormer windows to rear of bungalow.
EB/2007/0765(FP), RATTON Page 53
RECOMMENDATION: Permission be granted subject to conditions.

12) LAND ADJACENT TO, SHORTDEAN PLACE, EASTBOURNE
Erection of a terrace of three 2-storey houses and provision of three garages/parking spaces (replacing two existing)..
EB/2007/0767(OL), OLD TOWN Page 57
RECOMMENDATION: Permission be refused.

13) BROAD REACH, 9 WELLINGTON QUAY, EASTBOURNE
Relaxation of condition 4 of planning permission EB/2005/0349 (to allow rooflights in eastern elevation to be openable and clear glazed) and retrospective permission sought for the increase to the height of chimney stacks.
EB/2007/0770(FP), SOVEREIGN Page 61
RECOMMENDATION: Permission be refused.

14) 22 RAVENS CROFT, EASTBOURNE
Single storey extension at side.
EB/2007/0786(FP), MEADS Page 65
RECOMMENDATION: Permission be refused.

15) UNIT 5, HARVINGTON BUSINESS PARK, 54 BRAMPTON ROAD, EASTBOURNE
Change of use from Class B1 (light industrial) to Class B2 use for vehicle repairs and servicing and MOT testing station.
EB/2007/0796(FP), HAMPDEN PARK Page 69
RECOMMENDATION: Permission be granted subject to conditions.

16) 19 UPPER KINGS DRIVE, EASTBOURNE
Conversion of hipped roof to gable ends, three dormers to front and roof extension to rear and construction of pitched roof to detached garage.
EB/2007/0805(FP), RATTON Page 73
RECOMMENDATION: Permission be refused.

17) 9 JOHNSTON PLACE, SOVEREIGN HARBOUR NORTH, EASTBOURNE
Erection of a two-storey extension to side of property.
EB/2007/0809(FP), SOVEREIGN Page 77
RECOMMENDATION: Permission be granted subject to conditions.

18) BULLOCK DOWN FARM, BEACHY HEAD ROAD, EASTBOURNE
Retrospective application under section 73a for the siting of a portable farm shop for three years, together with a parking area..
EB/2007/0814(FP), MEADS Page 81
RECOMMENDATION: Permission be granted subject to conditions.

19) LAND WITHIN THE CURTILAGE OF, 8 ECMOD ROAD AND 81 NORTHBOURNE ROAD, EASTBOURNE
Erection of two terraced two-bedroom houses at the side of 8 Ecmod Road, together with two parking spaces accessed from Ecmod Road..
EB/2007/0816(FP), ST. ANTHONYS Page 85
RECOMMENDATION: Permission be refused.

20) ST MARYS CHURCH, DECOY DRIVE, EASTBOURNE
Erection of four bedroom, two-storey, detached vicarage in the grounds of Church and Church Hall, with additional car parking area.
EB/2007/0826(FP), HAMPDEN PARK Page 87
RECOMMENDATION: Permission be refused.

21) ST MARYS CHURCH, DECOY DRIVE, EASTBOURNE
Erection of a four bedroom, two-storey, detached vicarage in the grounds of church and Church Hall, and extending car parking area.
EB/2007/0827(LB), HAMPDEN PARK Page 91
RECOMMENDATION: Permission be refused.

22) PUBLIC HIGHWAY IN WILLINGDON ROAD ADJACENT TO 33 RUSKIN ROAD, EASTBOURNE

Installation of telecommuncations apparatus comprising a 12m high telegraph pole, together with an ancillary equipment cabinet..

EB/2007/0831(DET), RATTON Page 93

RECOMMENDATION: Permission be refused.

23) 41 JEROME CLOSE, EASTBOURNE

Erection of conservatory on rear elevation of house.

EB/2007/0843(FP), LANGNEY Page 97

RECOMMENDATION: Permission be granted subject to conditions.

J. F. Collard
Head of Planning

21 December 2007

Planning Committee

8 January 2008

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

8 January 2008

Report of the Planning Manager

List of Planning Applications for Consideration

1) 1 SOUTHDOWN ROAD, EASTBOURNE
Erection of fence 1.8 metre high fence (to replace hedge) along boundary fronting Southdown Road
EB/2007/0663(FP),RATTON

EXECUTIVE SUMMARY

The proposed fence would replace a hedge typical of the Southdown Road frontage. It is considered that a close-boarded fence 1.8 metre high would appear obtrusive and harmful to the green appearance of the street scene.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a detached house at the junction of Southdown Road and Victoria Drive. The property has a fence approximately 1.8 metre high on its southern boundary, facing Victoria Drive, as well as the east boundary. The north boundary on Southdown Road has an evergreen hedge, some 2 metres high.

PLANNING HISTORY

1960 – Granted: Erection of detached house and garage (EB/1960/0253).

1978 – Granted: Single storey extension at front & detached double garage at side (EB/1978/0623).

CURRENT APPLICATION

Planning permission is sought to erect a 1.8 metre high close-boarded fence along the boundary facing Southdown Road. The fence would be 21.6 metres long. The applicant has included photographs of the type of fence they wish to erect, including a trellis top.

PLANNING POLICY

UHT1 Design of New Development
UHT4 Visual Amenity
HO20 Residential Amenity

CONSULTATIONS

Occupiers of neighbouring dwellings notified and a site notice displayed. No replies have been received.

APPRAISAL

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

A characteristic of Southdown Road is the green aspect of the front gardens and the trees lining the highway. The hedge on the north boundary of 1 Southdown Road is a pleasant feature in the street scene. Several dwellings also have tall hedges fronting Southdown Road. Fencing that is visible in Southdown Road is generally to side boundaries and low in height. One fence fronting the highway encloses a substation and is no more than 1.5 metre in height, adjacent to 7 Southdown Road.

Given the green character of the street scene, it is considered that a closed-boarded fence with a height of 1.8 metre would be inconsistent with the general appearance of Southdown Road. A fence at the proposed height would be visually prominent and an unsympathetic feature in the street. It is therefore considered that the proposed fence would be detrimental to the visual amenity of the area and contrary to policies UHT1 and UHT4.

The proposed fence is similar in height to the existing hedge. It is considered that outlook and light to the neighbouring dwelling would not be affected. Accordingly, the fencing would not harm neighbouring residential amenity.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:

The proposed fence would be an obtrusive feature out of character with the established Southdown Road street scene and harmful to the visual amenity of the area, contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001 - 2011.

2) 17 GRANVILLE ROAD, EASTBOURNE
Re-development to provide 12 flats in replacement building with five floors together with 13 car parking spaces and 12 bicycle stores (Amended Scheme).
EB/2007/0684(FP),MEADS

EXECUTIVE SUMMARY

The proposed replacement block of 12 two-bedroom flats has been carefully designed to take account of both the scale and massing of the existing building and the appearance of the surrounding Area of High Townscape Value. The scheme has been revised to take account of various concerns raised during the planning process with the result that the proposal, as amended, will make a positive contribution to the street scene and area in general.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The 4-storey detached building, set in a rectangular plot, is situated on the eastern side of Granville Road, some 40 metres north of Silverdale Road, forming part of an Area of High Townscape Value.

PLANNING HISTORY

From 1949 the building has been sub-divided into six flats. In November 2002 outline consent EB/2002/0446 (OL) was granted for the demolition of the existing building and the erection of a five-storey block of 9 two-bedroom and one 4-bedrrom penthouse flats, together with lower ground floor car parking.

CURRENT APPLICATION

Permission is sought to erect a replacement building with 12 flats, with three units on each of the lower ground, upper ground, first and second floors, served by 13 car parking spaces and 12 bicycle storage units, the latter of which have been re-positioned from the front to under the rear part of the proposed building.

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

"There are a number of recently constructed buildings along Granville Road in the traditional style albeit some do not refer to the Eastbourne style. The proposals look to embrace this eclectic mixture of styles but by making strong references to the better examples of the Eastbourne style, with their forward facing gables and the incorporation of crockets, heavily expressed eaves, dentils, finial pieces, decorative verge boards, chimneys, curved brick lintels, it is hoped that a positive enhancement to the area's character is the result.

Furthermore, the manner in which the southern gable projects slightly proud of the northern gable pays homage to the Eastbourne style. The initial impression of such a design is one of symmetry with a vertical emphasis that is expressed by projecting planes and recessed features. However, and as incorporated into the proposals, the façade is actually a-symmetrical in order to provide a more stimulating appearance from a variety of angles".

(Statement received 2 October 2007)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011.

NE5	Minimisation of Construction Industry Waste
NE11	Energy Efficiency
UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT5	Protecting walls/Landscape features
UHT7	Landscaping
UHT16	Protection of Areas High Townscape Value
HO7	Redevelopment
HO20	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking

CONSULTATIONS

The Cleansing Manager has advised on the use of bulk bins and recycling provision (e-mail sent 22 October 2007).

The Principal Highway Engineer advises that the Highway Authority does not wish to restrict the grant of consent providing the vehicular access is 5 metres wide for the first 5 metres into the site to allow cars to pass each other without obstructing the highway (Memo dated 7 November 2007).

The Environment Agency has no objections in principle to the proposal as submitted subject to the imposition of conditions to protect Controlled Waters (Letter dated 9 November 2007).

The Council's Arboricultural Officer advises that there are a number of trees in the rear garden which will be lost. Of main concern are two trees in the adjacent property, which offer good landscape and significant conservational value. The provision of parking beneath the tree canopy will lead to complaints regarding leaf and litter fall. Given that the application will result in the loss of the majority of trees and shrubs in the rear garden a landscaping plan should be submitted. Conditions are suggested in respect of tree protection, planting, surgery and landscape maintenance (Memo dated 14 November 2007).

The Council's Historic Buildings Adviser considers that whilst the mass and scale of the proposed building is appropriate to the adjacent buildings there are some elements of the scheme which could be improved to avoid the mix of traditional and contemporary detailing which confuses architectural interpretation, which has been informed by the adjacent buildings (one traditional and one contemporary) (Memo dated 17 December 2007).

Southern Water was consulted on 15 October 2007. Any response will be reported to Member verbally.

REPRESENTATIONS

The application was advertised in the local press as a Major Development. In addition, notices were displayed at the front of the site and letters of notification were sent to the occupiers of surrounding residential properties. In response, 12 representations were received, the contents of which can be summarised as follows:

- The height of the proposed development is not in keeping
- The proposal would affect the light and air to neighbours
- The character of Meads must be preserved at all costs
- It has my support only because of the design
- The proposed building is one storey too high
- We have no objections to this re-development
- I am unsure about the proposed stone balustrades to the balconies
- I am very concerned about the location of the bicycle and bin stores being located at the front of the property
- The design appears to be suitable for the area but the roof line is too high and out of balance
- The storage for bins and bikes should be at the rear of the building
- The very substantial chimney stacks will become perches for seagulls, who from 3 am daily disturb local residents
- The south facing elevation has a large expanse of blank wall
- Some variation in each floor should be introduced to visually improve the proposal
- The proposed balustrading is inconsistent with the area
- In general I support the development and think it preferable to a refurbishment of the existing building
- The boundary wall with Earlsmead Court should be repaired
- Cannot the parking be re-configured to retain the existing trees?
- The open driveway may pose a security risk

(Letters and e-mails dated 22 October – 10 November 2007)

The applicant has responded to the above noted concerns by, for example, relocating the proposed bin and bike storage from the front to the rear of the property. Also the balusters to the balconies have been amended to a wrought iron style detail and the boundary wall after the removal of the existing garage will be dealt with together with the provision of a sliding gate at the entrance for security (e-mail sent 15 November 2007).

APPRAISAL

The main issues to consider in the determination of the application are the loss of the existing building in an Area of High Townscape Value, the scale and design of the proposed replacement building, the access and parking arrangements to serve the development, and the impact of the proposed development on the residential amenity of local residents.

Although the existing building, a late Victorian/Edwardian period property, is situated within an Area of High Townscape Value there are no legal controls to prevent its demolition. Nevertheless, development proposals are required by Policy UHT16 to generally preserve the character and appearance of such areas. Therefore any replacement building should comply with this Borough Plan policy.

Planning Policy Statement (PPS) Note 3 "Housing" is relevant to this application. The guidance recommends that local planning authorities should seek to make more efficient use of land for housing and to concentrate most additional housing within urban areas. Furthermore, Policy HO7 of the adopted Borough Plan (2001-2011) supports the redevelopment of land within predominantly residential areas for housing, subject to there being no significant harm to residential, visual or environmental amenity. The application site is within a predominantly residential area; characterised primarily by a mix of large detached period properties in use as flats or purpose built blocks of flats. The principle of the proposed residential development is therefore considered to be acceptable in purely land use terms and has been established by the previous grant of outline consent.

The proposed replacement building, to accommodate 12 two-bedroom flats, has four floors rather than the three floors in the existing building. As a consequence, the main ridge is 1.4 metres higher. However, this is the same height as Viceroy Court, the adjoining block of flats. Furthermore, the height of the two proposed chimneys will be the same as the stacks on the existing building. Therefore, the overall scale of the replacement building is acceptable in the street scene.

The proposed replacement building has been designed so that the proposed double gabled frontage endeavours to reflect the scale and proportion of the surrounding Victorian/Edwardian properties. The Historic Buildings Advisor considers that generally the revisions are beneficial to the overall appearance and function of the structure. As such, the proposal is considered to harmonise with the locality and therefore complies with Policies UHT1, UHT2 and UHT16.

The Highway Authority confirms that the application provides an acceptable level of off-street parking, including two "disabled" user spaces and cycle parking, in individual stores each measuring two metres by one metre, set into the rear of the building. Furthermore, given the close proximity of the property to the town centre, seafront and other facilities, level walk away, future residents of the scheme will have a choice of transport modes. In addition, the proposed vehicular parking at the rear of the site would result in the retention of a significant length of wall fronting Grassington Road. Such retention of the boundary wall and existing landscaping accords with Policy UHT5.

As indicated in the "Representations" section of this report, there have been various objections from neighbours about the adverse impact the proposed development would have on the appearance of the area. However, the scheme has been amended to take account of concerns relating to the design of the replacement building, including the use of wrought iron balastrading on the front and rear elevations, and the provision of cycle and bin storage at the rear of the site.

