Eastbourne Borough Council

Planning Committee

20 May 2008

Report of the Head of Planning

List of Planning Applications for Consideration

1) 1 WHITTLE DRIVE, EASTBOURNE
Erection of a single-storey extension to pallet store.
EB/2008/0087(FP), HAMPDEN PARK Page 5
RECOMMENDATION: Permission be granted subject to conditions.

2) 21-24 CORNFIELD TERRACE, EASTBOURNE
Conversion of building to form 7 one bedroom and 5 two bedroom self-contained flats.
EB/2008/0102(FP) & EB/2008/0103(LB), MEADS Page 11
RECOMMENDATION: Permission be refused.

3) 26-36 HAWTHORN ROAD, EASTBOURNE
Siting of open metal stillages storage units on car parking area.
EB/2008/0111(FP) Page 15
RECOMMENDATION: Permission be refused.

4) TOWNER ART GALLERY, 9 - 11 BOROUGH LANE, EASTBOURNE
Conversion of existing building to provide eleven self contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall and revised siting of vehicular access (amended description).
EB/2008/0129(FP), UPPERTON Page 17
RECOMMEND (A): Planning permission be granted in respect of EB/2008/0129(FP) subject to the prior conclusion of a S.106 Agreement to secure a financial contribution towards potential off-site highway improvement works and subject to conditions.

5) TOWNER ART GALLERY, 9 - 11 BOROUGH LANE, EASTBOURNE
Conversion of existing building to provide eleven self contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall and revised siting of vehicular access (amended description).
EB/2008/0131(LB), UPPERTON Page 17
RECOMMEND (B): That the Secretary of State be advised that the Council is minded to grant listed building consent in respect of EB/2008/0131(LB) subject to conditions.

6) TREVETHAN, 52 CARLISLE ROAD, EASTBOURNE
Demolition of existing building and erection of ten flats in one block with underground car park and cycle storage.
EB/2008/0147(FP), MEADS Page 55
RECOMMENDATION: Permission be granted subject to conditions.

7) 54-56 UPPERTON ROAD, EASTBOURNE
Demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front.
EB/2008/0162(FP), UPPERTON Page 65
RECOMMENDATION: Permission be refused.

8) 133 - 135 SEASIDE ROAD, EASTBOURNE
Retrospective application for decking installed at rear.
EB/2008/0170(FP), DEVONSHIRE
RECOMMENDATION: Permission be refused. Page 71

9) 56 PARKWAY, EASTBOURNE
Erection of two-storey extension to rear (including alterations to existing retaining wall around patio) and single-storey extension to front of garage and erection of new front porch.
EB/2008/0186(FP), RATTON Page 75
RECOMMEND: Permission be granted subject to conditions:

10) 160 VICTORIA DRIVE, EASTBOURNE
Two storey extension to rear elevation.
EB/2008/0211(FP), OLD TOWN Page 79
RECOMMENDATION: Permission be granted subject to conditions.

11) 24 SEASIDE ROAD, EASTBOURNE
Variation of condition 2 of planning permission EB/2007/0376 to extend opening hours from 9am - 12am (midnight) to 9am - 3am.
EB/2008/0217(FP), DEVONSHIRE Page 83
RECOMMENDATION: Permission be refused.

12) THE BROADWAY UNITED CHURCH, THE BROADWAY, EASTBOURNE
Ground and first floor extension to front and side of church, to form new entrance with disabled access ramp and meeting rooms.
EB/2008/0234(FP), RATTON Page 87
RECOMMENDATION: Permission be refused.

13) LAND AT THE REAR OF, 18 - 20 TRINITY TREES, FRONTING LISMORE ROAD, EASTBOURNE
Erection of three storey building to comprise eight one-bedroom flats.
EB/2008/0239(FP), MEADS Page 91
RECOMMENDATION: Permission be granted subject to conditions.

14) 144 PRINCES ROAD, EASTBOURNE

Single-storey extension to front elevation, garage conversion and 2 additional car parking spaces to front of property, together with single storey extension to rear elevation.

EB/2008/0241(FP), SOVEREIGN Page 97

RECOMMENDATION: Permission be granted subject to conditions.

15) GARAGE SITE AT THE REAR OF, 4-14 ROSELANDS AVENUE, EASTBOURNE

Re-development of existing dilapidated garage blocks and provision of five family homes, gardens and parking spaces.

EB/2008/0242(FP), ST. ANTHONYS Page 101

RECOMMENDATION: Permission be refused.

16) LAND WITHIN THE CURTILAGE OF, 28 MILNTHORPE ROAD, EASTBOURNE

Erection of a detached dwelling with parking area (following demolition of existing garage and garden structures).

EB/2008/0257(FP), MEADS Page 105

RECOMMENDATION: Permission be granted subject to conditions.

17) EASTBOURNE DISTRICT GENERAL HOSPITAL, KINGS DRIVE, EASTBOURNE

Change of use from on-site residential accommodation to training facility (D1) on ground floor with offices on first and second floors, for a temporary period of five years.

EB/2008/0272(FP), RATTON Page 111

RECOMMENDATION: Permission be granted subject to conditions.

J. F. Collard
Head of Planning

12 May 2008

Planning Committee

20 May 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

20 May 2008

Report of the Planning Manager

List of Planning Applications for Consideration

1) 1 WHITTLE DRIVE, EASTBOURNE
Erection of a single-storey extension to pallet store
EB/2008/0087(FP),HAMPDEN PARK

EXECUTIVE SUMMARY

The proposed extension would extend beyond the boundary of the designated industrial area. However, it is considered that the development would supplement the existing business and benefit economic development in the town; and the appearance of the extension would not be visually dominant.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

Gardner's Books is located off Willingdon Drove, near the roundabout with the A22 Golden Jubilee Way. The site lies within a Flood Zone 3a, where there is a high probability of flooding should the sea defences fail or be abandoned.

PLANNING HISTORY

A large number of applications have been made in the past to either enlarge or alter the premises including the existing high bay storage area adjacent the frontage onto Willingdon Drove.

CURRENT APPLICATION

Planning permission is sought to erect an extension to the existing pallet store located at the south-east tip of the building. The proposed extension would have a triangular floor plan. It would measure 22.3 metres wide by 44.7 metres long and the flat roof 5.2 metres high. It would be clad with plastic coated metal sheeting. A 16 metre wide roller door in the north-east elevation would provide entry into the pallet store extension. Access would be around the back of the building, and a hard standing would be formed to create a forecourt for the roller door. (A large area of hard surface has been laid to the east of the existing building, which should be the subject of a forthcoming retrospective application).

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT7	Landscaping
NE4	Sustainable Drainage Systems
NE22	Wildlife Habitats
NE28	Environmental Amenity
BI2	Designated Industrial Areas
BI7	Design Criteria
TR6	Facilities for Cyclists
TR11	Car Parking
US4	Flood protection and Surface Water Disposal
US5	Tidal Flood Risk

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring premises and site notices displayed. There have been no representations had been received.

The Economic Development officer positively supports this case from an economic development perspective (Memo dated 26 February 2008).

The County Archaeologist does not believe that any archaeological remains are likely to be affected by these proposals (Letter dated 21 February 2008).

The Highway Authority does not wish to restrict the grant of consent (Memo dated 3 March 2008).

The Planning Policy Manager: The proposed extension would be on land outside the designated industrial area. Furthermore, the site is within the Willingdon Levels catchment area, and the proposed development should make adequate provision for floodplain protection if approved - a flood storage contribution of £1,252 would be required. (Memo dated 29 February 2008).

The Environment Agency does not object to this application for an extension to the pallet store, as the risk of flooding of the development can be adequately managed. Floor levels should be set at 3 metres above ordnance datum; compensatory floodplain storage should be provided prior to development. Furthermore, sufficient distance from watercourses should be maintained and controlled water protected.

(Letter dated 12 March 2008).

APPRAISAL

The main issues to consider in the determination of the application are the extent and design of the proposed extension with particular regard to the existing building and the designated industrial land, the visual impact and the Willingdon Levels catchment area.

The proposed extension to the existing pallet store would 'square-off' of the south-east tip of the building. It would provide an additional 530 square of floor space. This extra floor space would, however, extend beyond the boundary of the area designated for industrial development defined by policy BI2 of the Borough Plan, and onto green land. However, it is considered that the development would have benefits. The extension of the pallet store would supplement the existing industrial premises and its storage and distribution warehouse, benefiting economic development and employment.

The size and location of the proposed extension would, it is considered, harmonise with the existing industrial building. It would be lower in height and have materials to match the existing building. The position to the south-west tip of the existing building is not prominent and the extension would not appear visual dominant. It would not significantly reduce the openness of the site.

The proposed extension would be approximately 30 metres from the existing drainage ditch on the eastern part of the site. The Environment Agency has not raised objection to this position. A contribution to the Eastbourne Park scheme would be necessary to compensate for the additional hard surface area within the Willingdon Levels catchment area. This can be secured through a legal agreement.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Subject to the prior conclusion of a unilateral legal agreement (to secure a contribution to the Eastbourne Park scheme), 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 extension shall be used only for the storage of pallets, as specified in the application.
Reason: To ensure that the use of the extension is connected with the warehousing operation.

(3) 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 neighbouring buildings.

(4) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

(i) proposed finished levels or contours;
(ii) means of enclosure;
(iii) car parking layouts;
(iv) other vehicle and pedestrian access and circulation areas;
(v) hard surfacing materials;
(vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
(vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);
(viii) retained historic landscape features and proposals for restoration, where relevant;
(ix) planting plans;
(x) written specifications (including cultivation and other operations associated with plant and grass establishment);
(xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
(xii) implementation timetables.
b)All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

(5) That before development is commenced, details of the hardsurface area and drainage for it shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure proper construction and drainage of the hardsurface, in the interests of reducing flood risk

(6) The floor levels of the extension shall be set at a minimum of 3.00 metres above ordnance datum.
Reason: To reduce flood risk.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:-
The proposed development would extend beyond the designated industrial area defined by policy BI2 of the Eastbourne Borough Plan 2001 - 2011, however, it would benefit economic development within the town. Furthermore, the extension would not be detrimental to the visual amenity of the area and, subject to compensatory measues, would not adversely increase flood risk

complying with policies UHT1, UHT4, US4 and US4 of the Eastbourne Borough Plan 2001 – 2011.