The replacement building has been designed to safeguard the established residential amenity of the occupiers of adjoining properties. For example, there is an expanse of blank wall on the southern elevation to avoid direct overlooking of Viceroy Court. Although the proposed erection of a four-storey block of flats on the application site would have an impact on the occupiers of adjacent residential properties, the new development would not be unduly harmful to the amenities of those occupiers and as such the proposal complies with Policy HO20.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) 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 locality.

(3) That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use/occupied.
Reason: In the interests of the amenities of neighbouring residents.

(4) 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.

(5) 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.

(6) 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.

(7) Details of all works to or affecting trees on or adjoining the site shall be submitted to and approved by the Local Planning Authority, and shall be carried out in accordance with the relevant recommendations of BS 3998: 1989 (Recommendations for Tree Work).
Reason: To ensure the continuity of amenity value afforded by the trees in question.

(8) 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.

(9) Details of tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority, and planting shall be carried out:

a) prior to the occupation of the development for its permitted use; or
b) before the end of the current or first available planting season following practical completion of the development hereby permitted; or
c) in accordance with a timetable agreed in writing with the Local Planning Authority.

Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity value afforded by trees in respect of the proposed development.

(10) A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.
Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.

(11) If during development, any visibly contaminated or odorous material not previuosly 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 approved details in the interests of the protection of Controlled waters.

(12) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roasds and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.
Reason: To prevent pollution to Controlled Waters.

(13) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.
Reason: To prevent pollution of Controlled Waters.

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

(15) The bicycle storage, hereby approved, shall be available for use before the first occupation of the residential accommodation.
Reason: To ensure that an adequate standard of bicycle parking is available to serve the development.

(16) 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.

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.

3) MINNESOTA JAX POOL CLUB, 121 - 123 SEASIDE ROAD, EASTBOURNE Variation of conditions 1, 2 and 3 of planning permission EB/2006/0636, for permanent use of premises as a members billard club on ground and mezzanine floors and members pole dancing club in basement and operating hours of 12pm - 3am Monday to Sunday EB/2007/0707(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The application seeks consent for the permanent use of the basement area as a members pole dancing club and the billiard room would continue to function on the ground and mezzanine floors. Given the proposed hours of opening it is considered that there would be a loss of residential amenity. A separate application was submitted to the Council for a premises license.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is a former retail unit on the eastern side of Seaside Road. The existing billiard club is located in the ground floor and mezzanine level and has consent to operate seven-days a week. The members' pole dancing club is in located in the basement with planning permission to operate on Friday and Saturday nights.

PLANNING HISTORY

2000 – Granted: Change of use from retail to American billiards pool hall members club (EB/2000/0042)

2006 – Granted: Change of use from members billiard club to members billiard club on ground floor and mezzanine floor and members pole dancing club in basement with extended opening hours on Fridays and Saturdays (EB/2006/0636).

CURRENT APPLICATION

Permanent planning permission is sought to use the basement as a pole dancing club with the billiard club at ground and mezzanine level. The proposed hours are longer than previously granted. The current proposal seeks opening hours of 12pm until 3am seven days a week.

The previous planning permission granted in 2006 for the billiard club and members' pole dancing club was given on a 1 year temporary basis. The opening hours were 10am - 11pm for the billiard club, with the pole dancing club restricted to Friday and Saturdays between 11pm - 2am. Permission was granted on a temporary basis to allow the impact of the use to be monitored and reviewed.

PLANNING POLICY

Relevant Borough Policies:-

HO20	-	Residential Amenity
UHT15	-	Protection of Conservation Areas
TC8	-	Seaside Road

CONSULTATIONS

The application was advertised by letters of notification sent to occupiers of surrounding properties and a site notice displayed to the front of the property. One email in support of the application has been received and emails and letters from five objectors.

Support:

- I am a member of the club for the last five years and there has never been any trouble or complaints about noise.
- The new owners have made improvements.
- It is well run and the owners are trying to develop the club.
- Seaside Road is depressing and not very well developed.
- The empty shops are an eyesore.
- Small business should be supported and given a chance.
- Security at the club has always been good.

(Email dated 21 October 2007).

Objection:

- The lateness of the proposed hours of closing may cause nuisance or annoyance to neighbouring occupiers.
- The rear door to the club is used by smokers and the pavement is littered with cigarette packets and butts.
- The waste bin partially blocks the pavement; sometimes black refuse bags are left out, getting ripped open and making a mess.
- People urinate on the walls.
- At the front, customers and staff use the bus shelter to smoke; drivers go past honking horns late at night.
- Music can be too loud and causes nuisance to the flats above.
- A nude lap dancing club would attract the wrong type of crowd; it would damage the image of Eastbourne as a place to visit and live in.

(Letters and emails received 30 October – 19 November 2007).

APPRAISAL

The billiard club and pole dancing club are considered compatible with policy TC8 for uses in Seaside Road. The combination of the two uses has been previously accepted, albeit on a temporary basis.

There are no records of complaints to Development Control in the period between the granting of temporary permission EB/2006/0636 and the submission of the current application.

The current application does, however, propose longer hours of opening. Opening until 3am each day of the week would significantly extend the period of activity at the premises. There are other commercial activities in the area that do have late opening hours, but do not operate until this time of the morning all week long. There are residential properties above the shop units. Although the properties are in a town centre location, it is not unreasonable for residents to expect the level of commercial activity to reduce later at night and mid-week. The proposed hours of operating would result in coming and going of visitors at the site late into the night when activity would generally be reducing. Noise from clients talking whilst leaving the premises and vehicle engine noise until 3am would increase noise and general disturbance. The amenity currently enjoyed by neighbouring residents would be diminished and is therefore be contrary to policy HO20 of the Eastbourne Borough Plan.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed develop may adversely affect neighbouring residents peaceful enjoyment of property and possessions.

RECOMMEND: Permission be refused for the following reason:

The proposed use of the premises, by reason of the proposed opening hours, would be seriously detrimental to the amenity of occupiers of neighbouring flats, increasing noise and general disturbance late into the night. The proposal is therefore contrary to policy HO20 of the Eastbourne Borough Plan 2001 - 2011.

4) HYDRO HOTEL, MOUNT ROAD, EASTBOURNE
Proposed single storey orangery to north east elevation
EB/2007/0709(FP),MEADS

EXECUTIVE SUMMARY

The proposal would have an acceptable impact on the character and appearance of the conservation area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The Hydro Hotel occupies a large corner site on the junction of South Cliff and Mount Road in the Meads Conservation Area.

PLANNING HISTORY

None relevant.

CURRENT APPLICATION

Permission is sought for the erection of a single storey extension on the Mount Road elevation at the rear of the car park, and would form an extension to the restaurant. The extension would measure 9.9m wide and 5.8m deep, with a parapet roof 5.2m high, concealing a glazed atrium with a ridge height of 6m. It would be constructed of brick and render, with white UPVC windows in stone surrounds. Three disabled parking spaces would be lost as a result of the development, and it is therefore proposed to reorder the remaining car park to accommodate these.

PLANNING POLICY

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
TR11	-	Car parking
TO4	-	Improvements to existing accommodation

CONSULTATIONS

The Conservation Officer has no objections to the proposal, subject to the reordering of the flank wall and window pattern/glazing bars.

At their meeting on the 27 November 2007, the Conservation Area Advisory Group raised no objections to the proposal subject to the amendments suggested by the Conservation Officer.

Four letters of objection have been received from residents of Ravens Croft, who are all concerned with the loss of on site parking spaces and the lack of additional spaces that would be required to service the increase in business. Residents state that their road is used as an overspill car park for staff and guests at present and this would only become worse; they are also concerned that the loss of disabled spaces would result in Blue Badge holders parking on the double yellow lines at the entrance to Ravens Croft. One resident considers that there should be controls on lights and loud music within the extension. (Letters & e-mail dated 2 to 7 December 2007)

APPRAISAL

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

The applicant has agreed to all the amendments requested by the Conservation Officer with one exception, which is the extension of the sidelights on the side elevations to floor level to match the doors. The applicant does not wish to have any more glazing than is necessary at ground floor level. Taking into account the location of the doors on the two side elevations, which would be largely hidden from views from Mount Road, it is considered that this is a reasonable compromise. It is considered that the proposal is otherwise well designed, and would have no adverse impact on the character and appearance of the conservation area.

The extension would have no adverse impact on residential amenity in terms of loss of privacy or outlook. It is not considered that an extension of this size would result in more noise and light spillage over and above that which exists at present.

The residents main concern appears to be the issue of parking. Whilst it is acknowledged that parking is a long standing issue with residents – with some justification – it is not considered that the loss of three disabled parking bays would have a significant impact on the existing situation, nor would it constitute a substantive reason for refusal. It is understood from the Highways department that the provision of yellow lines on the kerb in Ravens Croft is being considered, in order to prevent Blue Badge holders parking on the double yellow lines, as this appears to be a significant problem and impedes access for other vehicles. It is hoped that such action may encourage these drivers to use formal disabled parking bays, which are currently under used because of the distance to the front entrance. This, however, is related to an existing problem, and it is considered that the current application, as stated above, would not have any significant impact in this respect.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not have any impact on residential amenity.

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 existing building.

(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) The proposed development shall be carried out in strict accordance with the amended drawing ..... received by the Local Planning Authority on .....…
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the amended plans to which the permission relates.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

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

5) THE CASTLE RESTAURANT, 346 SEASIDE, EASTBOURNE
Demolition of existing premises and erection of 13 one-bedroom and 9 two-bedroom flats (including 6 affordable housing units) together with the provision of 12 car parking spaces and cycle storage (Amended scheme).
EB/2007/0711(OL),ST. ANTHONYS

EXECUTIVE SUMMARY

The proposed re-development of the former Archery Tavern/ Castle Restaurant with a block of 22 flats, served by 12 on-site car parking spaces and adequate cycle/mobility storage, would replace a building of little acknowledged historic merit with a well designed and suitably proportioned replacement building, which will make a positive contribution to both the street scene and surrounding area.

RECOMMENDATION: Outline consent be granted subject to the prior conclusion of a Section 106 legal agreement and appropriate conditions.

SITE LOCATION

The Castle Restaurant (former Archery Tavern) is situated on the corner of Seaside and Churchdale Road; opposite the Archery Recreation Ground. The site fronts a busy road and bus route.

PLANNING HISTORY

The property has been the subject of a number of previous applications. Most recently outline application EB/2006/0436(OL), for the demolition of the existing building (public house and restaurant) and the erection of a part 2, 3 and 4-storey block of 27 self-contained flats together with underground parking, was withdrawn following concerns raised by officers and some 140 letters of objection from local residents.

CURRENT APPLICATION

Outline consent is sought to replace the existing building with 13 one-bedroom and 9 two-bedroom flats, including six affordable units, together with car parking and cycle storage. The original scheme has been amended to delete the proposed retail unit, fronting Seaside, in order to increase the number of car parking to 12 spaces. The issues of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

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

"*The original building although undoubtedly fine in its era, has been extensively altered over the years, including the single storey additions undertaken in the 1970s, which introduced the "castellations" as part of the remodelling of the front facades.*

Following the inspection of the premises at the time of the original outline application, which was withdrawn last year, the Council's Historic Building Advisor considered that "the building had been so altered that it is not of sufficient interest to warrant special mention".

Subsequently English Heritage was also asked to undertake an inspection and advise accordingly. Again, as the major part of the interior features of the original building had been lost due to the continual alterations and changes over the years, it was considered that the premises were unfortunately not worthy of saving and therefore supported the Council's views.

The redevelopment proposals submitted both replicate and emphasise the gable construction of the design of the original building providing a strong corner feature to aesthetically enhance the area. Being located at the junction of Seaside and Churchdale Road and overlooking the recreational gardens and park, it is considered that although designed as a "landmark" building the development will sit comfortably with its neighbours; the massing and height scaling down to the immediate adjoining properties.

(Statement received 19 October 2007)

In a subsequent letter, which accompanied the amended scheme, from the applicant's agent, it is stated that:

"Following our recent meeting with local residents regarding the above redevelopment proposals, in view of the concerns raised over the parking issues the design has been amended increasing the number of vehicle spaces from eight as originally planned to a total of 12 as shown on the amended drawings attached.

As a number of residents were insistent that the retail unit should be omitted from the scheme to avoid loading/unloading difficulties in the area, the re-planning exercise has provided much improved off-street parking in accordance with the local plan policies.

As addressed in the Design & Access Statement. The development is well served by a range of local shops, commercial services, community areas and parks, and being situated on a regular scheduled bus route is considered to be highly suitable for non-car users."

(Letter dated 3 December 2007)

PLANNING POLICY

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

NE3	Conserving Water Resources
NE4	Sustainable Drainage Systems
NE5	Minimisation of Construction Industry Waste
NE7	Waste Minimisation Measures in Residential Development
NE11	Energy Efficiency
NE28	Environmental Amenity

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT7	Landscaping
HO7	Redevelopment
HO13	Affordable Housing
HO20	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking
LCF24	Redevelopment of Public Houses

CONSULTATIONS

The Cleansing Contracts Manager has advised on the bulk refuse and recycling bins that need to be provided (e-mail sent 30 October 2007).

The Economic Development Officer notes that: the restaurant ceased operation in early 2007; the site appears to have been actively marketed over the last 12 months; the Borough Plan policy relating to public houses does not apply as the premises have operated as a pure restaurant for at least the last five years and that the proposal provides good quality housing. Therefore approval is recommended (Memo dated 31 October 2007).

The County Council's Development Contributions Co-ordinator advises that financial contributions in respect of household waste & recycling and local sustainable accessibility, amounting to £23,100, should be secured by legal agreement (Letter dated 2 November 2007).

Southern Water states that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. As such, a condition relating to surface water disposal is required (Letter dated 6 November 2007).

The Planning Policy Assistant advises that as the new development is outside the Seaside Local Shopping Area and given the surrounding area and number of vacant units, retail space is not required. Furthermore, should the proposal meet the relevant planning policies then it would be recommended for approval (Memo dated 14 November 2007).

The Environment Agency has no objection to this development providing that the mitigation measures indicated in the Flood Risk Assessment are included together with the imposition of conditions to reduce the risk of flooding and to prevent pollution of Controlled Waters and the water environment (Letter dated 16 November 2007).

The Housing Services Manager supports the arrangement of 22 residential units and 12 car parking spaces. Policy HO13 requires 30% of the proposed dwellings (6.6 units) are provided as affordable housing in the form of 6 on-site flats, for rent, as recent affordable rented schemes, unlike shared ownership developments, have been immediately fully let and demand significantly outstripped supply. Our policy requires that the equivalent of the balance of 0.6 unit be provided as a commuted sum (Memo dated 19 November 2007).

The Highway Manager confirms that the Highway Authority has no objections subject to standard conditions being applied and the applicant entering into a Section 106 agreement to secure ESCC Local Sustainable Accessibility Improvement Contributions to the value of £22550 (Memo dated 18 December 2007).

The Council's Parks & Gardens Manager were consulted on 24 October 2007. Any response will be reported to Members verbally.

REPRESENTATIONS

The application was advertised as a Major Development in the local press. In addition, notices were displayed around the site and letters of notification sent to the occupiers of surrounding properties. In response, 26 letters of objection were received, the contents of which can be summarised as follows:

- The Archery Tavern is a piece of local history, dating back to before 1889 that shouldn't be sacrificed
- The proposed development would constitute over population of the site
- The height of the proposed building would not be in keeping and would constitute an infringement of neighbours' rights of light & air
- Why should greedy developers be allowed to demolish a striking landmark that is not in crumbling disrepair?
- The restaurant was unique in supplying meals for older folk
- Leave our castle battlements alone!
- The proposed development does not seem in keeping with the area
- The size of the development is rather large
- More of the flats should be low cost/affordable accommodation
- There is no allocation for any increased car parking in the area
- The East end of Eastbourne will not be the same
- The present building is a fine unique piece of Victorian architecture
- We will be overlooked and our privacy invaded
- The retail unit is likely to remain empty and should be used as a secure parking facility
- Do not build more flats – this area simply cannot take anymore
- We certainly don't need more shops, they become boarded up
- From the tourist point of view The Archery Tavern is a nice little landmark as you approach the centre of Eastbourne
- The proposed development is totally unsympathetic to the surroundings and deprive the vicinity of a good eating house
- The re-development should include the original frontage/design and have some respect for this building
- The new building will block my view of the Archery and the Downs

- There should be more affordable housing than just the minimum
- 22 flats is an overdevelopment of the site
- The lack of parking facilities for cars will mean that cars will be parked in Churchdale Road or Windermere Crescent
- The proposed retail unit should be used for living accommodation
- This little pocket of history in this area should be preserved
- The height and scale of the building are out of character with the landmark that it will replace
- The Archery Tavern should be used as a library/museum/cultural outlet
- Any new development needs to be sensitive to the environment
- The Archery/Castle are part of Eastbourne's heritage and simply must be preserved
- A conversion to flats keeping the historic façade may be more acceptable but not the total destruction of the building

(Letters and e-mails dated 28 October - 14 November 2007)

APPRAISAL

The main issues to consider in the determination of the application are the loss of the existing building and its proposed redevelopment, the provision of residential units, the scale and design of the replacement building, the provision of affordable housing units, the access and parking arrangements to serve the proposal and any impact on the residential amenity of the area.

As indicated in the "Current Application" section of this report, the existing building, considered by some people to be a historic local landmark, was inspected by the Council's Historic Buildings Adviser last year but was not considered to be worthy of listing as a building of architectural or historic merit. Such advice was later confirmed by English Heritage, which considered that the premises was not worthy of retention. On such a basis, the greatly altered building, although characterised by low level castellations and distinctive Dutch style gables, is not able to be protected by planning legislation.

In connection with the redevelopment of public houses policy LCF24 of the Borough Plan states that planning permission will not be granted for the change of use or development of public houses unless it can be satisfactorily demonstrated that the public house is no longer financially viable and that compensatory provision to equivalent community benefit will be made in the immediate vicinity. As indicated in the "Consultations" section of this report, the premises have operated as a restaurant, rather than as a public house, for at least the last five years. Furthermore there are several other public houses within walking distance of the application site, as is the case with various community facilities in the surrounding area. As such, the redevelopment of the application site would not be in conflict with the identified local plan policy.

In recent years there have been a number of successful re-developments of former non residential buildings in close vicinity of the application site.

For example, St Aidens Church on the corner of Seaside and Whitley Road was replaced by a McCarthy & Stone flatted scheme and Parker House, a County Council residential home on the corner of Seaside and Redoubt Road, was redeveloped to provide flats for a Housing Association. Such corner sites show that flatted re-development schemes can be designed and implemented successfully for a variety of occupiers.

With regard to scale and design, corner sites often benefit, as do the examples given above, from a form of architecture that is higher and more distinctive than adjoining properties. The current application site is no exception. The proposal steps up from the adjacent commercial and residential properties to either side, in Seaside and Churchdale Road, with the tallest part of the replacement building being situated on the corner with strong gable features on the four floor building. Such treatment and massing are considered to produce a replacement building which effectively turns the corner whilst providing a pleasing street frontage.

As mentioned in the "Consultations" section of this report, six of the proposed development of 22 flats must be affordable units, for rent, so as to comply with Policy HO13 of the Borough Plan. These residential units consist of three flats (2 one-bed and one 2-bedroom) on each of the first and second floors, all with pedestrian access from Seaside. Such an arrangement is considered to be acceptable. The affordable housing needs to be subject of a Section 106 legal agreement.

The scheme has been amended so as to utilise the originally proposed retail unit facing onto Seaside as a residential flat and increasing the car parking to 12 spaces, including two bays for disabled divers, with access off Churchdale Road. The site is on one of the main bus routes in the town and also close to various commercial and community facilities, including a park and health centre. The proposed number and arrangement of car parking spaces, together with individual mobility and separate cycle stores to be provided as an integral part of the new building, are considered to be appropriate to serve the proposed development.

Given the position of the application site, on the corner of Seaside and Churchdale Road, the massing and relationship of the replacement building to surrounding residential properties is unlikely to give rise to any loss of outlook, loss of privacy, overshadowing and/or loss of light. Furthermore, compared with a public house or restaurant, the proposed residential use of the site is likewise unlikely to give rise to unacceptable levels of noise, general disturbance or odour. As such, the proposal complies with Policy HO20 of the adopted local plan.

HUMAN RIGHTS IMPLICATIONS

The proposed residential redevelopment of the commercial premises will not infringe the above noted Rights of local residents.

RECOMMEND: **(A)** Outline consent be granted subject to the prior conclusion of an appropriate legal agreement between the applicant, the Borough Council and the County Council in respect of on-site affordable housing units, for rent, open space funding and other development related contributions, as referred to in this report, together with following conditions:

(1) Approval of the details of the layout, scale and appearance of the building(s), the access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(2) Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the access and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of approval of the this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(5) 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 locality.

(6) Any window or similar openings in the side elevations of the replacement building shall be glazed in semi-obscure glass and shall be permanently maintained as such thereafter.
Reason: To safeguard the privacy of the occupiers of adjoining properties.

(7) That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use/occupied.
Reason: In the interests of the amenities of neighbouring residents.

(8) Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water.
Reason: To reduce the risk of flooding.

(9) Finished floor levels should be set at 3.7 m AOD (ground floor) and 6.3 m AOD (first floor) as recommended in the applicant's Flood Risk Assessment (FRA).

Reason: To reduce flood risk and to comply with the approved FRA.

(10) No development approved by this permission shall be commenced until a scheme for a sustainable surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.
Reason: To deuce flood risk, to provide a satisfactory means of surface water disposal and to comply with the approved FRA.

(11) No development approved by this permission shall be commenced until full details of (a) flood resilient and resistant construction techniques and (b) a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority.
Reason: To reduce the impact of flooding to the development and to ensure that owners and occupiers of the premises are aware of the risks of flooding and safe means of evacuation.

(12) Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.
Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

(13) If during development, any visibly contaminated or odous 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 this unsuspected contamination shall be dealt with.
Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

(14) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.
Reason: To prevent pollution of Controlled Waters.

(15) No development approved by this permission shall be commenced until a scheme for the provision and implementaion of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority. No occuption of dwellings should be undertaken prior to the implementation of those agreed foul drainage works.

Reason: To prevent pollution of the water environment by ensuring the appropriate infrastructure is in place prior to the occupation of dwellings.

(16) 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.

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

(18) 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.

(19) Details of the secure cycle parking facilities to serve the development shall be submitted to and approved by the Local Planning Authority. No flat shall be occupied until the secure cycle parking is available for use in accordance with the approved details. The secure cycle parking shall be retained thereafter. Reason: To ensure that there is adequate cycle parking to serve the development.

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 2011-2011.

RECOMMEND: (B) In the event that the appropriate legal agreement is not concluded to the satisfaction of the Local Planning Authority by Thursday 17 January 2008 (i.e. within the Government's 13-week deadline for the determination of major planning applications), outline consent be refused for the following reasons:

The proposed residential development would not make provision for affordable housing, public open space or appropriate infrastructure and facilities in the community. As such, the development is contrary to Policies HO13 and LCF4 of the Eastbourne Borough Plan 2001-2011 and Policy S3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

6) 19 LANGNEY ROAD, EASTBOURNE
Change of use from betting office (A2 Use Class) to an adult gaming centre (a sui generis use) and installation of new shop front EB/2007/0712(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The proposed change of use will not result in the loss of Class A1 retail frontage. It is considered that the proposed amusement centre will not have a detrimental impact on the vitality or viability of the secondary shopping area. The alterations to the shop front would not be detrimental to the visual amenity of the area. It is considered that evidence, in the form of appeal decisions, concludes that adult amusement centres do not result in harm to residential amenity or anti-social behaviour.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises the ground unit of a three-storey building on the North-west side of Langney Road. The building is vacant. The ground floor unit was last occupied as a betting office. The neighbouring buildings are occupied by a shop with flats above (15 Langney Road) and a supermarket with a computer gaming centre above (21/23 Langney Road).

PLANNING HISTORY

1970 – Granted: New shop front, staircase and oil storage tank (EB/70/0164).

1975 – Granted: Change of use from shop to betting office (EB/75/0121).

2006 – Granted: Erection of first and second floor extension at rear and conversion of first and second floors to residential to form three self-contained flats; and alterations to shop front (EB/2006/0864).

2007 – Refused: Change of use from betting office (A2 Use Class) to an adult gaming centre (a sui generis use) and installation of new shop front (EB/2007/0313).

CURRENT APPLICATION

This application is a re-submission after the refusal of an identical application at the meeting of the Planning Committee on 17 July 2007 against officer advice. The reason given by the Committee for refusal was:

"The proposed change of use would result in noise, general disturbance and likely increase in anti-social behaviour that would be detrimental to the general character of the area and nearby residential amenity, contrary to policies UHT1, HO20 and TC6 of the Eastbourne Borough Plan 2001 - 2011."

The current application is to change the use of the ground floor unit from a betting shop (Class A2 use) to an adult gaming centre (a *sui generis* use) accommodating gambling machines. The proposal, as described in the applicant's supporting statement is for a *"shopper-orientated adult only gaming centre which offers amusement with prizes, waitress service offering complimentary soft drinks and snacks, prize bar and a retail service counter to deal with the retail windows display items."* The applicant proposes daily operating hours of 9am – 11pm. This application varies from the previous by virtue of the supporting documents supplied. The applicant has supplied copies of appeal decisions from around the country where other proposals amusement centres have been allowed by Planning Inspectors reasoning that there would not be adverse impacts on noise, general disturbance, anti-social behaviour or retail vitality.

A new shop front is also proposed. The proposed shop front has a timber frame with a central door for entrance to the ground unit with windows each side and fanlights above. An access door is to be formed on the left of the shop front for separate access to the first and second floors.

PLANNING POLICY

UHT1	–	Design of New Development
UHT11	–	Shopfronts
HO20	–	Residential Amenity
TC6	–	Town Centre Shopping Areas

CONSULTATIONS

Occupiers of neighbouring properties notified and a site notice was displayed. Two objections have been received, from 1) the Chairman of the Eastbourne Town Centre Management Initiative and 2) Pevensey Road Neighbourhood Association.

1) *"The Eastbourne Town Centre Management Initiative (TCMI) have considered the above captioned renewed planning application and wish to make the following comments as before:*

The recent proliferation of applications for adult gaming centres continues to cause concern to the TCMI as each application granted is either a direct loss or potential loss of a site for retail investment.

There have now been 3 applications of which 2 have already been conditionally approved. We are of the opinion that these, together with the existing 2 adult gaming premises already operating in the town centre, will satisfy the demand for this type of leisure offer.

This unit, although previously A2 use, sits within a predominantly shopping environment and we would prefer to see A1 or A2 use rather than further loss to an amusement arcade which seems inappropriate for a shopping area.

We also believe that the design and appearance as suggested by the documents and brochures that have been supplied to support this application do not support the image that Eastbourne is promoting through its awareness campaign 'Change your view'

We would therefore request that this application is declined"
(Email received 30 October 2007).

2) "*The proposed use is not a suitable one for the area. There is already an internet gaming centre in a neighbouring property which encourages many young people to gather on the street outside, often intimidating to passers-by. To allow another similar business in an area which is not in the immediate town centre but is actually close to many family homes would not be acceptable to local residents.*

"I would also point out the ongoing difficulty of ensuring that only adults would use the premises. Is the applicant intending to employ door staff for entire opening hours of 9am-11pm? In view of the cost of employing such staff, I would suggest that any provision for this would not be honoured into the future!

"There is clearly a need to encourage families to move into this part of town Undoubtedly, to allow this application would result in an increase in noise and disturbance to local residents during the evening, which would further undermine any residential attraction for local people."
(Email received 21 November 2007).

Planning Policy: The application site is identified on the Eastbourne Borough Plan Proposals Map as being within the Town Centre Secondary Shopping Area.

The Town Centre Secondary Shopping Areas and Acceptable Proportions of Frontages in Non-A1 Use Table, states that no more than 60% of non-A1 use is permitted.

It is noted that this is a re-submission, and confirm that the figures have not changed since the initial consultation in May 2007.

Currently, the figure for non-A1 use is 78.89%. This is over the allowed percentage, although it must be noted that the current use of the premises is non-A1, so a change of use would not affect the figures.

(Memo dated 25th October 2007).