2) 21-24 CORNFIELD TERRACE, EASTBOURNE
Conversion of building to form 7 one bedroom and 5 two bedroom self-contained flats
EB/2008/0102(FP) & EB/2008/0103(LB),MEADS

EXECUTIVE SUMMARY

As a result of the number of units proposed in this application the flats will be small with a poor outlook and will require the removal of original features of this listed building. It is considered that due to the small size and poor outlook the proposed flats would constitute a poor standard of accommodation which would be detrimental to the future occupiers of the property. The loss of original features would also be detrimental to the Listed Building.

RECOMMENDATION: Permission and Listed Building Consent be refused.

SITE LOCATION

The application site comprises of four mid terrace properties situated on the eastern side of Cornfield Terrace. They form part of a listed terrace that runs down to the junction with Blackwater Road. The site is also situated within the Town Centre and Seafront Conservation Area.

The three storey building has a restaurant on the ground floor with residential accommodation above. Previous occupiers have knocked through the four buildings and it now provides bed-sit accommodation for foreign language students.

PLANNING HISTORY

The application site has had a number of planning applications submitted in its history. However, the majority relate to the commercial unit on the ground floor and none are relevant to this application.

CURRENT APPLICATION

The current applications, for planning permission and listed building consent, seek permission to convert the property into 7 one-bedroom flats and 5 two bedroom flats. The access to the flats will be from Cornfield Lane at the rear of the property which will lead to a main hall. Two flats will be situated on the ground floor with access via a staircase in the middle of the building leading to the upper floors.

The first and second floors both have a central corridor running across the building providing access to five flats on each floor. As a result of this central access two flats, on each floor, will be located to the front of the building with the remaining three being located to the rear.

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
UHT15	Protection of Conservation Areas
UHT17	Protection of Listed Buildings
HO3	Retaining Residential Use
HO9	Conversions and Change of Use
HO20	Residential Amenities
TR11	Car Parking

CONSULTATIONS

Letters of notification were sent to the occupiers of the surrounding properties and site notices were placed to the front and rear of the application site. As a result one letter of objection has been received. The objector is concerned that 12 more flats would add to the parking problems in this already busy location.

The local Highways Authority have stated that the site lies inside Zone 2 of the ESCC Parking standards at developments and as such 4 car parking spaces should be provided. However, due to its proximity to the town centre and Zone 1, where a zero parking provision is acceptable, it would be difficult to predict the outcome of an appeal on parking grounds.

The Environment Agency has stated that they have no objection to the proposed development.

The Council's Conservation Officer has stated that there is no objection in principle to the conversion of the property into flats. However, the proposed plans indicate the removal of original staircases and doorways have been introduced which interrupt the chimney breasts leading to a loss of context. These are not acceptable in a listed building.

At the time this report was completed no response had been received from Sussex Police. Any response will be reported verbally at the committee meeting.

APPRAISAL

The main issues to consider in the determination of this application are the suitability of the site, in terms of location, for residential development; the standard of accommodation that will be provided and the effects of the proposed development on the listed building.

The application site is situated on Cornfield Terrace within a secondary shopping area and is approximately 250 metres away from the primary shopping area.

The majority of the other properties in the terrace are of similar design with many of the ground floors being in commercial use and the upper floors being residential. Due to the town centre nature of the surrounding area, most of the residential properties in the vicinity consist of flatted accommodation. It is therefore considered that the provision of self-contained flats would be suitable in this location.

Each of the flats contains at least one bedroom and five flats have a separate living with the others comprising a combined kitchen/living/dining room. The sizes of the flats proposed ranges from approximately 20 square metres to 30 square metres. The main access to the building will be from the rear of the property which will lead to a hallway in the centre of the building and a further staircase providing access to the upper floors. These floors will have a central, access corridor running the length of the building. The proposed flats will therefore either have outlooks to the front or to the rear of the building. In fact seven of the twelve flats proposed will have outlooks to Cornfield Lane, the rear of the property. This rear aspect would constitute a poor outlook and combined with the small size of the units would create an unacceptable form of accommodation to the detriment of the future occupiers.

In order to create the space proposed for each of these flats some of the original staircases are shown on the plans to be removed. Whilst it is acknowledged that the majority of the original features have already been lost, the further loss of original features is unacceptable in these listed buildings. It is considered that the need to remove these features to create additional space, and the small size of the flats proposed is an indication that the conversion of the property into twelve self-contained units is an overdevelopment of the existing building. The plans also indicate doorways that interrupt chimney breasts leading to a loss of context. This is also unacceptable for a listed building.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: **(a)** Permission be refused in respect of EB/2008/0102 for the following reason:

(1) That, by reason of the number of self-contained units proposed, the development would constitute an over development of the site resulting in small units with poor outlook. As such the proposal would comprise a poor standard of accommodation to the detriment of future occupiers and would be contrary to Policies HO9 and HO20 of the Eastbourne Borough Plan 2001-2011.

(2) The proposed development would involve the removal of original features of the property to the detriment of the Listed Building. As such it would be contrary to Policy UHT17 of the Eastbourne Borough Plan 2001-2011.

(b) Listed Building Consent be refused in respect of EB/2008/0103(LB) for the following reason:

The proposed development would involve the removal of original features of the property to the detriment of the Listed Building. As such it would be contrary to Policy UHT17 of the Eastbourne Borough Plan 2001-2011.

3) 26-36 HAWTHORN ROAD, EASTBOURNE
Siting of open metal stillages storage units on car parking area
EB/2008/0111(FP),

EXECUTIVE SUMMARY

Stillages (storage racks) are being kept outside the industrial building and on car parking spaces. This results in a loss of dedicated parking spaces and creates visual clutter around the estate.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a large building on the northern side of Hawthorn Road, an industrial estate. Hawthorn Road is not an adopted highway.

RELEVANT PLANNING HISTORY

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

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

2007 – Granted: Retention of waste container for factory waste (EB/2007/0023).

CURRENT APPLICATION

Planning permission is sought for the retention of storage racks (stillages) that have been placed on the car parking spaces to the eastern side of the building. The stillages are stored in two rows, occupying approximately six parking spaces. The height of the stored stillages is shown on submitted plans as approximately 4.2 metres.

PLANNING POLICY

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

CONSULTATIONS

Occupiers of neighbouring properties notified and site notice displayed. One letter (accompanied by a petition signed by 8 occupiers of units in Hawthorn Road) objecting to the application, summarised below:-

- The conditions attached to the 1971 planning permission for the development of the estate remain relevant today.
- It is essential to retain all car parking areas, to relieve the parking of cars on the roadways and grassed areas.

- The metal storage units constitute a health and safety danger to member of the public visiting the estate – the parking area in not protected by fencing.
- The storage units are inappropriate for use in an area open to the public and third parties.
- Parking spaces have already been lost on the estate due storage materials and a disposal container.
- The estate roads are often blocked because of parked lorries and their loading and unloading.

(Letter dated 21 April 2008).

APPRAISAL

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

The storage of the racks on car parking spaces is contrary to condition attached to the planning permission for the original development of the estate. Conditions required car parking spaces to be kept as such, and that no goods, materials or equipment is stored between the buildings and roadway.

The area in which the stillages are being stored reduces the capacity of car parking in the industrial estate. This puts demand for parking space onto the roadway. Due to the high demand for parking spaces, this causes congestion on the roadway, impeding access for other vehicles. This is considered to be contrary to the provision of policy TR11.

The condition restricting external storage of goods between the buildings and roadways was intended to maintain a neat appearance on the estate. Although it in an industrial estate, it is considered important that the general appearance of the area is kept reasonably tidy. The storage of the racks in the car park creates visual clutter, which has a detriment effect on the appearance of the area. The visual impact of the external storage is considered to be contrary to policies UHT1 and BI7 of the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are not adverse implications for the above noted Rights.

RECOMMEND: Permission be refused for the following reasons:

(1) The stillage storage units result in visual clutter to the detriment of the appearance of the area, contrary to policies UHT1 and BI7 of the Eastbourne Borough Plan 2001 - 2011.

(2) The siting of the stillages results in the loss of car parking spaces, and adding to parking on the estate roadways, to the detriment of access and movement of vehicles and contrary to policy TR11 of the Eastbourne Borough Plan 2001 – 2011.

4) TOWNER ART GALLERY, 9-11 BOROUGH LANE, EASTBOURNE
Conversion of existing building to provide eleven self-contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall and revised siting of vehicular access (amended description)
EB/2008/0129(FP), UPPERTON

5) TOWNER ART GALLERY, 9-11 BOROUGH LANE, EASTBOURNE
Conversion of existing building to provide eleven self-contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall and revised siting of vehicular access (amended description)
EB/2008/0131(LB), UPPERTON

EXECUTIVE SUMMARY

The proposed conversion of the former Towner Art Gallery to provide 11 units of residential accommodation will ensure the preservation and enhancement of the Grade II listed building and will have no harmful effects on the character and appearance of the Old Town Conservation Area. Furthermore, the proposed development is considered to be acceptable in terms of its effects on residential amenity and highway safety.

RECOMMENDATION:

RECOMMEND (A): Planning permission be granted in respect of EB/2008/0129(FP) subject to the prior conclusion of a S.106 Agreement to secure a financial contribution towards potential off-site highway improvement works and subject to conditions.

RECOMMEND (B): That the Secretary of State be advised that the Council is minded to grant listed building consent in respect of EB/2008/0131(LB) subject to conditions.

SITE LOCATION

The former Towner Art Gallery (9-11 Borough Lane) is a Grade II listed building which occupies a prominent position in the north-west corner of Manor Gardens and adjoins Borough Lane on its western boundary.

PLANNING HISTORY

The building which was formerly the Manor House, was built around 1765. The property was sold to the Council in 1922 and since becoming the Towner Art Gallery in 1923, the building has been considerably altered and adapted.

In July 2007, planning permission and listed building consent were granted for the conversion of the former gallery to provide eight self-contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall (EB/2007/0280(FP) and EB/2007/0281(LB).

CURRENT APPLICATIONS

Planning permission and listed building consent are now sought for the proposed conversion of the former Towner Art Gallery to provide eleven self-contained flats/maisonettes.

Originally Submitted Plans

The plans originally submitted with the applications proposed to extend the courtyard into the open grassed area fronting High Street in order to provide eleven on-site car parking spaces. However, following concerns expressed by the Case Officer and residents regarding the impact on the visual amenities of the locality and in particular this part of the Old Town Conservation Area, the proposal was amended.

Amended plans

It is now proposed to remove and re-erect parts of the existing side and front courtyard boundary walls in a similar way to that which was approved in 2007. This will enable seven on-site car parking spaces to be provided to serve the development.

In addition, it is proposed to re-site the entrance to the car park 1.8 metres closer to the junction with High Street.

A Design and Access Statement has been submitted with the applications as well as an appraisal of the historic building.

The accommodation proposed to be provided comprises the following:

Lower Ground Floor – 5 store rooms and refuse/recycling store

Flat 1 (two bedroom)

Lower Ground Floor – hall, two bedrooms (one with en-suite) and bathroom

Ground Floor – living room and kitchen/dining room

Flat 2 (two bedroom)

Lower Ground Floor – two bedrooms, dining room (in historic kitchen), kitchen, w.c and hall

Ground Floor – sitting room and living room

Flat 3 (three bedroom)

Lower Ground Floor – kitchen and bedroom

Ground Floor – dining room, living room, library and bathroom

First Floor – two bedrooms and bathroom

Flat 4 (two bedroom)

Lower Ground Floor – living room/dining room, kitchen, two bedrooms and a bathroom

Flat 5 (1 bedroom)

Lower Ground Floor – bedroom, bathroom, living/dining/kitchen with gallery above

Flat 6 (two bedroom)

Lower Ground Floor – bathroom, dining room, kitchen, living room and two bedrooms

Flat 7 (two bedroom)

First Floor – living room, study, kitchen, two bedrooms and bathroom

Flat 8 (two bedroom)

First Floor – living room, kitchen/dining room, two bedrooms, bathroom and w.c

Flat 9 (two bedroom)

Second Floor – kitchen, living room, w.c, bathroom and two bedrooms

Flat 10 (two bedroom)

Second Floor – living room, store, kitchen, two bedrooms and bathroom

Flat 11 (1 bedroom)

Second Floor – living/dining/kitchen with gallery above, bathroom and bedroom

The Design and Access Statement submitted with the applications confirms that the current proposal is essentially based on the previously approved scheme for eight flats and proposes only minor revisions to the permitted internal layout.

In order to demonstrate the changes that are proposed, the applicant has provided the following details of the approved conversion and has confirmed how the current proposal differs from it:

Previously Approved Scheme

The main entrance from Manor Gardens and the side entrance from the courtyard are to be retained as entrances to the building. The central staircase will be used as the main circulation space within the building. The subdivision of the property into separate flats was developed according to the existing structure of the building and the existing sequence of rooms. Therefore, it was possible to keep the proposed structural alterations to a minimum.

Flat 1 of the approved scheme is situated in 'The North Annexe' and 'Stable and Coach-House' and is accessed from the north-east of the property.

Flat 2 is situated just south of Flat 1. The entrance is off the 'Service Passage Extension' on the lower ground floor and a new staircase leads to the ground floor accommodation.

Flat 3 is situated on the north-west side of the building. The entrance is off the back of the main entrance hall on the ground floor. The existing service stair provides access to the lower ground and ground floor levels and the accommodation on the first floor is accessed from the Georgian West Wing staircase.

Flat 4 is situated just west of the main entrance and is accessed from the main entrance hall.

Flat 5 is accessed from Borough Lane.

Flat 6 is accessed from the back of the main entrance hall into the east wing. A new staircase is to be provided to replace the existing service stair which leads to the accommodation on the first floor.

Flat 7 of the approved scheme is accessed at first floor level from the central staircase. The existing Georgian West Wing stairs lead to the accommodation on the second floor. Partitions in the retained stairs separate Flat 3 from Flat 7 and Flat 7 from Flat 8.

Flat 8 is accessed at first floor level.

Current Scheme

It is proposed to remove the existing 'porch' in Flat 1. This structure was added to the building in 1982 as a disabled access into the Local History Museum. This access is not needed to serve the proposed flat and the structure is considered to be of little architectural merit and out of keeping with the host building.

The master bedroom in Flat 1 is of a considerable size and it is proposed to provide an en-suite bathroom within this space to replace the one originally proposed in the porch.

A new gallery is proposed in Flat 5 that sits on top of a service island in the centre of the former 'Billiard Room'. This allows the original walls to remain almost untouched and enables the room to be returned to its original condition at a later stage if required.

The previously approved Flat 6 is now proposed to be split into two flats with one entrance off the back of the main entrance hall and the other flat accessed at first floor level. The layout of these two units essentially remains the same as the previously approved scheme.

The major advantage is that a new internal staircase that was necessary for the earlier scheme is now no longer required which means that more of the existing internal fabric (and especially the ceiling stucco) can be retained.

It is proposed to split the previously approved Flats 7 and 8 into four flats. Again, the intention has been to retain as much of the original fabric as possible and to find a balance between the
original layout of the building and the layout of the approved conversion scheme. Flat 8 for example, is divided into two however the previously approved internal layout remains unchanged. Flat 7 is also proposed to be divided into two which avoids using the service staircase.

The applicant has confirmed that the new proposal has several advantages compared to the approved scheme:

The proposed layout makes better use of the existing fabric of the building as the internal staircase that was proposed in the previously approved scheme between Flats 6 and 8 can be omitted which means that less of the existing structure and decorative features will be affected.

The main staircase of the so-called Lushington's Mansion is better utilised as part of the current scheme. The previously approved conversion had only two flats accessed off this main staircase. However the new layout allows five flats to be accessed from it and therefore reinstates it as the main circulation space within the building as was its original purpose.

The flat sizes of the revised scheme are considered to be more appropriate and a better mix of flats is achieved. The approved scheme which was based on the adopted Planning Brief had internal floor areas of up to 223m2 per flat. The applicant considers that potential occupiers of living accommodation as large as this would not want to live in a shared block of flats but rather in a detached dwelling and as such it is likely that the larger flats with sizes of 223m2 (Flat 3), 173m2 (Flat 8) and 156m2 (Flat 7) are not marketable which makes the approved scheme economically unviable. The applicant has confirmed that this would possibly lead to the building falling into further disrepair as the building already has substantial leaks. This is why the new layout proposes that the larger flats are subdivided to provide more appropriate flat sizes.

Furthermore, the applicant has confirmed that there is little difference in terms of density and number of habitable rooms between the approved scheme and the current proposal. The approved number of habitable rooms within the building is 35 and the revised scheme provides 37.

As with the approved scheme, the current proposal has been developed to have minimal effect on the existing fabric of the building. Apart from the removal of the porch, no additional external alterations are proposed to the main building other than those previously approved which are detailed below:

- 1 door to be reinstated
- 1 door to be changed
- 12 windows to be reinstated
- 5 new windows

- 3 new dormers and
- 3 new roof lights

In general, where new windows, dormers, partition walls and staircases are proposed the applicant has confirmed that these have been agreed with English Heritage and the materials proposed to be used will match the existing.

The applicant has confirmed that the proposed conversion is planned to high sustainability standards. Most of the existing building will be re-used and only minimal resources will be required as a result of the minor changes to the original layout. Reclaimed materials will be used wherever possible and where new materials are required then they will be from sustainable sources.

As part of the current scheme, it is proposed to move the existing vehicular access to the courtyard 1.8 metres towards the junction with High Street. Seven on-site car parking spaces are proposed to serve the eleven flats and as with the previously approved scheme, it is proposed to remove and rebuild parts of the courtyard wall so that the side boundary wall will align with the back edge of the existing flower bed in Borough Lane and the front boundary wall will follow the line of the existing ramp wall and hand rail.

In the Design and Access Statement the applicant has confirmed that the site is located very centrally in Eastbourne, there is access to public transport within the immediate vicinity of the property and the train station is only a short walk away.

Finally, the applicant has confirmed that as the overall density of the development is not changing materially, it is expected that the traffic generation will not differ significantly from the previously approved scheme. Even though more flats are now being proposed, they are smaller and it is considered that the number of future occupants will not change materially. Furthermore, the applicant considers that as more one and two bedroom flats are now proposed, the need for the "family car" will be less with the proposed scheme compared to the previously approved scheme and that more of the future occupants will be using public transport rather than the private car.

In terms of landscaping the site, the applicant has confirmed that the new courtyard layout seeks to retain the original planting wherever possible. However where trees will have to be removed, they will be replaced like-for-like with semi-mature specimens. All seven existing Birch trees can be retained and the existing Maple and Willow trees (both of which were to be removed as part of the previously approved scheme) are to be replaced with a new tree planted on the High Street and one within the courtyard.

In addition to the Design and Access Statement, the applicant also submitted a "A Brief Appraisal of the Historic Building". The Report provides an understanding of the development and significance of the historic fabric of the building and identifies the main phases of development including the major alterations and as far as possible provides dates for these.

The Appraisal confirms that the interior of the building has suffered more than the exterior. Indeed, there have been some significant losses over the years and there are few Georgian fixtures and fittings left within the principal rooms of the building. All of the original hearths and chimney-pieces have been removed from the main rooms, no original panelling survives and there are few original doors.

However, many fixtures and fittings do still exist in the lesser rooms and service areas at the back of the house, where fewer modern alterations have been necessary. These provide plenty of clues to the changing functions of the various parts of the house.

The writers of the Appraisal have confirmed that there is a great deal more that could be learned about the building by further research and a more detailed inspection and it is considered that a more detailed record (written, drawn and photographic) would be worth obtaining ahead of any significant alterations. Any such alterations, both internally and externally would bring to light evidence which is currently hidden and this evidence could be covered by a watching brief.

The applicant has also submitted a Waste Minimisation Statement with the applications which confirms the following:

- the whole building will be reused with only minor changes to the interior and exterior proposed;
- the scheme deliberately avoids major demolition work because of the listed status of the building;
- existing materials on site will be reused elsewhere;
- all materials will be sourced locally and all timber will be from renewable sources;
- only the appropriate quantity of materials will be ordered to avoid unnecessary waste;
- any final excess materials will be sent for recycling;
- general construction waste will be stored in a closed container on site to minimise dust contamination to the development site and adjoining properties;
- an asbestos survey will be carried out by a qualified assessor and all hazardous material will be removed as required and in accordance with health and safety legislation;
- a dedicated space for refuse and recycling has been incorporated into the scheme.

Finally, the applicant commissioned Atkins Transport Planning as Transport Consultants to assess the site in terms of potential traffic impact attributable to the change of use of the existing building as an art gallery to residential units.

The Transport Statement provides details of the following:

- the site's location and local highway network;
- access to local facilities and services;
- cycling, pedestrian and public transport facilities;
- policy context and considerations;

- traffic generation associated with the former art gallery and the proposed development;
- accident analysis;
- future highway improvements works.