Economic Development: The Economic Development officer re-iterates his previous comments, which were:

"I am aware of the property, and having visited the site, admit to concern should this proposal be accepted.

"The site is located opposite Kings Nightclub and the Curzon Cinema, while being immediately adjacent to Impact Gaming, (an internet/ gaming centre). Other nearby properties include Iceland, Fusion, Newies Newsagent, Cappuccino and GA pawnbrokers. An adult gaming centre could add to anti social behaviour in an area already suffering such problems, and where the late night economy is having on going issues for local traders.

"For the above reasons, I would recommend decline."

Sussex Police: No replied had been received at the time of preparing this report. Any comments received will be reported verbally at the meeting.

APPRAISAL

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

The current authorised use is a betting office, a Class A2 use. The proposed change to an amusement arcade therefore would not result in a loss of a Class A1 retail shop. Amusement centres are *sui generis* use and do not fall within any of the Class A uses found in shopping areas. However, amusement centres are considered acceptable in secondary shopping areas. In this case, it considered that the impact of an amusement arcade on the vitality and viability of the retail frontage would be no more than a betting office. The proposed shop front alterations would retain an appearance typical of a shopping area. A window display would be maintained and it is considered that a dead frontage would not result.

There are some residential properties along this part of Langney Road. Late night activity does take place along in this section of the street, with Kings Nightclub opposite. It is considered that restricting the hours of operation for the proposed use would prevent an amusement arcade adding further noise and disturbance detrimental to residential amenity.

Planning permission was refused in July 2007 for the same amusement use currently proposed. Given evidence supplied by the applicant in terms of Appeal decisions for similar amusement centres, the location and surrounding uses, it is considered that refusal on grounds of noise and disturbance, anti-social behaviour and impact on character of the area, is not sustainable. Furthermore, Sussex Police previously did not object to the proposals. Amusement centres are also subject to other legislative control in the form of the licensing regime under the Gaming Act. The licensing would take into account crime and public order aspects and age limits for clients.

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 premises shall be only used for the playing of amusement with prizes machines and ancillary retail sales and catering. No games of a sessional character shall be played on the premises and no amusement only machines shall be installed.
Reason: To control the exact use of the premises and potential noise, in the interest of the amenities of the area, and nearby residents in particular.

(3) That from the first commencement of the use hereby authorised a retail display shall be maintained in the shop front.
Reason: To maintain a retail frontage in the interest of the viability of the shopping parade and the visual amenities of the area.

(4) That the use hereby permitted shall not be open to customers outside the following times 9am - 11pm Mondays - Saturdays and 10am to 10.30pm on Sundays and Bank Holidays/Public Holidays.
Reason: In the interests of the amenities of the area.

(5) External loudspeakers shall not be installed at the premises at any time and there shall be no amplified soun, speech or music produced within the premises which is audible outside the premises.
Reason: In the interest of the amenities of the area, and nearby residents in particular.

SUMMARY OF REASONS FOR DECISION

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

The change of use will not be harmful to the retail provision in the primary retail area, the visual amenity of the area or the amenity of nearby residential properties, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

7) 13 SOUTHDOWN ROAD, EASTBOURNE
Retrospective application for the retention of greenhouse in rear garden
EB/2007/0738(FP),RATTON

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

Retrospective planning permission is sought for the retention of a conservatory style greenhouse in the rear garden. It is considered that this would have an acceptable impact on the visual amenity of the area and the amenities of occupiers of surrounding properties when a hedge is incorporated to eliminate the loss of privacy felt by residents at 11 Southdown Road.

SITE LOCATION

The detached chalet bungalow is located in Southdown Road, a cul-de-sac that leads to the Willingdon Golf Club. To the rear are properties in Falmer Close, with a pedestrian access to these properties running directly adjacent to the rear garden of the application site. The property also has a number of raised fish ponds to the rear of the garden.

PLANNING HISTORY

The original bungalow has been much altered. It has subsequently been extended at the rear (EB/1985/0307) and to the side and rear and into the roofspace (EB/2003/0492).

A retrospective application was approved in 2006 for a 2.85m to 3.28m high brickwork rear garden boundary wall (EB/2006/0751).

CURRENT APPLICATION

Retrospective consent is sought for the retention of a corner greenhouse which runs along the boundary wall between 11 and 13 Southdown Road and against the rear boundary wall adjacent to the pedestrian access to Falmer Close. The greenhouse is constructed on raised timber decking over the fish ponds in the top part of the garden.

The garden level at 13 Southdown Road is significantly higher than the neighbouring garden at 11 Southdown Road.

PLANNING POLICY

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

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. One letter of objection and one request to speak were received.

The representations can be summarised as follows:

- The siting and design of the greenhouse causes significant overlooking, enhancing the loss of privacy to neighbouring properties on Southdown Road.
- The floor level of the structure is approximately 1.4m higher than the ground level at 11 Southdown Road as excavated earth from the numerous fish ponds has been placed in the upper part of the rear garden.
- No advance notice of the building works were given.
- The size and prominent elevated position of the structure is not in keeping with the surrounding area and has a dominating presence over the adjoining properties.
- No objection would be raised if the structure was 3m from the boundary between 11 and 13 Southdown Road and situated at the original ground level.
- The unfinished plastic corrugated plastic covering to the rear elevation of the greenhouse is unsightly to residents on Falmer Close.

APPRAISAL

The main issue to consider in the determination of this application is the impact the development has on the residential amenities of neighbouring properties.

Although the greenhouse does cause a degree of overlooking it looks into non habitable rooms at both 11 and 15 Southdown Road. The distance between the structure and the neighbouring properties is also more than 23m away. The structure is not used as a summerhouse, it houses equipment for maintenance of the fishponds. This limits the use and time spent in the greenhouse, again reducing the amount of overlooking. Also the removal of the structure would not eliminate any overlooking, as the decking and ground level of the garden would still cause privacy issues.

The rear of the structure causes no adverse effects on the residential amenities of Falmer Close properties. The corrugated plastic and 2.85 – 3.28m high rear wall eliminates any overlooking to 13 Southdown Road. 1. Falmer Close has no habitable rooms facing the application site as the windows serve the kitchen and an obscure glazed window serves the bathroom.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

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.

8) UNIT 7E SOUTHBOURNE BUSINESS PARK, COURTLANDS ROAD, EASTBOURNE
Erection of 1.8 metre high close boarded fencing along Ringwood Road elevation, and 2.3 metre high fence and gates to rear of property
EB/2007/0742(FP), ST. ANTHONYS

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The proposal seeks permission for fencing along the boundaries to unit 7E Southbourne Business Park. The fencing along Ringwood Road, in particular, causes concern in relation to its design. It would be out of keeping with the surrounding area and would also cause poor visibility to the highway for adjacent residents.

SITE LOCATION

The application site is in Southbourne Business park, just off Courtlands Road. It is an end industrial unit with vehicular access via both Southbourne Business Park and the residential area of Ringwood Road.

PLANNING HISTORY

No relevant applications have been received.

CURRENT APPLICATION

Permission is sought to erect a 2.3m high pale fence with gate onto the yard area of Southbourne Business Park to match existing fencing around surrounding units and also the erection of 1.8m high close boarded fencing and timber gates along the boundary line onto Ringwood Road.

PLANNING POLICY

UHT1 Design of New Development
UHT4 Visual amenities

CONSULTATIONS

Letters of notification were sent to the occupiers of the surrounding properties and a site notice was placed to the front of the application site. No responses have been received

APPRAISAL

The main issue to consider in the determination of this application is the boundary treatment and design along Ringwood Road. As the site is along a very 'open' residential area, with no boundary walls and many have open frontages with off street parking, the proposed fencing would be incongruous and very much out of keeping with the surrounding area.

Also, the additional fencing to Ringwood Road would cause visibility problems to the adjoining residents. They would not be able to clearly view the highway, which may potentially cause road traffic accidents.

The proposed fencing around the yard boundary and adjoining industrial units in Southbourne Business Park is acceptable, as it matches the existing fencing and causes no adverse effects on the amenities of the surrounding properties.

It was suggested to reduce the impact of the fencing along Ringwood Road that the 1.8m high timber fencing should be reduced either side by 7m. This would extend the boundary fence to be in line with the neighbouring garage, and by incorporating removable bollard to eliminate unwanted parking, would create less of a feature within the neighbouring street scene. However, this proposition was rejected in favour of submitting the original complete application.

HUMAN RIGHTS IMPLICATIONS

The proposed development would infringe the above noted Rights of local residents due to loss of visibility to the highway which may potentially cause safety issues.

RECOMMEND: Permission be refused for the following reason:

That the fencing would be detrimental to the visual amenities of the surrounding residential area and the safety of residents when using the Highway. As such, it would be contrary to policies UHT1, UHT4 and TR11 which relates to the required parking standards as set out by the Highway Authority, of the Eastbourne Borough plan 2001-2011.

9) FORT FUN, ROYAL PARADE, EASTBOURNE
Erection of replacement boundary fencing and metal gates facing Royal Parade, and part of south-west boundary (to enclose ice-cream kiosk), and the erection of 8 lighting columns and installation of new façade to building and formation of a hardstanding next to existing workshop building to provide seating area for catering stall (amended description)
EB/2007/0747(FP),SOVEREIGN

10) FORT FUN, ROYAL PARADE, EASTBOURNE
Display of banner signs on proposed lighting columns along promenade and car park boundaries
EB/2007/0774(ADV),SOVEREIGN

EXECUTIVE SUMMARY

The proposed addition of fencing and lighting columns is considered to be not detrimental to visual amenity of the area. The columns with banner signs and the fencing match installations previously approved for other area of the site. The lighting is designed to illuminate the amusement park and not directed toward residential flats. Formation of a hardstanding next to an existing building would replicate the surface cover on most of the site.

RECOMMENDATION: Planning permission and advertisement consent be granted subject to conditions.

SITE LOCATION

The application site is the amusement park situated between Royal Parade and the seafront promenade. The site is located to the south-west of Monarch House, a five-storey block of flats.

PLANNING HISTORY

The present Fort Fun children's leisure park, including the entrance and station buildings and perimeter fencing, was approved in 1987 (EB/1987/0107). Since then there have been numerous applications for alterations and additions to Fort Fun, the most significant being:-

1989 – Granted: Erection of soft play building, covered eating area and walkway (EB/1989/363)

1994 – Granted: Provision of an American style golf range, landscaping, kiosk, pergola, water feature and boundary fencing (EB/1994/395).

1994 – Refused: Erection of extension to provide an entertainment centre (EB/1994/396)

2003 – Granted: Erection of extension to indoor play building (EB/2003/0236).

2005 – Granted: Various alterations, including the widening of vehicular the access from Royal Parade, installation of lighting columns, boundary fencing and re-surfacing of existing hardstanding (EB/2005/0271).

2005 – Granted: Erection of two-storey extension to existing playground building (EB/2005/0522).

2006 – Granted: Erection of new rides, alterations to layout of amusement park and erection of new boundary fencing along promenade boundary (EB/2006/0803).

CURRENT APPLICATION

Planning permission is sought to erect new perimeter fencing to the Royal Parade boundary and part of the south-west boundary. The fence would be 1.8 metres high made from green plastic covered metal and interspersed with brick piers. The planning application also includes the erection of eight lighting columns, each 10 metres high. The columns would be along the promenade boundary and the boundary facing the car park. The formation of a hard standing next to the existing workshop building is proposed to provide and area for seating and tables. The seating is to be for clients using the refreshment/catering unit that is to be providing in was is currently the workshop building. The main elevation of the amusement building facing the car park would be altered with a new sign and castellated façade.

Advertisement consent is sought for the display of banners of the proposed lighting columns. The banners would be 3 metres long and 900mm wide and set 3 metres above ground level.

PLANNING POLICY

UHT1	–	Design of New Development
UHT4	–	Visual Amenity
UHT12	–	Advertisements
HO20	–	Residential Amenity
TO7	–	Preferred Area for Tourist Attractions and Facilities
TO8	–	New Tourist Attractions and Facilities

CONSULTATIONS

Letters of notification were sent to owners/occupiers in Monarch House and notices displayed around the site. Six letters of objection received to the applications:-

- Fort Fun needs to respect the neighbours at Monarch House, a quiet and upmarket residential block.
- It seems inappropriate and unfair that we look out at any display of banner signs, and/or, indeed at flash lighting columns.
- Fort Fun has added quite some additions to their complex of late and surely there ought to be some control now from the Council to stop any more additions.

- Our sea view is becoming even more restricted by the erections in Fort Fun.
- We look forward to the day that they shall finally replace the noisy tracks of the train ride with more modern and quieter ones.
- Many residents have to look through the jarring colours of the colours of the playground in order to appreciate the view of the seaside; the proposed lighting columns shouldn't be allowed.
- The area is already very well lit and more will be over the top.
- There is no need for additional lighting, it will be out of keeping and will have a negative visual impact.
- Lighting up the area like a football pitch will encourage groups of individuals to congregate and thereby could cause additional disruption with law and order in an area that experiences problems with underage drinking, damage to public property, burning of rubbish bins etc.

(Letter received 28 November – 4 December 2007).

Highway Authority:- Does not wish to restrict grant of consent, but makes the following comment:

> There is potential for the lamp columns to fall onto the promenade. Therefore it is recommended that structural calculations are submitted to EBC to ensure that the proposed lighting columns are strong enough to support the wind loading caused by the advertising banners.

(Memo dated 29 November 2007).

Tourism Manager: No observations received at the time of preparing this report.

APPRAISAL

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

The proposed new fencing for the Royal Parade and car park boundaries is similar to the fencing facing the promenade. The proposed new fencing is therefore considered acceptable and not detrimental to the visual amenity of the area. Enclosing the existing ice-cream booth at the south-east corner of the site would not make a significant difference to the appearance of the site's boundaries.

The proposed lighting columns are also similar in height to columns approved for other parts of the site. The columns would illuminate the amusement park. The columns would have downward facing lights and not designed to directly face Monarch House. It is considered that residential amenity would not be harmed. The columns would be set fairly evenly along the promenade boundary. There are other lighting columns along the promenade itself, and it is considered that the proposed would not appear out of character in the setting.

The proposed hardstanding next to the existing workshop building would not harm the visual amenity.

The area currently has crushed concrete on the surface. Providing a seating area for a catering unit would not be out of character with the amusement park.