The Conclusions of the Transport Statement are as follows:

- the former art gallery had in the order of 30,000 visitors per annum;
- there are seven parking spaces proposed to serve the development whilst the former gallery had only two on-site spaces which were used by staff;
- the provision of two parking spaces for 600-1000 visitors each week will obviously have led to a greater degree of on-street parking and congestion than the seven spaces proposed for the eleven flats;
- the proposed development will not create any additional trips;
- in transportation terms it is considered that there are no overriding objections to the proposed development to preclude the granting of planning permission.

PLANNING POLICY

The Borough Plan Proposals Map (2001-2011) identifies the application site as being within the Old Town Conservation Area and the following policies are considered relevant to the applications:

Policy NE11	-	Energy Efficiency
Policy NE14	-	Source Protection Zone
Policy NE28	-	Environmental Amenity
Policy UHT1	-	Design of New Development
Policy UHT4	-	Visual Amenity
Policy UHT5	-	Protecting Walls/Landscape Features
Policy UHT6	-	Tree Planting
Policy UHT7	-	Landscaping
Policy UHT15	-	Protection of Conservation Areas
Policy UHT17	-	Protection of Listed Buildings and their Settings
Policy UHT19	-	Retention of Historic Buildings
Policy HO9	-	Conversions and Change of Use
Policy HO20	-	Residential Amenity
Policy TR2	-	Travel Demands
Policy TR6	-	Facilities for Cyclists
Policy TR7	-	Provision for Pedestrians
Policy TR11	-	Car Parking
Policy TR12	-	Car Parking for those with Mobility Problems
Policy LCF21	-	Retention of Community Facilities
Policy US3	-	Infrastructure Services for Foul Sewage and Surface Water Disposal

A Planning Brief for the Towner Art Gallery was adopted by the Council in December 2002. The Brief identifies the planning constraints associated with the building and its parkland setting and identifies a number of possible alternative uses.

The Brief acknowledges that the Grade II listed building has significant qualities and that some original features still remain. However, some alterations have taken place over the years which are less than sympathetic. Therefore any alterations to the physical fabric of the building should enhance its special interest and cause no further harm.

Paragraph 6.3 of the Planning Brief states that ideally, any alternative use of the building should maintain the basic form and layout of the original property. Important features and decorative detailing such as ceilings, cornices, panelling and door casings should be protected especially in the principal rooms.

In addition, any new use for the building should respect the parkland setting. The boundary treatment of any curtilage adjoining the Gardens will therefore need to be low to safeguard the building's setting and obvious historic links with the grounds.

The Brief acknowledges that the building is too large for its original use as a single residence and therefore suggests that the property could be divided vertically into three houses or horizontally into seven flats/maisonettes.

Other uses considered suitable for the building include a language school or training centre and offices.

CONSULTATIONS

Notification letters were sent to occupiers of surrounding residential properties and a notice was displayed outside the site. Three letters and one e-mail were received from the occupiers of properties in Borough Lane and Michel Grove in respect of the originally submitted scheme and the comments made can be summarised as follows:

- extending the courtyard will mean making use of the grassed area and such an extension will block the view of drivers wishing to turn left into Borough Lane, making for a dangerous approach;
- eleven cars coming out onto the narrow stretch of road will be very hazardous. It is already a difficult stretch of road to negotiate. Even seven cars would have been too many;
- there appear to be no parking spaces for visitors;
- the original proposal for seven flats wasn't ideal, the proposal for eight flats was worse and the idea of eleven flats with eleven parking spaces is absurd;
- fitting in eleven flats almost turns the building into a tenement with the distinct possibility of social problems;
- to fit in the extra parking bays the plan impinges on the covenant protected area of the Old Town Village Green;
- this proposal along with the proposed redevelopment of the Old Town Service Station, with 8 more flats and a dental surgery will make the surrounding roads become gridlocked;

- the proposal to build on the grassed area infringes covenants on the land which prevent the erection of any fence, wall, barrier, or structure; require the land to be maintained as an area of public open space and finally prevent the removal of any tree on the site except for the purposes of maintenance and to replace any trees which require replacement with similar trees;
- local residents will honour the agreed consent but this revision seeking consent for 11 flats and 11 parking spaces is totally unacceptable and must be rejected as must any proposal to enlarge the present courtyard;
- the siting of the proposed car park entrance causes greater risk to oncoming traffic and to drivers entering and leaving the car park due to the increased number of cars occupying the proposed parking area, causing congestion and frustration to drivers using the car park which will impact on the traffic flow in Borough Lane and the increased number of entrance and exit events from the car park onto Borough Lane will raise the probability of a collision between vehicles.

(Correspondence received between 12 and 18 March 2008).

Two letters of objection have been received in respect of the amended proposals from residents in Borough Lane and the comments made can be summarised as follows:

- the traffic implications of the development are severe;
- it is beyond belief that eleven sets of flat owners would have only seven vehicles between them and there would be no visitor parking at all;
- there is no objection to the slightly revised access but in Borough Lane there is no garaging for existing residents and along its whole length above and below Greys Road there are only ten legal parking spaces which are always fully occupied;
- Borough Lane must be made one-way southwards and uphill;
- Future flat owners emerging from the courtyard will have excellent visibility to the right of traffic coming up from the busy A259 High Street and no visibility uphill to the left coming down Borough Lane and through its narrow 11ft wide section at Borough House. Accidents will not be a possibility but a certainty;
- An increase to eleven flats would be a serious over development, especially with only seven parking spaces;
- The access to the courtyard is reasonable but even as few as seven cars in and out at the narrowest part of Borough Lane is bound to lead to accidents;
- With eleven flats it would be very unusual to have less than eleven cars and this does not take into consideration visitor parking;
- The traffic and parking facilities in Borough Lane are already dire and the addition of another eleven flats would make the situation impossible (letters dated 7 and 11 April 2008).

In addition, Councillor Marsden has confirmed that he remains concerned about the application, particularly with regard to the issue of parking, as the proposal will lead to additional on-street parking in an area that is already congested and lacks off-street parking (e-mail received 27 March 2008).

The applications were considered by the Conservation Area Advisory Group at their meeting on 8 April and members raised no objections to the proposals.

English Heritage has confirmed that on the whole, the amendments are considered satisfactory, however there is some concern about the gallery proposals in the Billiard Room and further clarification is to be sought regarding the need for this space and its means of support (e-mail received 3 April 2008).

The Government Office for the South East has been forwarded a copy of this report. Their Housing and Planning Team have confirmed that a decision regarding the listed building consent cannot be made until they have received written notification that the Planning Committee is minded to grant consent for the proposals. However in the meantime, they have confirmed that they have no comments to make on the proposal (e-mail received 21 April 2008).

The Environment Agency has no objection in principle to the proposal as submitted, but would however wish the following to be taken into consideration:

In respect of surface water drainage, the Council's technical engineers should be satisfied with the proposed method of surface water disposal.

This application site lies on Head Deposits over Lower Chalk, the latter is classified as a Major Aquifer under the Environment Agency's "Policy and Practice for the Protection of Groundwater". The site also lies within Groundwater Protection Zone III. Potable supplies are therefore at risk from activities at the site and all precautions should be taken to avoid discharges and spillages to the ground, both during construction and subsequent operation. This groundwater resource must be protected from pollution.

Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

All surface water from roofs should be piped direct to an approved surface water system using sealed down pipes. Open gullies should not be used.

Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings should be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

It is not acceptable for List 1 Substances to enter groundwater as this would contravene the Groundwater Regulations (1998).

Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) to prevent accidental/unauthorised discharge into the ground. (Letter dated 7 March 2008).

The Council's Arboricultural Officer has confirmed the following in respect of the proposals:

If approved, the application will lead to the loss of an intermediate aged Norway Maple within the existing bed on the Borough Lane boundary. He considers that the specimen provides limited visual amenity, does not provide any significant landscape value and has very limited conservation or cultural benefits. The tree is of poor form and has severely exposed roots, which reduces the safe useful life expectancy.

It is therefore his opinion that it can only be classified as a Category C specimen (BS 5837 Section 4.3). If the development of this land is acceptable this category of tree would not usually be retained where it would impose a significant constraint on development and they should not be allowed to dominate site layout considerations.

The Arboricultural Officer has therefore recommended that if these applications are to be approved replacement planting for the Norway Maple would have to be undertaken on the open green space adjacent to the High Street. It is noted that the plans indicate a semi-mature Birch, but it is the Arboricultural Officer's opinion that planting should reflect the heritage of the area and utilise Elm and he recommends Ulmus carpinfolia Wredi Aurea, which is an existing cultivar of the original Wheatley Elms planted throughout the area with a striking yellow foliage or Tilia cordata (small leaved lime) that has historically been planted on village greens.

The plans indicate car parking adjacent to the open area containing Birch trees, which are to be retained. Given the difference in levels the Arboricultural Officer would require engineering details of the boundary wall to be submitted for consideration, in order to ensure it does not have an impact on the adjacent trees, although as it follows the existing line, the correct construction specification should prevent damage.

The proposals would also lead to the loss of a Salix capera (Goat willow) within the courtyard, which is classified as a bush or small tree and is a self set specimen often found on unmanaged areas. The specimen provides limited visual amenity; does not provide any significant landscape value and has very limited conservation or cultural benefits and therefore no objection can be made to its removal.

Drawing No: 060707 - 3200 indicates the retention of tree planting adjacent to the site. To ensure retention during any works without damage from the construction activity, it is imperative that tree protection measures are installed. The Arboricultural Officer has taken into consideration the Conservation Area status of the site and considers that a hoarding to the rear and knee high rail fencing around the open space would prevent damage to the retained trees.

Given the change of use to individual flats there may be the need to install further services to the site. However no details have been submitted with the applications.

To prevent any detrimental impact on retained trees, service locations will need to be agreed. Therefore if these applications are to be approved, it is recommended that conditions are attached to the planning permission relating to tree protection and tree planting. (Internal memo dated 26 March 2008)

The Council's Planning Policy Assistant has confirmed that the application site is within the Old Town Conservation Area and has confirmed the Borough Plan Policies that are considered relevant to the determination of the applications. (Internal memo dated 18 March 2008).

The Council's Highway Manager has confirmed that he has concerns regarding the application. The latest car parking layout allows for seven spaces as per the previous consent with adequate turning within the site. As it is not possible to accommodate any more spaces on site, it is necessary to establish whether there is adequate parking for the increased number of units. The current parking standards for this development of 11 units would normally require 15 parking spaces including visitors. However with the zone reduction applied, this could be reduced to 11 leaving a shortfall of 4 spaces.