The proposed alteration to the south-west façade of the main building is similar to the elevation of the building facing Royal Parade. It would be not have an impact on the visual amenity of the area.

The proposed banner signs are the same as those approved for the Royal Parade frontage in 2005. With the regular positioning of the proposed signs, it is considered that there would not be a detrimental impact on the visual amenity of the promenade. The shape of the banner signs is similar to types of flag seen along coastal promenades.

The proposals are considered to comply with policies UHT1, UHT4, UHT11, UHT12 and HO20 as there would not be adverse impacts on visual amenity or residential amenity.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal will not have an adverse effect in neighbouring occupiers right to peaceful enjoyment of possessions and protection.

RECOMMENDATION A: In respect of application EB/2007/0747, planning permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.
Reason: To secure that the development is in harmony with the existing building.

SUMMARY OF REASONS FOR DECISION

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

The proposals are considered acceptable as they would have no harmful effects on the character and appearance of the locality or the amenities of occupiers of nearby residential properties and would therefore be in accordance with the relevant policies of the Eastbourne Borough Plan 2001 – 2011.

RECOMMENDATION B: In respect of application EB/2007/0774(ADV) advertisement consent be granted subject to the following conditions:

(1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority

(4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

SUMMARY OF REASONS FOR DECISION

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

The number and size of signs would not be detrimental to the visual amenities of the area, and comply with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

11) 9 FRISTON AVENUE, EASTBOURNE
Erection of two single-storey extensions and two dormer windows to rear of bungalow
EB/2007/0765(FP),RATTON

EXECUTIVE SUMMARY

The proposed enlargement of this bungalow would introduce dormer windows facing neighbouring gardens and dwellings. It is considered that the introduction of windows at first floor level at the proposed distance from neighbouring bungalow would not detrimentally affect privacy. The ground floor extensions would be a size and location that would not harm light or outlook of surrounding dwellings.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a bungalow on the north side of Friston Avenue. It has pitched roof and the accommodation is contained on the ground floor only. A conservatory has been erected on the rear elevation of the bungalow and a pergola as well. The rear boundary of the back garden has a fence and hedge approximately two metres high. At the rear, the site is bordered by the rear gardens of Amberley Close bungalows.

PLANNING HISTORY

The application dwelling forms part of a development of 31 bungalows with garages in 1956 (EB/1956/0112).

CURRENT APPLICATION

Planning permission is sought to enlarge this bungalow. It is proposed to add two ground floor extensions to the rear. Both would project 3.5 metres and have flat roofs 2.9 metres high. The extension to the lounge would have a roof dome. It is also proposed to convert the loft space into two bedrooms. The loft conversion would involve the construction of two flat roof dormer windows, each 2.2 metres wide and 1.7 metres tall.

PLANNING POLICY

UHT1 Design of New Development
HO20 Residential Amenity

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring buildings. Three letters of objection have been received, summarised below:-

- The site in question is simply a two-bedroom bungalow on quite a small plot which is now being considered for a four bedroom house.

- The two dormer windows will overlook neighbouring gardens and bungalows.
- It will intrude on privacy
- It will be completely out of character.

(Letters received 27 November 2007).

APPRAISAL

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

The dwellings in Friston Avenue and surrounding roads are bungalows. The large majority do not have accommodation in the roof space. The proposed development would create habitable space in the roof void. Dormers on the rear roof slope would face neighbouring dwellings and gardens in Amberley Close. The gardens in Friston Avenue and Amberley Close are short and the proposed dormers would be noticeable. The shortest distance between the rear elevations of 9 Friston Avenue and Amberley Close bungalows is 18 metres. The general rule of thumb of is a distance of 21 metres between directly facing windows of habitable rooms. Dormer windows at first floor level would have views across neighbouring gardens. The dwellings do not presently experience overlooking from first floor windows and the proposed would reduce the established level of privacy. However, given the height of the proposed dormers and the smallest distance from the neighbouring dwellings, it is considered that the overall impact would not one so detrimental to sustain refusal. Furthermore, the applicant has indicated that constructing the dormers windows alone, excluding the ground floor extensions, would fall within the limits of 'permitted development'.

The ground floor extensions would be on the north facing elevation. The size, height and position from the boundaries would not result in loss of light to neighbouring dwellings. The fences and hedges along the boundaries provide screening and the ground extensions would not cause loss of outlook or privacy.

The proposed dormers and ground floor extension would be at the rear hidden from public areas. There would not be an impact on the visual amenity of the area. Furthermore, the size of the additions would not be out of scale with the existing building.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.
Reason: To secure that the development is in harmony with the existing building.

(3) No railings, balustrading or other means of enclosure shall be erected on any part of the ground floor extensions hereby approved, nor shall the roof of the extension be used as a balcony, patio, roof garden or similar amenity area at any time.
Reason: To safeguard the privacy of the occupiers of adjoining properties.

SUMMARY OF REASONS FOR DECISION

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

The development would not be detrimental to visual amenity of the area or harmfully effect neighbouring residential amenity, complying with policies UHT1 and HO20 of the Eastbourne Borough Plan 2001 - 2011.

12) LAND ADJACENT TO, SHORTDEAN PLACE, EASTBOURNE
Erection of a terrace of three 2-storey houses and provision of three garages/parking spaces (replacing two existing).
EB/2007/0767(OL),OLD TOWN

EXECUTIVE SUMMARY

During the last 10 years the site has been the subject of several applications seeking outline consent for residential development. The current proposal for a terrace of 3 two-storey houses would, due to the adverse impact it would have on open character and appearance of the area, be unacceptable.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises part of the rear garden of a semi-detached 2-storey dwellinghouse fronting Milton Road. The application site is accessed from Shortdean Place, with a frontage of 18 metres and a depth of some 24 metres.

PLANNING HISTORY

An outline application EB/1996/0338 for a terrace of three houses was submitted in 1996. The application attracted 18 letters of objection and was subsequently withdrawn. In February 1997 outline application EB/1996/0562(OL) was submitted for the erection of a block of four flats and one garage together with the provision of garaging/parking spaces. The application was refused by the Borough Council and subsequently dismissed on appeal by the Planning Inspectorate.

Outline application EB/2001/0486 for the erection of a three-bedroom chalet bungalow was refused consent in October 2001 and dismissed on appeal in July 2002.

CURRENT APPLICATION

Outline consent is sought for the erection of a terrace of three 2-storey houses, together with the provision of three garages/parking spaces. However the final access, appearance, landscaping, layout and scale of the dwellings are reserved for subsequent approval.

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

"The proposal is for high quality market affordable housing using a currently vacant site. The proposed terrace is to be realigned from previous applications to continue the layout of the existing blocks in Shortdean Place, to which it will visually relate.

The density relates to approximately 50 dwellings per hectare and maximises land use, allowing small, family dwellings within an established residential area

adding to the mix of housing in this locality. The proposal will sit well with the existing neighbourhood and will not impact unduly upon any nearby properties or their owners".

(Statement received 7 November 2007)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of Buildings
TR11	Car Parking
HO6	Infill Development
HO20	Residential Amenity

CONSULTATIONS

The Principal Highway Engineer, on behalf of the Local Highway Authority, advises that the Highway Authority does not wish to restrict the grant of consent as the site is accessed from a private area (Memo dated 17 December 2007).

The Environment Agency was consulted on 15 November 2007. Any response will be reported to Members verbally.

REPRESENTATIONS

In response to a notice displayed at the front of the site and letters of notification sent to surrounding residential properties six letters of objection had been received. The concerns raised can be summarised as follows:

- The development will be a dominant and intrusive feature in what is essentially a garden area
- This proposed "shoehorned" development will not harmonise with the surrounding area.
- Development of this site would create a precedent leading to gradual erosion of the garden area at the back of Milton Road
- We will suffer substantial overshadowing and overlooking along with a severe loss of privacy
- Potential for unwanted traffic will be considerably increased
- The proposal would constitute an overdevelopment of the area
- The proposed development would be out of character with both the surrounding semi-detached houses and blocks of flats
- The proposed houses appear cramped in area of rear gardens
- If one chalet bungalow was overcrowding, three terraced houses certainly are
- The proposal would not conform with the existing building line
- Overshadowing/overlooking & loss of privacy will be excessive
- The land should be used for its previous purpose-part of the rear garden of 73 Milton Road

- Shortdean Place is a unique development with a "retirement village" atmosphere, which would be adversely affected

(Letters dated 2 – 6 December 2007).

APPRAISAL

The main issues to consider in the determination of the application are the effect of the proposed development on the character and appearance of the surrounding locality, and secondly the effect on the living conditions of nearby residents.

The application site comprises part of the former rear garden of a semi-detached, two-storey dwelling fronting Milton Road but is accessed from Shortdean Place, where the street scene is characterised by two-storey blocks of flats standing within a landscaped, open plan grounds on its eastern side and by the rear gardens of two-storey, semi-detached houses on its western side.

The Inspector when considering the 1997 appeal stated, in part, that "*The existing 2 storey blocks of flats in Shortdean Place are set within a pleasant open plan layout. They are provided with spacious and uncluttered surroundings due to being set amidst open lawns. This level of openness is enhanced on one side by the large gardens of houses in Milton Road, and on the other side by the cemetery grounds. By introducing another building into the area I consider that the proposed development* (a block of four flats) *would result in the loss of the pleasing open character referred to above*".

(Decision letter dated 3 December 1997)

The Inspector when considering the 2002 appeal stated, in part, that "*I consider that the* erection of a dwelling upon the appeal site would result in a significant loss of the open character of the locality, which would adversely impact on both the site itself and on the setting of the flats. In my opinion, the siting of a dwelling in this location, no matter how sensitively it was designed, would appear to be a highly visually intrusive and incongruous feature within the established development layout of the area. As a consequence, I consider that it would detract significantly from the street scene in Shortdean Place"

(Decision letter dated 9 July 2002)

Although the current application proposes a terrace of three two-storey houses rather than either a block of flats of a chalet bungalow, the visual impact of the proposed building is likely to be similar to that considered by both Inspectors. The illustrative drawing shows a terrace of three houses measuring some 13.5 metres wide, 8.5 metres deep and 7.7 metres high. In addition, the proposed terrace would have both a significantly different form and alignment than the existing flats in Shortdean Place and the semi-detached houses in Milton Road.

Planning Policy Statement No1 "Delivering Sustainable Development" states, inter alia, that "*Good design should contribute positively to making places better for people. Design which is inappropriate for its context or which fails to take the opportunities available for improving the character and quality of an area*

and the way it functions should not be accepted". As with the previously proposed block of flats and chalet bungalow, the current proposed development is considered to introduce a discordant form of development, which would be harmful to the character and appearance of the surrounding area.

Many of the residents living in Shortdean Place and Milton Road have expressed concern that the proposed development would, by reason of an increase in disturbance, traffic and parking, together with over shadowing and over looking of neighbouring properties, reduce the established amenity of the area. However, the two appeal Inspectors considered that although there will be some effect from residential development on the site, that the proposed forms of residential development would be unlikely to have a significant effect on the living conditions of surrounding residents.

With regard to the above, the proposed development comprising the erection of a terrace of three 2-storey houses is not considered to harmonise with the appearance and character of the established surrounding residential development.

HUMAN AND CONVENTION RIGHTS

The proposed development may infringe upon the above noted Rights of local residents.

RECOMMEND: Permission be refused for the following reason:

That the proposed development will form an alien and intrusive feature in the streetscene of Shortdean Place which, on its south western side is characterised by the rear gardens serving the properties in Milton Road. As such, the proposed development is contrary to Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

13) BROAD REACH, 9 WELLINGTON QUAY, EASTBOURNE
Relaxation of condition 4 of planning permission EB/2005/0349 (to allow rooflights in eastern elevation to be openable and clear glazed) and retrospective permission sought for the increase to the height of chimney stacks
EB/2007/0770(FP),SOVEREIGN

EXECUTIVE SUMMARY

The increase in the height of the chimneys is not considered disproportionate to the size of the house. The large houses fronting this part of the marina are of individual design and have varying chimney heights. The visual amenity of the area is not harmed.

The roof lights installed to the extension at the side of 9 Wellington Quay have obscure glazing. If clear glazing were fitted, there would be an outlook directly over the extension and balcony being built at No.10, its garden and a ground floor window in the side of the house.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is comprised of a large detached house facing the north harbour. It has a country house design and the external finish is a mixture of weatherboarding and facing bricks, with red tiles on the hipped roof. The house been enlarged with the addition of two-storey extensions to the side and front of the house and a conservatory built at the rear. A retaining wall has been added to the rear garden facing the marina, providing underground storage space.

Neighbouring dwellings in Wellington Quay fronting the harbour are also country style houses. The neighbouring house to east, 10 Wellington Quay, is at an angle to the application site as the two properties are situated at a corner of the harbour.

PLANNING HISTORY

The application site is part of the development of 33 dwellings by Millwood Homes on land adjacent at Sovereign Harbour North, which was granted planning permission in 2000 (EB/1999/0464(RM)).

2005 – Granted: Two-storey extensions to the front and side of the house, a lean-to extension and dormer to the front of garage were granted planning permission (EB/2005/0349).

2006 – Granted: Variation to planning permission EB/2005/0349 to replace velux with dormer on north elevation and excavation of rear garden for provision of below ground garden and boating equipment storage in former bank behind retaining wall (EB/2006/0758).

CURRENT APPLICATION

Planning permission is sought for alterations that have already taken place to the chimney stacks. The original chimney on the house has been raised by 320mm, with two additional brick courses added to the corbel and new pots. The chimney to the side extension recently completed is 680mm higher than on plans approved by previous planning permission, (850mm higher with the pots included).

The application also seeks permission for the rooflights in the east and north-east slopes of the side extension to have clear glazing. They are currently fitted with obscure glazing as required by condition 4 of planning permission EB/2005/0349.

PLANNING POLICY

UHT1 – Design of New Development
UHT4 – Visual Amenity
HO20 – Residential Amenity

CONSULTATION

Letters of notification were sent to neighbouring occupiers and a site notice displayed. One reply has been received from the owner of 10 Wellington Quay, who writes:-

"Following you call today, I confirm that I am still dissatisfied with the response to my neighbours retrospective consent regarding the chimney. I insist that I receive in writing confirmation that the structural calculations and stress calculations have been undertaken and that these have been inspected and approved by the planning office. You say these have been done but I would like to see a copy of these for my information and confirmation that a full inspection has taken place to verify this.