The Highway Manager has confirmed that one way to ease the problem of this shortfall would be to create some additional on-street parking which could be achieved if Borough Lane was made one way. A plan has been produced by the applicant following discussions with the Highway Manager which provides two extra parking spaces and would also improve visibility for vehicles exiting the site. If this proposal was to be pursued, the applicant would be expected to carry out the works at his expense, including any changes to the existing traffic regulation orders, which would be subject to a formal consultation process. Therefore, if the application for planning permission is to be recommended for approval it will need to be subject to the prior conclusion of a S.106 Agreement to secure a financial contribution for the proposed off-site highway improvement works (memo dated 14 April 2008).

In response to the comments made by the Highway Manager, the applicant has referred to the planning report for the previously approved scheme in which it is acknowledged that:

"the extended courtyard area provides only seven on-site parking spaces to serve the proposed eight units of accommodation. However the Highway Manager has confirmed that he has no objection to the proposed parking provision. This is particularly due to the fact that the site is considered to be in an extremely sustainable location within close proximity to local services, the town centre and railway and is on a major bus route."

In addition, "*the concerns expressed by residents regarding the narrow width of Borough Lane and the impact of the vehicle movements likely to be associated with the development are noted. However having regard to the existing use as an art gallery and as the existing access and parking area were used by staff vehicles, it is not considered that the proposal will result in significant increased vehicle movements and as such it is considered that the development will not have a detrimental impact on highway safety.*

The applicant has confirmed that there were approximately 30,000 visitors to the gallery each year with approximately 600 visitors per week. In the summer peak, the gallery had about 1,000 visitors per week and during openings and lecture evenings, about 100-150 visitors would arrive by car. A key area for parking was in Compton Place Road and illegally, in the car park of IBM. The applicant considers that these numbers suggest a very significant number of traffic trips being generated within the area and he believes that similar to the previous application, the current proposal will not result in any increased vehicle movements when compared to the figures given above. On the contrary, he considers that there will be a very significant decrease.

The applicant has therefore confirmed that he considers it inaccurate to suggest that the development would have a detrimental impact on highway safety and that it is more likely that the proposed use for 11 residential units would result in a significant reduction in on-street car parking than the parking associated with the gallery use.

The applicant has also confirmed that he has appointed Atkins as traffic consultants to undertake a traffic statement supporting the application which will show that the traffic generated by the proposed flats would be minimal and that vehicle movements and traffic trips will be far less than when the building was used as a gallery.

In respect of the proposed off-site highway improvement works the applicant has confirmed that the proposed re-arrangement of Borough Lane as a one way street with additional parking is not approved at this stage and he would not want conditions attached to any planning approval based on assumptions as these would potentially prejudice the development of the gallery. Nevertheless, the applicant would welcome improvements to the streets within the surrounding area in general as a benefit for the future residents of the Towner and would therefore be prepared to contribute £10,000 towards the future improvement of the highway.

Finally, the applicant has confirmed that he does not believe that there is a material change in the number of traffic trips to and from the site as a result of the increase in the number of apartments, especially when considering the huge numbers of visitors to the site under its current lawful use. The increase from 1 to 4 potential on-street parking spaces is negligible and considering the site's sustainable location, there is a likelihood of reduced reliance upon the car. These benefits can be considered together with the preservation of the building and long term future of the important historic building and in the opinion of the applicant, support the approval of the submitted scheme (e-mail received 16 April 2008).

Further to the Highway Manager's memo of 14 April 2008 he has confirmed the following:

- The offer by the applicant to make a financial contribution of £10,000 for the investigation and implementation by the Highway Authority to make Borough Lane "one way" to traffic with associated works is acceptable. The money will need to be secured by legal agreement and to that end he has applied for Director's Authorisation to proceed with the Section 106 Agreement and has instructed the County Council's legal section accordingly.
- With regard to the parking provision for the eleven units, it is accepted that it will not be possible to provide any more within the site. Taking account of the potential to provide two additional parking spaces on the street as part of the one way system and the location of the site to public transport provisions, the parking provision is acceptable in this instance.
- Having regard to any additional traffic impact on the highway network relating to the additional units, it is accepted that this would be minor and taking into account the previous use of the site it would be difficult to predict the outcome of an appeal on these grounds.
- In summary the Highway Authority would not wish to restrict the grant of consent subject to:
- The applicant to enter into a Section 106 legal agreement with the County Council to secure £10,000 for the investigation and implementation by the Highway Authority to make Borough Lane "one way" to traffic with associated works;
- The car park entrance being relocated as indicated on the application drawings;
- Provision must be made to prevent the discharge of water from the proposed site onto the public highway;
- The finished surface of the driveway/courtyard should not result in loose material being deposited onto the public highway;
- The vehicular crossing must be constructed in accordance with the Highway Authority's requirements. (Internal memo dated 25 April 2008)

The Council's Conservation Officer has confirmed that she has no objections to the additional alterations proposed as part of these applications. However the following conditions should be added to the list previously proposed:

- A methodology statement for the treatment and continuing protection of the historic kitchen.
- A condition ensuring that the retention of the cobbles to the parking area forms part of any proposed landscaping scheme.
- The detail supplied for the proposed gallery in the billiard room is considered to be insufficient. As such, this should be the subject of further discussion with the Local Planning Authority and English Heritage.
- Prior to the commencement of development on site, full joinery details for all new staircases needs to be submitted to and approved by the Local Planning Authority.
- Condition No. 29 needs to be deleted.
- Condition No. 19 should be amended to read: That prior to commencement of development on site, details of any work proposed relating to the prevention of the spread of fire, means of escape, sound insulation and thermal insulation, where it impacts on the historic fabric of the building, shall be submitted to and approved by the Local Planning Authority. (Internal memo dated 4 April 2008)

APPRAISAL

Whilst the principle of converting the former Towner Art Gallery into residential use has already been established by the granting of planning permission and listed building consent in 2007 for the provision of eight flats, there are still a number of issues that need to be taken into consideration in determining the current applications for eleven flats and these are as follows:

- The effects of the proposed conversion on the Grade II listed building;
- Whether the proposed conversion accords with Government guidance, Borough Plan Policy and the adopted Planning Brief;
- The general suitability of the conversion having regard to its effects on residential amenity, the character and appearance of the Old Town Conservation Area and the visual amenities of the locality in general;
- Trees and landscaping considerations;
- Highway and parking considerations.

The effects of the proposed conversion on the Grade II Listed Building

The appraisal of the history of the Grade II listed building submitted with the applications states that the former Towner Art Gallery is *"a fine Georgian building in its own right…..a substantial and handsome brick mansion, indeed one of Eastbourne's largest and most prestigious properties."* The building occupies a prominent position in the north-west corner of Manor Gardens and is considered to be of local architectural and historic interest.

The Planning Brief for the building which was adopted in 2002 provides guidance on the planning constraints associated with the site and proposes possible alternative uses for the listed building. The Brief recognises that the existing building is too large for its original use as a single residence and therefore acknowledges that a residential conversion of the property would be suitable providing as much of the original fabric of the building is retained, especially those areas which contribute to the character of the listed building.

The proposed conversion of the former art gallery into 11 units of residential accommodation, therefore in principle accords with the guidance contained in the Planning Brief and will ensure a long term future for this important Grade II listed building.

The previously approved conversion scheme was developed having regard to the existing structure of the building and the existing sequence of rooms and as such, it was possible to keep the proposed structural changes to a minimum and only minor external alterations were proposed.

The current scheme proposes no additional external alterations to those previously approved other than the removal of the single storey "porch" on the High Street frontage which is a modern addition and is considered to be of no particular architectural merit.

It is also considered that the current scheme makes even better use of the existing fabric of the building as the internal staircase that was proposed in the previously approved scheme between Flats 6 and 8 can be omitted which means that less of the existing structure and decorative features will be affected and the main staircase is reinstated as the main circulation space within the building and now serves five flats rather than only two units as part of the previous scheme.

English Heritage and the Council's Conservation Officer have no objections to the proposed conversion subject to further details being submitted in respect of the proposed gallery in the billiard room and subject to numerous conditions being attached to any grant of planning permission and/or listed building consent.

Whether the proposed conversion accords Government guidance, Borough Plan Policy and the adopted Planning Brief

As detailed above, the principle of converting the former art gallery to residential use has already been established by the granting of consent in 2007. However it is now proposed to increase the number of flats from eight to eleven and it must be considered whether the current proposal accords with Government guidance and adopted planning policy.

Planning Policy Statement 3: Housing (PPS3) (2006) seeks to "*promote more sustainable patterns of development"* and advises that Local Planning Authorities should "*give priority to re-using previously-developed land."*

Borough Plan Policy HO9 supports the change of use of non-residential premises to residential subject to ensuring the development is well designed and provides an acceptable standard of accommodation; it complies with residential, visual and environmental considerations and provides satisfactory access and adequate car parking.

The adopted Planning Brief for the site suggested that the property could be divided vertically into three houses or horizontally into seven flats/maisonettes.

It is acknowledged that the proposed conversion would provide 11 units of accommodation and as such would not accord fully with the guidance given in the Brief, however it is considered that the building can satisfactorily accommodate the 11 flats/maisonettes and that all of the units are of an acceptable size and layout. Indeed it is considered that the current proposals to provide more one and two bedroom flats makes more efficient use of the building as the sizes of some of the flats previously approved were between 150 and 220 square metres.

It is therefore considered that the proposed development complies with Government guidance, Borough Plan Policy and essentially accords with the guidance given in the Planning Brief.

The general suitability of the conversion having regard to its effects on residential amenity, the character and appearance of the Old Town Conservation Area and the visual amenities of the locality in general

It is considered that the proposed conversion to eleven flats/maisonettes will not have any significantly harmful effects on the amenities of occupiers of surrounding residential properties, particularly having regard to the authorised use of the property as an art gallery/local history museum and offices and the activity likely to be associated with such a non-residential use.

Having regard to the amenities of any future occupiers of the proposed accommodation, the Planning Brief for the site acknowledges that there is a lack of private amenity space to serve any residential accommodation. It therefore recommended that the screening of any private amenity space could be achieved by supplementing and extending the line of the existing Yew hedge to a maximum height of 1.5 metres. As part of the development it is proposed to provide a 1.5 metre high hedge around the curtilage of the site where it abuts Manor Gardens. However it must be accepted that this boundary treatment will not provide privacy to the amenity space. Nevertheless, it will ensure that the public are kept some distance from the living accommodation on the ground floor and perhaps, more importantly, it will ensure the building's historic setting is maintained.