"In Mr Perkins' previous application he stated that he had no neighbours when clearly, this is not the case. Mr Perkins is a supposed architect so errors like this are hard to accept.

"With regard to the velux window facing the West side of my house (above my living room side window) I strongly object to this being clear glass and insist on the window being frost."

(Letter dated 17 December 2007).

APPRAISAL

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

Both chimney stacks were raised in height during recent construction work for the two-storey side extension to the house. The tops of both chimneys finish above the top of the roof of the house. The large houses of Wellington Quay and

Auckland Quay fronting the marina have individual design. The height of chimneys also varies between the properties. It is considered that when the property is seen from both Wellington Quay and from across the marina, the alterations to the chimneys at No.9 do not appear inharmonious or out of character in the setting. The visual amenity of the area is not harmed and the work done complies with policy UHT1.

The issue of the structural safety of the chimneys has been raised. The alterations that have taken place to the chimneys are also subject to control under Buildings Regulations. The Building Regulations have control over height and width ratio of chimneys for structural loadings to new constructions. The Building Regulations are dealt separately to applications for planning permission.

The two roof lights in the north and north-west elevation of the side extension are fitted with obscure glazing. This was a requirement of the planning permission for the two-storey extension at the side of the house. With clear glazing in rooflight numbered 1 on the submitted drawing, there would be a view from the attic room directly across the garden of 10 Wellington Quay. An extension is under construction to the rear of No.10, with footings in place. The extension approved for No.10 has a first floor balcony. Clear glazing in rooflight No.1 would also have a view across the balcony which would be at an approximate distance of 6 metres. Rooflight No.2 looks towards the western elevation of 10 Wellington Quay, which has a ground floor window to the living room. Clear glazing in rooflight No.2 would give vision down to the neighbouring window. It is considered that clear glazing would result in overlooking of parts of No.10 to the detriment the occupiers' amenity. The rooflights provide additional light to the attic room at 9 Wellington Quay and are not essential to provide outlook. The main window to the attic room is in the south elevation directly facing the marina. It is considered reasonable that obscure glazing is retained in the rooflights to prevent an increase in the overlooking of the neighbouring dwelling.

HUMAN RIGHTS IMPLICATIONS

It is considered that the development may have an effect on neighbouring occupiers right to peaceful enjoyment of property.

RECOMMEND: Permission be refused for the following reason:

Relaxing condition 4 of planning permission EB/2005/0349 to allow clear glazing in the roof lights would result in overlooking of the neighbouring dwelling detrimental to the amenity of the occupiers of 10 Wellington Quay and contrary to policy HO20 of the Eastbourne Borough Plan 2001 - 2011.

14) 22 RAVENS CROFT, EASTBOURNE
Single storey extension at side
EB/2007/0786(FP),MEADS

EXECUTIVE SUMMARY

The proposed extension, by reason of its size, siting and design, would be detrimental to the layout of the terrace and the character and appearance of the conservation area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a recently constructed two storey end of terrace dwelling located on the corner of Ravens Croft and Mount Road.

PLANNING HISTORY

The whole development dates from the 1960's, and was constructed on the site of the former Ravens Croft School.

Planning permission was granted on 2 November 2005 for the construction of an attached dwelling at the side of 21 Ravens Croft, subject to a number of conditions, which, inter alia, required the protection of the retained trees and shrubs on the communal landscaped area at the side of the new dwelling. A subsequent application was granted in 2006 for the removal of a number of the trees and shrubs, subject to a condition requiring the planting of additional hedging and two additional trees.

CURRENT APPLICATION

Permission is now sought to erect a single storey extension at the side of the new dwelling. The extension would be 7.5m deep with a maximum width of 4.4m and would be constructed principally of glass with a wide, projecting brick panel in the side elevation. A flat roof is proposed, which would follow the line of the projecting panel, but with a substantial overhang of 0.6m; the roof covering would be grey Sarnafil (which would have the appearance of lead), although there is no indication of the materials of the soffit or bargeboard.

PLANNING POLICY

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
HO20	-	Residential amenity

CONSULTATIONS

Twenty-two letters of objection have been received as a result of neighbour notifications and the statutory advertisements. The objections are summarised as:

- the extension is out of character with the design of the dwellings
- loss of landscaping and the open plan character of the development as a whole
- the extension would be far too close to the boundary with Mount Road, 1.5m in respect of the footprint and only 800mm in respect of the roof; it is far too large for the space available and it would be intrusive and loom overbearingly over Mount Road
- loss of outlook and privacy from Ravens Court

(Letters dated 26 November 2007 to 10 December 2007)

The Historic Buildings Consultant considers that the proposal is of a scale and massing that would be regarded as an overdevelopment of the site, and that other matters of detail which are of concern, specifically:

- the flat roof with its considerable overhang is not consistent of informed by the architectural detail of the existing dwelling
- the width to height ratio of the glazed units is not consistent with the existing
- the introduction of fanlights could not be considered favourably

(Memos dated 27 November 2007 and 10 December 2007)

At their meeting on the 27 November 2007, the Conservation Area Advisory Group raised objections to the scale and massing of the extension on the grounds that it would be out of character with the conservation area.

The Council's Arboriculturist states that landscaping has been undertaken on the site, after a previous development. The construction of the proposed extension will result in insufficient room for the trees to mature and they will require future management to prevent branches hitting the structure. The footprint of the extension will significantly reduce the area conducive to root growth, which will reduce moisture and nutrient availability in the future.
(Memo dated 17 December 2997)

APPRAISAL

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

On the first issue, it is considered that there would be no impact on residential amenity, as there could be no loss of privacy or outlook as a result of the development, as the distance to Ravens Court is too great.

On the second issue, I agree with the comments of the Historic Buildings Consultant, that the scheme represents an overdevelopment of the site. The development of Ravens Croft provided open landscaped gardens to the front and sides of the dwellings, and the provision of the dwelling at no.22 reduced the open space to a significant degree, but with an acceptable gap remaining to the footpath in Mount Road. The extension now proposed would take up a significant part of the remaining side garden, and represents an increase in the footprint of the dwelling by a little over 40%. The gap to the boundary would be reduced to 1.5m, which would be reduce to 800mm at roof level. The very modern/contemporary design of the extension would not sit comfortably with the regular pattern of the terrace, which is characterized by identical two storey dwellings with a broadly horizontal emphasis. The extensive overhang of the roof in particular, given its very close proximity to the boundary, would be an incongruous and strident feature in the streetscene; it would also be prominent at eye level, as the ground level within the site is lower than Mount Road. It is not clear how the roof would be constructed, as there are no details of the soffit or the apparent bargeboard. It is also not clear from the drawings how the folding doors would work; the divisions between the glass doors are denoted by a single line, however such large panes of glass normally require substantial frames, and the plans do note that they are to be white aluminium framed units.

The ground level around the extension would also have to be lowered at the side and rear to allow for the glazed walls and opening doors. This would severely compromise the available space for any planting to grow. Consequently the concept of a pleasant, open green space around this end of the terrace would be lost. It is also considered that the actual construction process would have an adverse impact on the health and long term retention of the existing vegetation.

HUMAN RIGHTS IMPLICATIONS

It is not considered that there would be any adverse impact on adjacent or nearby residents.

RECOMMEND: Permission be refused for the following reason:

That the proposed development, by reason of its siting, massing and design, would be a strident and incongruous feature in the streetscene, which would be severely detrimental to the character and appearance of the dwelling and the conservation area. As such, the development would be contrary to Policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011.

15) UNIT 5, HARVINGTON BUSINESS PARK, 54 BRAMPTON ROAD, EASTBOURNE
Change of use from Class B1 (light industrial) to Class B2 use for vehicle repairs and servicing and MOT testing station
EB/2007/0796(FP),HAMPDEN PARK

EXECUTIVE SUMMARY

The change of use would maintain the premises for an employment generating business. It is considered that a Class B2 use would not be detrimental to the amenities of the business park and that car parking demand for the proposed business can be accommodated by the existing parking allocation. A Class B2 use set in this business estate would not be contrary to policies BI1 or BI2.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site is a business unit in Harvington Business Park on the west side of Brampton Road. It provides ground floor accommodation with space for a potential mezzanine level. Unit 5 is currently vacant.

PLANNING HISTORY

1990 – Granted: External alterations in connection with the conversion of an industrial building into Class B1 (Business) or Class B8 (Storage & Distribution) units, together with the formation of a car-parking area at the rear served by an access road off Brampton Road. (EB/1990/0157).

1990 – Granted: Redevelopment 54 Brampton Road with the erection of 2 buildings comprising 8 B1 (Business) or B8 (Storage & Distribution) units, together with car parking for 52 cars. (EB/1990/0319).

CURRENT APPLICATION

Planning permission is sought to use Unit 5 as a workshop for car repairs and maintenance and also for MOT testing. The applicant currently operates a vehicle repair business at Park Avenue, but the site is to be re-developed in the near future.

PLANNING POLICY

BI1 – Retention of Class B1, B2 and B8 Sites and Premises
BI2 – Designated Industrial Areas
TR11 - Car Parking

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring premises in the Harvington Business Park and a site notice displayed. Six objections have been received, summarised below:-

- There is not enough parking for the existing units.
- A car repair business will only have 6 spaces which will not be enough to cope with customers vehicles being dropped and the mechanics own vehicles.
- Fumes from the revving of engines will seriously affect neighbouring businesses.
- There are fabric businesses and a food factory that cannot afford to be affected by fumes or pollution from oil, paint etc. It would be a health hazard and affect the credibility of the existing businesses.
- We moved to the estate because there were no motor servicing businesses nearby.
- Cars, vans and lorries use the access road all day long and an overspill of parked cars will make the situation dangerous.
- Cars being repaired will look unsightly and untidy on the estate.
- Sympathise the applicant's business has to go somewhere but this is not the right location for such a trade.

(Emails and letters received 11 - 17 December 2007).

Economic Development: The Economic Development officer writes:

"I am aware of this site and the need to accommodate vehicle repairs as part of an overall business park environment/offer.

"I therefore support the application which fulfils the business needs of the park environment, relocating from a less than ideal existing site."

(Memo dated 4 December 2007).

APPRAISAL

The main issue to consider in the determination of this application is the introduction of a general industrial to a business estate with existing light industrial/distribution uses.

Eastbourne Borough Plan policies support the retention of business and industrial premises. The proposed use of Unit 5 for repair of motor vehicles plus MOT testing is an employment generating activity and therefore acceptable in the business area of Brampton Road. Borough Plan policies BI1 and BI2 do not stipulate that light industrial and general industrial uses should not be adjacent. Furthermore, there are no residential properties nearby which would be affected by activity associated with a car repair business.

Neighbouring units are used for a variety of light industrial uses. Some of the neighbouring uses are sensitive to environmental conditions. However, it is considered that Borough Plan policies do not make a presumption against mixing Class B1 and B2 uses on an industrial estate. The applicant has stated that waste materials would be stored at the site, with bunded containers for oils and lubricants etc and removed half yearly; scrap metal and tyres removed monthly. Non-hazardous waste to be removed on a weekly basis. Environmental legislation controls the storage and removal of waste materials.

There is allocated parking for Unit 5. Seven spaces are available, three directly outside the unit and four at the end of the access road. There is also space within the unit for the vehicles to be worked on. The applicant states that five members of staff would be relocated from the existing premises. The applicant estimates that there would be ninety daily vehicle movements to and from the site. The applicant has explained that the existing business typically works on 10 vehicles per day. It is considered that the number of allocated external parking spaces as well as space within building can sufficiently accommodate vehicles associated with the proposed use.

HUMAN RIGHTS IMPLICATIONS

It is considered that there proposed use would not have adverse Human Rights implications.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That the premises shall be used for vehicle repairs and MOT testing and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To control the precise use of the building in the interests of the amenities of occupiers of adjoining business units.

SUMMARY OF REASONS FOR DECISION
The proposed development is considered acceptable for the following reasons:-

The change of use would not result in a loss of employment premises or be detrimental to the amenities of the surrounding industrial area, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.

16) 19 UPPER KINGS DRIVE, EASTBOURNE
Conversion of hipped roof to gable ends, three dormers to front and roof extension to rear and construction of pitched roof to detached garage
EB/2007/0805(FP),RATTON

EXECUTIVE SUMMARY

The proposed alterations to the roof would not be characteristic with the street scene of Upper Kings Drive. The changes to the roof would have a detrimental effect on the visual amenity of the area. Furthermore, the addition of a pitched roof to the garage would affect the light and outlook at the neighbouring house.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application dwelling is a detached house on the west side of Upper Kings Drive. It is a two-storey house with a hipped roof. There is also a detached garage, with a flat roof, in the front garden.

PLANNING HISTORY

1952 – Granted: Erection of detached dwelling (EB/1952/0144).

1963 – Granted: Front extension to house to form garage (EB/1963/0467).

2004 – Granted: Erection of a single storey extension to the rear (EB/2004/0784).

CURRENT APPLICATION

Planning permission is sought to enlarge the dwelling with the addition of bedrooms in the roof space. It is proposed to change the hipped roof to gable ends, and construct three flat roof dormers to the front. At the rear of the house, it is proposed to extend the roof, building above the existing stairwell.

Furthermore, it is proposed to add a pitched roof to the detached garage in the front garden. The ridge of the roof would be 3.7 metres high.

PLANNING POLICY

UHT1 – Design of New Development
HO20 – Residential Amenity

CONSULTATIONS

Letters of notification were sent of occupiers of neighbouring dwellings and a site notice displayed. At the time of preparing this report (17 December 2007) no replies had been received.

APPRAISAL

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

The large majority of dwellings along Upper Kings Drive are two-storey detached houses with hipped roofs. Some have the first floor in the roof space and with front dormer windows. The proposal to have gable ends to the roof would make the house significantly different to surrounding dwellings. With dormers at the front, it is considered that the house would not be in character with the vicinity. Front dormers at second floor level are not a feature of Upper Kings Drive. The appearance of the dwelling would be similar to a town house rather than the country-style dwelling with hipped roof.