Apart from the removal of the porch, no additional external alterations are proposed to the main building other than those previously approved and the Conservation Officer and English Heritage have raised no objections to the proposed demolition of the single storey modern addition which is considered to be of little architectural merit. The development will therefore have no harmful effects on the character and appearance of this part of the Old Town Conservation Area.

The plans originally submitted with the applications proposed to extend the courtyard into the open grassed area fronting High Street in order to provide eleven on-site car parking spaces. However, following concerns expressed by the Case Officer and residents regarding the impact on the visual amenities of the locality and in particular this part of the Old Town Conservation Area, the proposal was amended.

It is therefore now proposed to remove and re-erect parts of the existing courtyard boundary walls in a similar way to that which was approved in 2007, so that the side boundary wall will align with the back edge of the existing flower bed in Borough Lane and the front boundary wall will follow the line of the existing ramp wall and hand rail. This will enable seven on-site car parking spaces to be provided to serve the development. The new wall is to be constructed of flint and reclaimed brick to match other walls in the immediate vicinity.

The principle of realigning the boundary wall of the courtyard has already been established by the granting of consent in 2007 and it is considered that the minor amendments to its approved siting will have no detrimental impact on the existing views and vistas of the High Street and Borough Lane and will have no significantly harmful effect on the character and appearance of this part of the Old Town Conservation Area.

Trees and landscaping considerations

As with the previously approved scheme, the proposed development will result in the loss of an intermediate aged Norway Maple within the existing flower bed in Borough Lane and the Council's Arboricultural Officer has once again confirmed that the tree provides limited visual amenity, does not provide any significant landscape value and has very limited conservation or cultural benefits. The tree is of poor form and has severely exposed roots, which reduces the safe useful life expectancy.

He has therefore recommended that if the applications are to be approved replacement planting for the Norway Maple should take place on the open green space adjacent to the High Street.

For the above reasons and subject to a condition requiring replacement planting to compensate for the loss of the Maple, the proposals are considered to be acceptable.

In accordance with the guidance given in the adopted Planning Brief, it is proposed to plant a 1.5 metre hedge around the curtilage of the site where it abuts Manor Gardens. As detailed above, this will not provide any significant privacy for future occupiers of the proposed residential accommodation, however it will ensure the historic setting of the building is maintained.

Highway and parking considerations

The previously approved scheme proposed to retain the existing vehicular access to the site. However in order to make the most efficient use of the courtyard for parking, it is now proposed to re-site the vehicular access 1.8 metres closer to the junction with High Street. The Council's Highway Manager has raised no objections to the proposed re-siting of the access.

As the extended courtyard area provides for seven on-site parking spaces to serve the proposed eleven units of accommodation, the Highway Manager in consultation with the applicant, has proposed possible improvements to Borough Lane to make the road one way to traffic, creating an opportunity to provide two extra on-street parking spaces and increase the visibility for vehicles exiting the site.

The Highway Manager has confirmed that the costs associated with any improvement works would need to be met by the applicant and secured by a S.106 Agreement.

The applicant has produced a drawing indicating the possible alterations to Borough Lane, however he has stressed that it does not form part of the application proposals and it is not intended to supersede the application drawings describing the proposed car park for 7 cars.

The applicant has confirmed that he understands that the Local Authority wishes to investigate the possibility of future improvement works, specifically to Borough Lane and the applicant appreciates that the future residents of the development may benefit from any such works. It is with this in mind that the applicant has confirmed that he is prepared to offer a sum of £10,000 towards the investigations and implementation of any future improvement works. Therefore, in the interests of exploring future options for improvements, the applicant offers the financial contribution to be expended against investigations and implementation of the scheme.

However, the applicant has confirmed that he is not accepting any liability for the design of the road improvements or that the proposed development would have any significant impact upon the roads surrounding the development site. The applicant nevertheless is happy to enter into a legal agreement to secure the financial contribution and that if the monies are not spent within say a period of five years, then the monies will be returned (e-mail received 17 April 2008).

It is considered that by securing a financial contribution towards potential highway improvement works, an additional two on-street car parking spaces could be provided. In addition, by exploring opportunities to make Borough Lane one way and improving visibility for vehicles entering the site it would be likely to improve highway safety along this narrow stretch of road and that by granting planning permission subject to the prior conclusion of a legal agreement will ensure the details of any improvement works such as the design, safety audits and any changes to the traffic regulation orders can be resolved at a later date. It will also ensure that extensive consultation on the proposals can be undertaken with local residents.

It is acknowledged that even with an additional two on-street parking spaces potentially being provided within Borough Lane, the proposal is still two parking spaces short of the approved standard. However, having regard to the fact that the property is within a sustainable location, being close to local services, the town centre and the railway station, the lack of on-site parking in this instance is considered to be acceptable.

Finally, it is acknowledged that 11 secure cycle parking spaces should be provided to serve the development and the applicant has confirmed that as there is inadequate space externally, the storage rooms at lower ground floor level could be used for the parking of cycles and this provision can also be secured by condition.

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 (A): Planning permission be granted in respect of EB/2008/0129(FP) subject to the prior conclusion of a S.106 Agreement to secure a financial contribution towards potential off-site highway improvement works and subject to the following conditions:

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

(2) No development shall take place until samples of the materials and finishes to be used in the internal surfaces (including a room by room schedule of all finishes to floors, walls and ceilings) and external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the neighbourhood and the existing historic fabric of the building.

(3) That no activity that may be audible beyond the site boundary, including heavy vehicle movements to and from the site shall take place outside the hours of 8.00am and 6.00pm on Mondays to Fridays and 8.00am and 1.00pm 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) That no building operations shall take place except between the hours of 8.00am and 6.00pm on Mondays to Fridays and 8.00am and 1.00pm 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.

(5) 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.

(6) Before any works commence on site, details of a 2.4 metre high, heavy duty hoarding to be erected to the rear and knee high rail fencing around the open space shall be submitted to and approved by the Local Planning Authority and the enclosures thereafter erected and maintained for the duration of the development to the satisfaction of the Council.
Reason: To ensure the protection of the trees to be retained.

(7) Before any works commence on site, details of the design of service trenches, ditches, drains and other excavation on site, insofar as they may affect trees on or adjoining the site, shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems.

(8) 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.

(9) (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, 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;
(xiii) replacement planting to compensate for the loss of the Norway Maple on the open space adjacent to High Street;
(xiv) the proposed 1.5 metre high hedge shall be Taxus baccata.

(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.

(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) All waste arising from building works shall be removed from the site in covered vehicles for disposal at a suitably licensed waste disposal facility.
Reason: In the interests of the amenities of the area.

(12) There shall be no burning of any waste permitted on site.
Reason: In the interests of the amenities of the locality in general and occupiers of adjoining residential properties in particular.

(13) That full details of the measures to minimise dust arising from the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site.
Reason: In the interests of the amenities of the area.

(14) That prior to commencement of development on site, full details of the provision to be made for the collection of refuse and for access thereto by collection vehicles shall be submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory standard of development.

(15) That prior to commencement of development on site, full details of the proposed means of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority in consultation with Southern Water.
Reason: To ensure a satisfactory standard of development.

(16) That no building works shall be undertaken until full details of a vehicle haulage route, arrangements for loading and unloading, the siting of the storage compound and the routing of all services have been submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory standard of development.

(17) That prior to commencement of any development on site, full details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of the amenities of the locality in general and occupiers of adjoining residential properties in particular.

(18) That no works authorised by this consent shall take place until a detailed record of the interiors and exteriors of the building (written, drawn and photographic and formatted onto a schedule) (including a record of every room and every feature, staircases, windows, internal shutters and doors), has been undertaken by a person or body approved by the Local Planning Authority, to a programme which shall be submitted to and approved in writing by the Local Planning Authority and a watching brief shall thereafter be maintained for the duration of the works.
Reason: To secure and safeguard the provision for inspection and recording of matters of architectural/archaeological/historical importance associated with the building/site which may be lost in the course of works.

(19) That prior to commencement of development, a site meeting shall be held between the Local Planning Authority, in consultation with English Heritage, and the persons responsible for undertaking the works, to ensure that the conditions attached to the planning permission and listed building consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(20) That prior to commencement of development on site, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in full accordance with such approved details:

- drawings at a scale of 1:10 (elevations) and 1:2 (sections) showing all joinery details, which shall include all proposed windows (including new windows to former openings), doors (including any hidden doors within panelled rooms), staircases, skirting, architraves and picture rails, internal window shutters and new timber panelling to replicate existing.

Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(21) That prior to commencement of any work on site, steps shall be agreed in writing with the Local Planning Authority and thereafter taken to protect interior feature staircases, decorative plaster work, cornices, doors, door cases etc. from vandalism, theft or other damage for the duration of the construction/alteration work hereby permitted.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(22) That all new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of materials, methods, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved or required by any other condition(s) attached to this consent.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(23) That prior to commencement of work on site, a sample panel of the new boundary wall of the courtyard shall be provided on site showing the proposed brick and flint types, colour, texture, face-bond and pointing, mortar mix (to be traditional lime – hydraulic or lime putty) and finish profile. Confirmation of the materials and methods shall be agreed in writing with the Local Planning Authority and shall be carried out accordingly. The approved sample panel shall be retained on site until the work is completed and the condition discharged.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(24) That the new joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on drawings hereby approved or required by any other condition(s) attached to this consent.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(25) That prior to the commencement of any work on site, a schedule and annotated plan showing the full extent of alteration works to existing windows and doors shall be approved in writing by the Local Planning Authority and the work agreed carried out in full.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(26) That prior to the commencement of any work on site, detailed drawings (as appropriate) fully detailing all new or replacement windows and doors, shall be submitted to and approved in writing by the Local Planning Authority and installed in complete accordance with the approved details. The drawings will show the decorative/protective finish; cross sections for glazing bars, sills, heads etc. at a scale of 1:1, 1:2 or 1:5; details of puttying or beading; method of opening; and colour scheme.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(27) No cleaning of brickwork, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without the prior approval of details. Prior to the commencement of any work on site, proposals shall be approved in writing by the Local Planning Authority and carried out strictly in accordance with such approved proposals. At the commencement of cleaning, a test panel shall be undertaken in an inconspicuous position.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(28) That prior to the commencement of any work on site, the position, type and method of installation of all new and relocated services, related fixtures, flues, vents, pipe and conduit runs (for the avoidance of doubt this includes security, communications, information technology servicing, any provision for a sprinkler system, burglar alarms and satellite dishes), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. Any works shall be implemented only in accordance with such approval.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(29) No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(30) That prior to the commencement of any work on site, 1:10 scale plans, elevations and sections of the proposed new dormers shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(31) That prior to the commencement of any work on site, a schedule and annotated plan showing the full extent of any replacement leadwork shall be approved in writing by the Local Planning Authority and the work agreed carried out in accordance with the Lead Standards Agency.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(32) That any proposed opening up works shall be under the supervision of a watching brief (Canterbury and/or Georgian Group) and upon completion of the works, all existing surrounds and fireplaces shall be photographically recorded and formatted onto a schedule and submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(33) That prior to commencement of development on site, details of any work proposed relating to the prevention of the spread of fire, means of escape, sound insulation and thermal insulation, where it impacts on the historic fabric of the building, shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(34) That any structural alteration (removal of load bearing elements etc.) shall be supported by a structural engineer's evaluation and calculations.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(35) That a methodology statement for the extent of works including specification for the repair or replacement of traditional lime plaster mouldings and plasters, retention of historic ceramics, formation of new openings, restoration of existing balconies and making good shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(36) That all rainwater goods shall be cast iron or cast aluminium and the profile of the type shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on site.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(37) That no ceiling down lighters shall be inserted into the historic fabric of the building without the prior approval of the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(38) That all existing historic fixtures, fittings and features are to be retained and relocated within the building, details of which shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(39) That prior to commencement of development on site full details of the rooflight details shall be submitted to and approved by the Local Planning Authority at a scale of 1:10 elevations and 1:2 sections. All rooflights are to be fitted flush with the roof and to be of a type with no externally fitted blind box.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(40) That prior to commencement of development on site, details of the specification of the traditional lime mortar for all making good works shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(41) That any damage caused to the historic fabric of the building as a result of the works are to be immediately reported to the Council's Conservation Officer and all work shall cease until such time as an inspection with Officers has been carried out and remedial works agreed.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(42) That all new structural elements are to be steel bedded on engineering brick pad stones and not concrete lintels with concrete pad stones.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(43) That prior to commencement of development on site, full joinery details for all new staircases shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(44) That prior to commencement of development on site, full engineering details of the proposed new courtyard wall shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure the protection of the trees to be retained.

(45) That prior to commencement of development on site, full details of the provision to made for the secure parking of cycles in the historic stores shall be submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory development.

(46) That prior to commencement of development on site further details of a disabled parking space to be provided within the courtyard shall be submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory standard of development.

(47) There shall be no means of enclosures erected within the curtilage of the site or equipment placed within the private amenity space adjacent to Manor Gardens without the prior written consent of the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(48) All surface water from roofs should be piped direct to an approved surface water system using sealed down pipes. Open gullies should not be used.
Reason: To ensure protection of controlled waters.

(49) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings should be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
Reason: To ensure protection of controlled waters.

(50) 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 buildings are first brought into use/occupied.
Reason: In the interests of the amenities of neighbouring residents.

(51) If during development, the presence of bats is discovered, work should stop immediately and Natural England should be contacted. In addition, a Watching Brief shall be maintained during building works.
Reason: For the avoidance of doubt and for the protection of bats.

(52) That prior to the commencement of development on site, a methodology statement for the treatment and continuing protection of the historic kitchen shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(53) The cobbles within the existing courtyard shall at all times be retained to the satisfaction of the Local Planning Authority.
Reason: For the avoidance of doubt and to secure a satisfactory standard of development.

(54) That further details of the proposed gallery in the billiard room shall be submitted to and approved by the Local Planning Authority in consultation with English Heritage.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It will ensure the preservation and enhancement of the Grade II listed building; it will have no harmful effects on the visual amenities of the locality in general or the character and appearance of this part of the Old Town Conservation Area in particular; it will have no detrimental effects on the amenities of occupiers of surrounding residential properties or highway safety and complies with all relevant policies of the Eastbourne Borough Plan 2001-2011.

RECOMMEND (B): That the Secretary of State be advised that the Council is minded to grant listed building consent in respect of EB/2008/0131(LB) subject to the following conditions:

(1) That the development and works hereby permitted shall be begun not later than five years from the date of this consent.
Reason: To comply with Section 18 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

(2) No development shall take place until samples of the materials and finishes to be used in the internal surfaces (including a room by room schedule of all finishes to floors, walls and ceilings) and external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the neighbourhood and the existing fabric of the building.

(3) That prior to commencement of any development on site, full details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of the amenities of the locality in general and occupiers of adjoining residential properties in particular.

(4) That no works authorised by this consent shall take place until a detailed record of the interiors and exteriors of the building (written, drawn and photographic and formatted onto a schedule) (including a record of every room and every feature, staircases, windows, internal shutters and doors), has been undertaken by a person or body approved by the Local Planning Authority, to a programme which shall be submitted to and approved in writing by the Local Planning Authority and a watching brief shall thereafter be maintained for the duration of the works.
Reason: To secure and safeguard the provision for inspection and recording of matters of architectural/archaeological/historical importance associated with the building/site which may be lost in the course of works.

(5) That prior to commencement of development, a site meeting shall be held between the Local Planning Authority, in consultation with English Heritage, and the persons responsible for undertaking the works, to ensure that the conditions attached to the planning permission and listed building consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(6) That prior to commencement of development on site, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in full accordance with such approved details:

- drawings at a scale of 1:10 (elevations) and 1:2 (sections) showing all joinery details, which shall include all proposed windows (including new windows to former openings), doors (including any hidden doors within panelled rooms), staircases, skirting, architraves and picture rails, internal window shutters and new timber panelling to replicate existing.

Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(7) That prior to commencement of any work on site, steps shall be agreed in writing with the Local Planning Authority and thereafter taken to protect interior feature staircases, decorative plaster work, cornices, doors, door cases etc. from vandalism, theft or other damage for the duration of the construction/alteration work hereby permitted.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(8) That all new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of materials methods, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved or required by any other condition(s) attached to this consent.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(9) That prior to commencement of work on site, a sample panel of the new boundary wall of the courtyard shall be provided on site showing the proposed brick and flint types, colour, texture, face-bond and pointing, mortar mix (to be traditional lime – hydraulic or lime putty) and finish profile. Confirmation of the materials and methods shall be agreed in writing with the Local Planning Authority and shall be carried out accordingly. The approved sample panel shall be retained on site until the work is completed and the condition discharged.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(10) That the new joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on drawings hereby approved or required by any other condition(s) attached to this consent.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(11) That prior to the commencement of any work on site, a schedule and annotated plan showing the full extent of alteration works to existing windows and doors shall be approved in writing by the Local Planning Authority and the work agreed carried out in full.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(12) That prior to the commencement of any work on site, detailed drawings (as appropriate) fully detailing all new or replacement windows and doors, shall be submitted to and approved in writing by the Local Planning Authority and installed in complete accordance with the approved details. The drawings will show the decorative/protective finish; cross sections for glazing bars, sills, heads etc. at a scale of 1:1, 1:2 or 1:5; details of puttying or beading; method of opening; and colour scheme.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(13) No cleaning of brickwork, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without the prior approval of details. Prior to the commencement of any work on site, proposals shall be approved in writing by the Local Planning Authority and carried out strictly in accordance with such approved proposals. At the commencement of cleaning, a test panel shall be undertaken in an inconspicuous position.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(14) That prior to the commencement of any work on site, the position, type and method of installation of all new and relocated services, related fixtures, flues, vents, pipe and conduit runs (for the avoidance of doubt this includes security, communications, information technology servicing, any provision for a sprinkler system, burglar alarms and satellite dishes), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. Any works shall be implemented only in accordance with such approval.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(15) No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(16) That prior to the commencement of any work on site, 1:10 scale plans, elevations and sections of the proposed new dormers shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(17) That prior to the commencement of any work on site, a schedule and annotated plan showing the full extent of any replacement leadwork shall be approved in writing by the Local Planning Authority and the work agreed carried out in accordance with the Lead Standards Agency.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(18) That any proposed opening up works shall be under the supervision of a watching brief (Canterbury and/or Georgian Group) and upon completion of the works, all existing surrounds and fireplaces shall be photographically recorded and formatted onto a schedule and submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(19) That prior to commencement of development on site, details of any work proposed relating to the prevention of the spread of fire, means of escape, sound insulation and thermal insulation, where it impacts on the historic fabric of the building, shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(20) That any structural alteration (removal of load bearing elements etc.) shall be supported by a structural engineer's evaluation and calculations).
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(21) That a methodology statement for the extent of works including specification for the repair or replacement of traditional lime plaster mouldings and plasters, retention of historic ceramics, formation of new openings, restoration of existing balconies and making good shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(22) That all rainwater goods shall be cast iron or cast aluminium and the profile of the type shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on site.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(23) That no ceiling down lighters shall be inserted into the historic fabric of the building without the prior approval of the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(24) That all existing historic fixtures, fittings and features are to be retained and relocated within the building, details of which shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(25) That prior to commencement of development on site full details of the rooflight details shall be submitted to and approved by the Local Planning Authority at a scale of 1:10 elevations and 1:2 sections. All rooflights are to be fitted flush with the roof and to be of a type with no externally fitted blind box.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(26) That prior to commencement of development on site, details of the specification of the traditional lime mortar for all making good works shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(27) That any damage caused to the historic fabric of the building as a result of the works are to be immediately reported to the Council's Conservation Officer and all work shall cease until such time as an inspection with Officers has been carried out and remedial works agreed.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(28) That all new structural elements are to be steel bedded on engineering brick pad stones and not concrete lintels with concrete pad stones.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(29) That prior to commencement of development on site, full joinery details for all new staircases shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(30) That prior to commencement of development on site full details of the provision to made for the secure parking of cycles in the historic stores shall be submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory development.

(31) There shall be no means of enclosures erected within the curtilage of the site or equipment placed within the private amenity space adjacent to Manor Gardens without the prior written consent of the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(32) 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 buildings are first brought into use/occupied.
Reason: In the interests of the amenities of neighbouring residents.

(33) If during development, the presence of bats is discovered, work should stop immediately and English Nature should be contacted. In addition, a Watching Brief shall be maintained during building works.
Reason: For the avoidance of doubt and for the protection of bats.