The proposed extension to the rear roof slope would be rather bulky. Its height and position would make it visible from neighbouring gardens. However, as the rear roof slope hidden from public view, its impact on the visual amenity of the area would not be as much as the front alterations.

The dwellings either side of 19 Upper Kings Drive are substantial properties and have space between the buildings. It is considered that changing the roof to have gable ends would not have a detrimental effect on light received. The house to the north, 21 Upper Kings Drive, has a large conservatory which is fully glazed. The siting of the proposed rear roof addition not would have an adverse on the light or overshadowing of the conservatory. However, the size and design of the rear addition to the roof would make it stand out from the houses in the area. It is considered that its bulk and massing when viewed from neighbouring gardens and dwellings would appear overbearing.

The existing garage is positioned forward of the neighbouring dwelling at No.21. There is hedging and a tree on the boundary but the top of the proposed garage roof would be taller. As the neighbouring dwelling is to the north, there would be overshadowing of the nearest habitable room on the ground floor. It is considered that the outlook would also be diminished with enlargement of the garage. The roof would increase the amount of solid structure alongside the boundary and close to a habitable room.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are the development may harm neighbouring occupiers' right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be refused for the following reason:

The front dormer windows and conversion of the hipped roof to gable ends would appear out of character with the established street and detrimental to the visual amenity of the area, with the rear roof extension appearing overbearing. The pitched roof to the garage would result in a harmful loss of light and outlook on the neighbouring dwelling. The proposed development is therefore contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001 - 2011.

17) 9 JOHNSTON PLACE, SOVEREIGN HARBOUR NORTH, EASTBOURNE
Erection of a two-storey extension to side of property
EB/2007/0809(FP),SOVEREIGN

EXECUTIVE SUMMARY

The proposed extension will be situated to the southern side of the host building at the end of Johnston Place cul-de-sac. It will not be in a prominent position and the design is in keeping with the existing building. Being located to the southern side any overshadowing will be limited to the application building and the window in the side elevation can be conditioned to remain as obscure glazed. It is therefore considered that the impacts of the proposed development on the visual amenities of the surrounding area and the residential amenities of the surrounding neighbours would be minimal.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a semi-detached property situated on the southern side of Johnston Place at the end of the cul-de-sac. The property has a large garden to the side and rear of the property in which there is currently an existing conservatory.

PLANNING HISTORY

The property was granted planning permission in 2002 and since then permission was granted in 2003 for the provision of a garage door to the car port and the erection of a conservatory to the side and rear.

CURRENT APPLICATION

The current application seeks permission to erect a two-storey extension to the side of the property. It will extend five metres towards the side boundary and will be the full length of the existing property.

PLANNING POLICY

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

UHT1 Design of New Development
HO20 Residential Amenity

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. As a result, five letters of objection have been received. The objections can be summarised as follows:

- The two-storey extension will block light from the gardens and rear aspects of 2-12 St. Lawrence Place;
- The proposed two-storey extension will encroach closer to our and our neighbours properties and may affect our privacy;
- The proposed extension is too large, will spoil the symmetry of the existing design and is out of keeping with other properties in the road.
- The marina has been significantly overdeveloped with a distinct lack of open spaces. The proposed extension will sacrifice valuable open ground that offers the feeling of spaciousness, not only for its occupiers but for people that live around and overlook the area.
- The proposed extension will result in the loss of trees;

Southern Water does not wish to comment on this application.

APPRAISAL

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

The application property is situated to the end of Johnston place cul-de-sac with the proposed extension located in its side garden away from the adjoining property. As such, whilst it will be visible from the public highway, it will not be in a dominant position within the streetscene. The design of the extension is in keeping with the host building and as such it is considered that the impact on the visual amenities of the surrounding area would not be significantly harmed.

It is noted that a number of objectors have stated that the proposed extension will sacrifice valuable green space. However, the green space is part of the private garden for this property and the 1.8 metre close boarded fence that acts as the boundary treatment along the side screens this from view and therefore it is not of benefit to the public.

A number of residents have also objected to the loss of light and overshadowing that will result from the proposed extension. However, as it will be located to the south of the application site any overshadowing will be limited to the host building. It is also proposed to have a window to a shower room in the side elevation which can be obscure glazed and conditioned to remain so which will limit any overlooking. It is therefore considered that the impacts on the residential amenities of the occupiers of the surrounding properties would be minimal.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.
Reason: To secure that the development is in harmony with the existing building.

(3) That the proposed window in the side elevation shall only be glazed in semi-obscure glass and incapable of being opened and shall be permanently maintained as such thereafter.
Reason: To safeguard the privacy of the occupiers of adjoining properties.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows, dormer windows, doors or openings of any kind (other than those expressly authorised by this permission) shall be constructed in the side elevation of the development.
REASON: To safeguard the privacy of the occupiers of adjoining properties.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

18) BULLOCK DOWN FARM, BEACHY HEAD ROAD, EASTBOURNE
Retrospective application under section 73a for the siting of a portable farm shop for three years, together with a parking area.
EB/2007/0814(FP),MEADS

EXECUTIVE SUMMARY

The proposal is acceptable for a temporary period, as there would be no permanent adverse impact on the South Downs Area of Outstanding Natural Beauty.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site forms part of a field adjacent to Beachy Head Road on Bullock Down Farm.

PLANNING HISTORY

Planning permission was granted under delegated powers on 4 January 2006 for the provision of a single portable building on the site for a temporary three year period, to be used as a farm shop. A number of conditions were attached to the permission to control the colour of the building, the provision of a straw bale screen, the materials of the car park and the type goods to be sold. (EB/2005/0745)

CURRENT APPLICATION

For various reasons the permission was not implemented in 2006 and the applicants have recently opened a shop which differs from that previously approved. Permission is therefore sought retrospectively.

The originally approved portable building, which is approximately 250m from Beachy Head Road, has been joined by freestanding chiller and preparation units, which have been attached to each other in an ad hoc manner. It is understood that this has been at the request of Environmental Health. The shop unit has been clad in timber boarding and stained a mahogany colour, and the adjacent units and links have been partially painted a matching colour. The car park has been laid and enclosed with a post and rail fence with mesh attached; a row of straw bales has been placed some way up the field to provide a screen from Beachy Head Road.

PLANNING POLICY

UHT1	-	Design of development
D1	-	Area of Outstanding Natural Beauty
D4	-	Agricultural development
NE20	-	Sites of nature conservation importance

CONSULTATIONS

The Downland, Trees and Woodland Manager supports the temporary location of a farm shop provided that the bale screen is maintained for the duration of the permission, that an alternative permanent location for the long term and that the site is put back to its original state at the end of the three years.

It is hoped to have the comments of the Sussex Downs Joint Committee in time for your meeting.

APPRAISAL

Diversification in farming complies with government policies, and it is considered that our own local farmers should be supported; in this particular case, since there are no buildings available for conversion to a shop, a trial run in a removable building is reasonable. The farmyard is 750m from the farmhouse and is unsuitable for visiting members of the public; the field next to the farmhouse has been chosen as it would be more convenient to run from the house and a dedicated parking area can be provided. The provision of a removable parking surface and straw bales for screening means that the whole development is less permanent than might otherwise be the case. The chiller remains unpainted, and being white, is noticeable from the road; a condition would be needed to control this.

In commenting on the previous application, the Sussex Downs Joint Committee was very definite in its view that only **one** temporary three year consent should be granted. I concur with this view, which is shared by the Downland, Trees and Woodland Manager. Whilst it is considered entirely reasonable to use a removable building for this initial trial period to establish whether a shop would be viable in the long term, there is some concern that, with the doubling of the footprint of the original permission and the associated costs involved, the applicants will now have invested so much in the scheme, that a three year consent would be insufficient to progress a more permanent building. Nevertheless, the investment has been made, and the applicants should be wished every success.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The buildings hereby permitted shall be removed and the land restored to its former condition on or before 31 January 2010 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.
Reason: The buildings, by reason of their construction, are inappropriate as a permanent development of the site.

(2) That the buildings shall be placed on padstones and not on slab foundations.
Reason: In the interests of the visual amenities of the South Downs Area of Outstanding Natural Beauty, as only a temporary permission is granted.

(3) That a straw bale screen shall be retained in its current position until the buildings and car park are are removed. Only uncovered straw bales shall be used, and shall be maintained at a height of 2.5m.
Reason: In the interests of the visual amenities of the South Downs Area of Outstanding Natural Beauty.

(4) That the car parking area shall be maintained with a loose material on the surface, and no hardcore of tarmacadam shall be used.
Reason: In the interests of the visual amenities of the South Downs Area of Outstanding Natural Beauty.

(5) That all the buildings hereby permitted shall be finished in a colour to be agreed with the local planning authority and maintained as such until they are removed. The painting/finishing shall be completed by 31 March 2008.
Reason: In the interests of the visual amenities of the South Downs Area of Outstanding Natural Beauty.

(6) That the primary use of the buildings hereby permitted shall be the retail sale of the produce of Bullock Down Farm, and no more than 25% of the goods sold shall be imported. Only locally sourced food products shall be sold from the premises unless otherwise agreed in writing by the local planning authority.
Reason: To control the precise use of the building in view of its location in the South Downs Area of Outstanding Natural Beauty.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

The impact on the South Downs Area of Outstanding Natural Beauty is acceptable for a limited period, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

19) LAND WITHIN THE CURTILAGE OF, 8 ECMOD ROAD AND 81 NORTHBOURNE ROAD, EASTBOURNE
Erection of two terraced two-bedroom houses at the side of 8 Ecmod Road, together with two parking spaces accessed from Ecmod Road.
EB/2007/0816(FP),ST. ANTHONYS

EXECUTIVE SUMMARY

The proposal would be an over development of a restricted site and would be detrimental to the amenities of the occupiers of 81 Northbourne Road.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site is made up of part of the side gardens of 8 Ecmod Road and 81 Northbourne Road.

PLANNING HISTORY

Permission was granted in 1988 for the erection of a dwelling attached to 2 Ecmod Road. A further application for a detached dwelling was refused in 2006; it was considered that any additional dwelling should be an extension of the terrace, rather than detached from it.

Permission was granted for the erection of an attached three bedroom dwelling on the application site on 6 November 2007. As part of the application process, a financial contribution towards compensatory flood storage has been made.

CURRENT APPLICATION

Permission is now sought for the erection of a slightly wider building than that previously approved to provide two attached dwellings, each with a parking space in the front garden. The building would be a continuation of the terrace in terms of its depth, height and ridge line, however it would be 1m wider.

PLANNING POLICY

UHT1	-	Design of new development
UHT2	-	Height of buildings
UHT4	-	Visual amenity
HO2	-	Predominantly residential areas
HO6	-	Infill development
TR11	-	Car parking
HO20	-	Residential amenity
US4	-	Flood protection & surface water drainage

CONSULTATIONS

One letter of objection has been received, signed by two residents of Northbourne Road who are concerned about loss of privacy, increase in traffic and parking, loss of views, inadequate drainage and disturbance from building works.
(Letter dated 17 December 2007)

APPRAISAL

The provision of an attached dwelling was previously considered an acceptable form of development, as it was almost a mirror image of the other dwellings in the terrace, and even though it was slightly wider, there was still a slight set back on the corner. It also provided a very comfortable standard of accommodation. The current scheme, whilst still attached and following the same front and rear building lines and ridge line, indicates a very different front elevation which does not reflect that of the terrace. Instead of the strong emphasis on wide windows to principal rooms on both floors, the plans indicate two very narrow dwellings with only an entrance door and toilet windows on the ground floor, and relatively small windows on the first floor. Internally, the smaller of the dwellings has an internal width of just 3.5m at ground floor level with a cramped partitioned kitchen area in the living room measuring 2m by 1.5m. It would also have no private amenity space to the rear, and a rear entrance door and living room window that would be just 7.5m from the windows of 81 Northbourne Road; the floor levels in the application dwellings would be approximately 1m higher, resulting in an unacceptable degree of overlooking into the adjacent properties windows and garden.

The parking standard for dwellings is for two spaces per unit, and the current proposal provides for only one. This was considered acceptable for just one additional dwelling, however the current scheme would compound this shortfall. Nevertheless, it is considered that this issue, on its own, would not constitute a valid reason for refusal.

HUMAN RIGHTS IMPLICATIONS

It is considered that there would be an adverse impact on the residential amenities of the occupiers of 81 Northbourne Road.

RECOMMEND: Permission be refused for the following reason:

That the proposed development, by reason of its size, siting and design, would be an overdevelopment of a restricted site and would result in an unacceptable degree of overlooking of 81 Northbournre Road to the detriment of residential amenity. As such the proposal would be contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

20) ST MARYS CHURCH, DECOY DRIVE, EASTBOURNE
Erection of four bedroom, two-storey, detached vicarage in the grounds of Church and Church Hall, with additional car parking area
EB/2007/0826(FP),HAMPDEN PARK

EXECUTIVE SUMMARY

The proposed development involves the erection of a two-storey detached vicarage on the existing car park area. The principle of a vicarage in this location was established by an outline application granted in 1974. However, it is considered that the scale and massing of the proposed dwelling and it's proximity to the boundaries with neighbouring properties would be detrimental to the residential amenities of the occupiers of the surrounding properties. It is also considered that the design of the proposed vicarage, the relocation of the car park area to the rear of the church and the removal of protected trees would be detrimental to the visual amenities of the surrounding area and the setting of the listed building.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a rectangular plot that presently houses a single storey church to the front, a hall and car park to the rear. The church is Grade II listed and is set back from the road 17 metres. There are also three mature Ash trees protected by a tree preservation order on the site.

PLANNING HISTORY

The re-building of St. Mary's in the Park was granted in 1950 and since then a number of applications have been submitted for alterations and additions to the church. Planning permission was granted in 1964 for the erection of a church hall and the provision of a car park to the rear of the church. In 1973 outline consent was refused for the erection of a parsonage house and garage on land within the curtilage of 67 Decoy Drive and adjoining St. Mary's Church. The proposal was resubmitted in 1974 but in a different location and permission was issued, which has since lapsed.

CURRENT APPLICATION

The current application seeks permission for the erection of a four bedroom, two-storey, detached vicarage in the grounds of the church and church hall. The position of the vicarage will be on the existing car parking area; the north-eastern corner of the site. The displaced car park will be relocated between the church and the church hall. The proposed position of the new vicarage is similar to that approved in 1974.

At its maximum the property will be approximately 13.8 metres in length and 13.6 metres in width. At two storeys it will be a maximum 6.7 metres in height. The style of the dwelling is Mediterranean with a complex, expanse of roof with differing ridge and eaves heights.

PLANNING POLICY

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

UHT1	Design of New Development
UHT4	Visual Amenity
UHT17	Protection of Listed Buildings
NE28	Environmental 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 (20 December 2007) two letters of objection have been received. The objections can be summarised as follows:

- The addition of a vicarage in this location will be visible from the street and the adjacent properties and will result in a cluttered assembly of buildings crammed into a plot which is obviously too small, detracting from the listed building;
- The planned property will be close to my garden fence and will decrease the amount of privacy currently enjoyed;
- The proposed development will create further disruption and noise due to the regular meetings to be held just a few metres away from my property as well as the significant manoeuvres that will be required to negotiate the proposed new car parking arrangements;
- As the plot is too small for the proposed house the development will require the loss of a number of trees. This will be detrimental to the visual amenities of the area.
- The proposed property is altogether an inappropriately large premises for its declared purpose;
- For what is essentially backland development a two storey house of such a large footprint is inappropriate;
- The removal of the tree on the boundary with 71 Decoy Drive would result in the vicarage being fully exposed from the rear of this house resulting in a dominant, overbearing building;
- The new car parking arrangements appear to be unacceptably tight and one can imagine manoeuvrability problems with predominantly elderly drivers attempting to reverse and turn their vehicle.

The Council's Arboricultural Officer confirms that the site presently contains three mature Ash, protected by a Tree Preservation Order. The Ash on the north-western corner is in good condition and is considered to be in such a condition as to make a significant contribution for another 40 years. Additionally, the tree has grown adjacent to a mature Lime tree in the neighbouring property which is of the same condition. Due to reduction work to the mature Ash on the eastern boundary of the site the retention category of the tree is reduced and the tree should not be retained where it will impose constraint on development. Concern has also been raised regarding the mature Ash on the south western corner of the plot which is marked for retention. It is considered that any works to ground levels within the root protection area of the tree, which is likely to be required to facilitate the parking, would be detrimental to the retention of the specimen.

The Council's Historic Buildings Consultant has stated that whilst the principle of a new dwelling in this location could be considered supportable, in its present form the overall scale and mass of the proposal, along with the specific design of the dwelling is inappropriate for the setting. Therefore refusal of this application is recommended.

APPRAISAL

The main issues to consider in the determination of this application are: the suitability of the site for the proposed house; the impact of the proposal on the residential amenities of the occupiers of the surrounding properties; the impact of the proposed development on the visual amenities of the surrounding area and listed building, and the impacts of the proposal on the protected trees on the site.

The Design and Access Statement that accompanies the application states that the current vicarage in Brassey Avenue is remote from the church and community facilities. Whilst it is acknowledged that the proposed location was first established for a vicarage in 1974, by the approval of outline consent, it is considered that the plot is not capable of supporting a dwelling of the scale and massing proposed in this application. This is emphasised by the proximity of the proposed property to the rear and side boundaries which would be within 0.5 metres at its closest point and under 3 metres at its furthest.

This close proximity would also provide views across to the neighbouring properties located at 3 and 5 Nevill Avenue, from the proposed first floor windows. The Design and Access Statement argues that care has been taken to restrict the number of first floor windows looking towards neighbouring properties which are in excess of 24 metres. Whilst the distances between windows would be within acceptable limits, the windows at first floor level would be so close to the boundary that views from them would be straight into the gardens of the neighbouring properties.

It is noted that the Mediterranean style of the proposed dwelling has been informed by the special architectural qualities of the church, which is considered to be appropriate for this site. However, the specific design that is proposed includes a complex, multi-layered roof which conflicts with the relatively simple roof form of the listed church. The Council's Historic Buildings Consultant has also raised concerns over the use of close boarded fence at two metres in height as the proposed boundary treatment, stating that it would be likely to alienate the proposed development from the overall site. The application also proposes to replace the car park that will be displaced by the proposed vicarage between the church and the church hall. The close proximity of this car parking to the listed building is inappropriate and combined with the other factors mentioned above, would be detrimental to the setting of the listed building.

The plans indicate that three trees are to be removed on the site, the removal of one has already been granted permission (reference TR/2007/0054). The Ash on the north western corner of the plot is in such a condition as to make a significant contribution for another 40 years as is the mature Lime tree on the neighbouring property which it has grown adjacent to. The Council's Arboricultural Officer has raised concerns that the construction of the property and the removal of the Ash would be harmful to the mature Lime leading to a significant risk of tree failure. Concerns have also been raised regarding the mature Ash that is marked for retention on the plans. No levels have been provided but in order to facilitate the parking it is likely that ground alteration would be required within the root protection area of the tree which would be detrimental to the retention of the specimen. These mature trees, protected by TPO, provide significant landscape and conservation value and their retention should be expected. It is considered that the removal of the Ash and subsequent detrimental impact on the Lime on the northern boundary would be detrimental not only to the visual amenities of the surrounding area but also the setting of the listed building.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would have an adverse impact on the amenities of adjacent residents.

RECOMMEND: Permission be refused for the following reasons:

(1) That the proposed development, by reason of its scale, massing and siting, would result in an overdevelopment of the site and an unacceptable degree of overlooking to adjoining dwellings to the detriment of residential amenity. As such the proposed development is in conflict to policy HO20 of the Eastbourne Borough Plan 2001-2011.

(2) That the proposed development, by reason of its design, the relocation of the car park area to the rear of the church, and the removal of protected trees, would be detrimental to the visual amenities of the surrounding area and the special interest and character of the listed building. Furthermore, the proposed development is contrary to policies UHT1, UHT4, UHT17 and NE28.

21) ST MARYS CHURCH, DECOY DRIVE, EASTBOURNE
Erection of a four bedroom, two-storey, detached vicarage in the grounds of church and Church Hall, and extending car parking area
EB/2007/0827(LB),HAMPDEN PARK

RECOMMENDATION: Permission be refused.

Please see application EB/2007/0826 for report.

RECOMMEND: Permission be refused for the following reason:

(1) That the proposed development, by reason of its design, the relocation of the car park area to the rear of the church, and the removal of protected trees, would be detrimental to the visual amenities of the surrounding area and the special interest and character of the listed building. Furthermore, the proposed development would be contrary to policies UHT1, UHT4, UHT17 and NE28 of the Eastbourne Borough Plan 2001-2011.

22) PUBLIC HIGHWAY IN WILLINGDON ROAD ADJACENT TO 33 RUSKIN ROAD, EASTBOURNE
Installation of telecommuncations apparatus comprising a 12m high telegraph pole, together with an ancillary equipment cabinet.
EB/2007/0831(DET),RATTON

EXECUTIVE SUMMARY

The proposed installation would be detrimental to the visual amenities of the area by reason of its height, scale and design.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises part of the grass verge on the west side of Willingdon Road, adjacent to the boundary with the garden to 33 Ruskin Road, and approximately 10m south of the borough boundary.

PLANNING HISTORY

The applicant, Orange PCS, has been searching for a suitable site for some considerable time to replace the large lattice mast that was removed from Westlords, Willingdon Road, when that property was redeveloped for residential purposes. A microcell installation was provided for some time at the Eastbourne Garden Centre (now Sunrise), but this too is being redeveloped.

The applicant has taken the view that, as there are no suitable sites for a lattice mast in the area, two smaller streetworks installations would be a more practical approach. A number of applications for prior approval of the siting and appearance of telecommunications equipment have been submitted in recent years, all of which have been refused. Most recently, an application for a monopole located at the junction with Willingdon Road has been allowed on appeal (EB/2006/0134), and an application for a similar proposal on the verge adjacent to the Sunrise development was dismissed on appeal (EB/2007/0045). The former has been installed.

CURRENT APPLICATION

The current application is also an application for the prior approval of the siting and appearance of telecommunications equipment, submitted under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

It is now proposed to erect a 12m high telegraph pole style mast supporting one 2m long antenna on the grass verge between the footpath and the boundary fence to 33 Ruskin Road, sited midway between a traffic sign and a bus stop sign. An equipment cabinet is proposed adjacent to the fence, and this measures 1.25m high, 1.45m wide and .65m deep, finished in dark green.

The necessary ICNIRP certificate has been submitted with the application.

Other sites considered include: Sunrise development, BP garage, EDF substations, The Lawns (Hoo Gardens), Chalk Farm, building plots behind Hockington Lane and other verge locations in Willingdon Road. These have all been discounted because of lack of interest from landowners, technical reasons or insufficient space for the equipment.

PLANNING POLICY

The following policies are relevant to this application:

US8 - Prior approval of telecommunications development
US9 - Telecommunications development
NE20- Sites of Nature Conservation Importance

CONSULTATIONS

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

The Arboricultural Officer states that the excavations for the proposed equipment would not have any adverse impact on the retention of the adjacent cypress trees, although it should be noted that they will need future maintenance to keep them clear of the pole.

APPRAISAL

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

The search area for the proposed mast is very small, and is confined to the immediate area adjacent to the main road where coverage is very poor, due to the removal of the installation at the garden centre (this has only been partly covered by the recent installation at the junction with Victoria Drive). It is acknowledged that this is a very difficult area in which to find a suitable site, as it is almost entirely residential, and it is therefore considered that the only option available is a streetworks installation.

The mast itself, at 12m high, would be higher than the nearby street lights, and it is considered that the choice of a telegraph pole design is more appropriate than the usual monopole. The screening afforded by the trees in the adjacent garden would also go some way to mitigate against the unnatural form of the equipment. The cabinet is of an acceptable size and colour (smaller than many other streetworks cabinets) and is located in a reasonably discrete location against a fence, away from the public footpath.

The mast would be 19m from the flank wall of 33 Ruskin Road, and 2m from its boundary fence. Whilst the mast would not dominate views from the windows of the dwelling, it would be visible from the garden above and through the trees, as it would from the adjacent dwelling, which faces Willingdon Road.

It is understandable that residents of the closest dwellings would have ongoing concerns in respect of the impact of the mast, when faced with a view of it on a daily basis. Residents on the opposite side of Willingdon Road would also have a direct view of the installation.

The concerns of local residents are mainly those of health issues, which is understandable. However, Government guidance in PPG8 is that:
"…it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

Eastbourne is justifiably proud of its very pleasant, green entrance to the town, and the application falls to be decided on whether the impact of the installation would have a detrimental impact on the visual amenities of the area and adjacent residents. This has to be balanced with the need for the installation in terms of coverage within the 3G network. It is considered that, if a streetworks installation is the only option, then the current application represents the least damaging scheme so far with respect to visual amenity. Nevertheless, the siting of a 12m telegraph pole style mast in this location would result in the introduction of an incongruous and dominant feature which would have an adverse impact on the visual amenities of the area. It is considered that the harm to visual amenity would not be outweighed by the need for the installation.

HUMAN RIGHTS IMPLICATIONS

It is considered that there would be some adverse impact on the amenities of the closest residents who would have a view of the mast at fairly close proximity.

RECOMMEND: Permission be refused for the following reason:

That the proposed installation, by reason of its height, scale and design, would be an incongruous and alien feature in the streetscene and would be seriously detrimental to the visaul amenities of the area and nearby residents, and would therefore conflict with Policy US9 in the Eastbourne Borough Plan 2001-2011.

23) 41 JEROME CLOSE, EASTBOURNE
Erection of conservatory on rear elevation of house
EB/2007/0843(FP),LANGNEY

EXECUTIVE SUMMARY

The proposed conservatory is smaller than the previous proposal refused in September 2007. It is considered that the position and size of the conservatory now proposed would not have a harmful impact on neighbouring residential amenity or the visual amenity of the area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises a detached property situated on Jerome Close and backs onto Shelley Walk. It is has been enlarged previously with a two-storey extension to the side of the house.

PLANNING HISTORY

The application dwelling forms part of a residential development of 64 houses approved in the 1980s (EB/1983/0107).

2000 – Granted: Two-storey extension at side of house (EB/2000/0150).

2006 – Issued: Certificate of Lawful Use for use of property as a care home for four disabled young people (EB/2006/0795).

2007 (September) – Refused: Erection of conservatory on rear elevation of house (EB/2007/0470).

CURRENT APPLICATION

Planning permission is sought to further enlarge this house by erecting a conservatory to the rear of the house. The proposed conservatory would project 3.5 metres, be 4 metres wide and have a mono-pitched roof up to 3.1 metres high. The south-west side elevation would be brick wall.

The previous application was for a conservatory across the full width and up to the boundary with Shelley Walk. The conservatory refused planning permission had a hipped roof, but with an asymmetrical shape due to the floor plan, with a height up to 3.9 metres.

PLANNING POLICY

UHT1 Design of New Development
HO20 Residential Amenity

CONSULTATIONS

Neighbouring occupiers notified have been notified in writing and a site notice displayed. The consultation period expires on the 5 January 2008. At the time of preparing this report (18 December 2008) no representations had been received. Any correspondence received will be reported verbally at the Committee meeting.

APPRAISAL

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

The proposed conservatory would project 3.5 metres. It would not breach a 45-degree line drawn from the nearest windows at rear of 43 Jerome Close. It is considered that a material loss of light or overshadowing would not occur. The conservatory would be 3 metres from the boundary with No.43, with the side elevation being brick built. The conservatory would not result in overlooking of the neighbouring dwelling and garden. The conservatory would not have an adverse impact on neighbouring residential amenity, and the proposal therefore complies with policy HO20.

The top of the conservatory would be visible from Shelley Walk. However, the size of the proposed conservatory is modest and it would have a regular mono-pitched roof. The shape and size would not appear dominant or imposing when seen from the public footpath. Its appearance would be harmonious with the existing house and the character of this residential area. It would not be harmful to the visual amenity of the area, comply with policy UHT1 of the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.
Reason: To secure that the development is in harmony with the existing building.

SUMMARY OF REASONS FOR DECISION

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

The conservatory would not be detrimental to neighbouring residential amenity or the visual amenity of the area, complying with policies HO20 and UHT1 of the Eastbourne Borough Plan 2001 - 2011.