(34) That prior to the commencement of development on site, a methodology statement for the treatment and continuing protection of the historic kitchen shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

(35) The cobbles within the existing courtyard shall at all times be retained to the satisfaction of the Local Planning Authority.
Reason: For the avoidance of doubt and to secure a satisfactory standard of development.

(36) That further details of the proposed gallery in the billiard room shall be submitted to and approved by the Local Planning Authority in consultation with English Heritage.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

6) TREVETHAN, 52 CARLISLE ROAD, EASTBOURNE
Demolition of existing building and erection of ten flats in one block with underground car park and cycle storage
EB/2008/0147(FP),MEADS

EXECUTIVE SUMMARY

The proposed replacement of the existing building, sub-divided into three residential units, to create ten flats, served by the same number of car parking spaces, would, due to its revised design, scale and layout, provide a satisfactory form of flatted accommodation, which would not adversely affect the established residential amenity of the occupiers of adjoining houses fronting Salisbury Road or the trees next to the Beachy Head Road.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The rectangular shaped site, measuring some 35 metres wide and 60 metres deep (0.197 hectares), is located on the western side of Carlisle Road, some 20 metres from the junction with Beachy Head Road. The site lies on the western edge of Eastbourne just outside the Meads Conservation Area.

PLANNING HISTORY

The existing property is believed to date back to the early Edwardian period. The property has been extended and sub-divided to create three separate residential units, in 1958, each with its own entrance.

Planning application EB/2007/0518 for the demolition of the existing building and the erection of 12 flats (over four floors) in one block with underground car park and bicycle storage, was refused for the following reasons:

The proposed erection of a building containing 12 flats would, given its inappropriate massing, scale and design, result in the overdevelopment of the site together with an erosion of the established residential amenity enjoyed by occupiers of adjoining properties due to over looking, loss of privacy, and an increase in noise and general disturbance. As such, the proposal is contray to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

(Refusal Notice dated 30 October 2007)

CURRENT APPLICATION

Permission is sought for the demolition of the existing building and the erection of a replacement building comprising ten flats in one block served by underground car parking and individual cycle storage.

The Design & Access Statement states, in part, that:

"The revised proposal which is the subject of this application is a result of careful redesign and pre-application consultation.

The flats will be formed in a single block with the lower ground floor parking area almost wholly underground, two full storeys each providing 4 flats per floor and 2 flats at second floor level, wholly within the roof space.

The scale and form of the design has been deliberately matched to that of the original building and principal elevations of the new building will read in a very similar fashion to the existing.

The symmetry and formal nature of the roofscape is reinforced through the use of an entirely hipped design and the symmetrical placing of small dormers and chimney stacks creates a simple but authentic appearance.

It could be argued that though the removal of the existing building scope exists to create a smaller number of traditional dwellings. However the presence of the protected trees, the topography of the site and established character of the single building within a sylvan setting all lead to the conclusion that any form of redevelopment should be within a single block.

It must also be said that a much lower form of development density would be contrary to current planning policy guidance to re-use of existing developed land in urban areas at a higher density to maximize efficient land use.

The issues raised under the previous application EB/2007/0518 for a larger form of development were all taken into account in redesigning this scheme. The number of units has been reduced and the scale, form and impact of the development softened considerably to reduce its impact upon its surroundings"

(Statement received 27 February 2008).

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

NE5	Minimisation of Construction Industry Waste
NE12	Energy Efficiency
NE28	Environment Amenity
UHT1	Design of New Development
UHT2	Height of Buildings
UHT5	Protecting Walls/Landscape Features
IHT7	Landscaping
HO2	Predominantly Residential Areas
HO7	Redevelopment
HO20	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking

CONSULTATIONS

The Council's Historic Buildings Consultant advises that whilst the proposal is supportable in principle insufficient information, such as gradient of site, sections through the development, no roof plan, no garden deatils or rainwater goods drawings, has be submitted to determine all aspects of the proposal and therefore the recommendation is refusal (Memo dated 17 March 2008).

The Council's Arboricultural Officer advises that the site contains a number of mature trees including Beech, Wheatley Elms and Camperdown Elm. Given the importance of these trees and the visual amenity they provide they are protected by a Tree Preservation Order. If the application is approved conditions should be imposed to protect the existing trees and to ensure planting and landscape maintenance (Memo dated 24 April 2008).

The Environment Agency has no objections, in principle, to the proposal as submitted provided conditions are imposed to prevent pollution of controlled waters and of the water environment (Letter dated 11 March 2008).

The Principal Highway Engineer advises that the Highway Authority does not wish to restrict the grant of consent subject to a number of conditions being applied together with a financial contribution of £10,250 towards the costs of implementing Local Transport Plans Local Area Transport Strategies to reduce traffic congestion and widen the choice of transport (Memo dated 6 March 2008).

REPRESENTATIONS

The application was advertised in the local press and site notices displayed around the site. In addition, letters of notification were sent to the occupiers of surrounding residential properties. At the time this report was prepared (7 May) 328 letters of objection (including 298 pro forma letters) had been received, the contents of which can be summarised as follows:

- Why demolish a perfectly good building?
- The proposed block of flats will look out of place
- Daylight and sunlight would be cut off
- Noise and nuisance would increase
- The proposed ten flats will be a gross overdevelopment of this site
- It will overlook surrounding low rise houses
- The existing trees are likely to be heavily damaged or lost
- There will be an increase in traffic congestion near a hazardous crossroads and parking in the road
- The existing building is capable of economic refurbishment
- There are enough flats in this area without building more
- The character of Meads is slowly being eroded and this beautiful old building should not be demolished
- The revised multi storey block is not wanted here
- The existing building should be kept
- The scale of the proposed block would dominate the site
- The underground car park would have an adverse bearing on the water table threatening the longevity of the existing trees

- The proposed building's footprint would still be closer to my property and therefore dominate my southerly aspect
- The entrance to the underground parking would inevitably give rise to a great deal of vehicle movement creating a lot of disturbance
- There will be a significant loss of privacy
- The levels on the section though the northern boundary are inaccurate and misleading
- The proposed footprint is 35% larger than the existing building
- The many large windows in the western elevation would result in a total loss of privacy
- The demolition of such a stylish and sound building most be considered wasteful bordering on the scandalous
- Numbers 1, 3, 5 and 7 Salisbury road are particularly effected as the proposed block rises to a ridge height of 13.3 metres

(Letters dated 20 March – 6 May 2008)

APPRAISAL

The main issues to consider in the determination of the application are the loss of the existing building, the design, scale and layout of the proposed replacement building, the proposed car and cycle parking provision, the retention of trees and the impact of the development on the established residential amenity of the area.

The existing building was built around the turn of the last century but as it is not either listed or within a designated Conservation Area there are no planning legislation related controls to prevent the demolition of such a period property. Therefore the loss of the building, whilst regrettable in terms of its contribution to the townscape of this part of Meads, is acceptable in this instance.

Planning Policy Guidance (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 detached residential properties in use a single private houses or sub-divided into self-contained units of accommodation. The principle of continued residential use is considered to be acceptable.

The proposed replacement building, to accommodate 10 flats over three floors, has the same main ridge height as the existing 2-storey building, which is sub-divided into three flats. However, the replacement building is 2.5 metres wider and 5 metres longer than exists, with the result that its volume is about a third more than the present structure. Nevertheless, the proposed replacement building would, when viewed from Carlisle Road, present a well designed frontage, with a centralised front door and symmetrical fenestration, not dissimilar to the style of the existing building.

Furthermore, the number of window openings in the proposed north or side elevation, facing the rear gardens of properties fronting Salisbury Road, has been reduced to five of which only one (a first floor bedroom window) lights a habitable room. The other four narrower windows would serve kitchens. Although the new building would be some 16-metres away from the rear windows of houses fronting Salisbury Road, the side wall of the existing building has a total of eight windows, three of which light habitable room. The number and arrangement of side windows in the proposed building are unlikely to reduce the established levels of privacy, for neighbours, in comparison with the side windows and a raised conservatory of the existing building.

The Highway Authority confirms that the application provides for an acceptable level of off-street parking and cycle storage accessed off Carlisle Road by way of a 4-metre driveway to replace an existing car parking space. As the car park is located within the proposed building, much of the noise and disturbance associated with such a use should be contained within the structure, thereby reducing any noise and disturbance to the occupiers of neighbouring properties.

With regard to trees, the Council's Arboricultural Officer has noted the significance of the existing mature trees, which provide visual amenity for the area and are protected by a Tree Preservation Order. As such, these trees must be protected during any period of construction, which can be achieved by the imposition of suitable planning conditions.

As indicated in the "Representations" section of this report, there have been a very large number of objections from neighbours and other Meads' residents in respect of the proposed redevelopment scheme especially about the adverse impact that the proposed development would have upon the appearance and character of the area, in general, and by reason of loss of privacy, over-looking, and increased noise and disturbance, on residential amenity in particular. Notwithstanding, the current scheme, which has both reduced the proposed number of flats as well as being amended in terms of overall massing and arrangement of side windows, is considered not to harm the residential amenity of the area.

HUMAN RIGHTS IMPLICATIONS

The proposed development is unlikely to have adverse implications in respect of the above noted Right.

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) That any car parking and lockers 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.

(5) 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.

(6) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

(7) No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority. No occupation of dwellings should be undertaken prior to the implementation of those agreed foul drainage works. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development should be undertaken prior to acceptance of the development's foul sewage.
Reason: To prevent pollution of the water environment.

(8) Prior to being discharged into ant watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

(9) All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (eg BS 5837: 1991) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
Reason: To ensure the continuity of amenity afforded by existing trees.

(10) All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see guidance notes enclosed and BS 5837: 1991). No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 1.2m minimum height chestnut paling to BS 1722 Part 4 securely mounted on 2.4m minimum height heavy-duty hoardings securely mounted on scaffold poles. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

(11) Before any works commence on site, details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

(12) The soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.
Reason: To avoid damage to health of existing trees and hedgerows.

(13) 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 tree(s) in question.

(14) 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:
Reason: To ensure the provision of the amenity value afforded by trees in respect of the proposed development.

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.

(15) 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.

(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.

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.`

7) 54-56 UPPERTON ROAD, EASTBOURNE
Demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front
EB/2008/0162(FP),UPPERTON

EXECUTIVE SUMMARY

The proposed replacement of the pair of existing semi-detached two-storey houses with a seven-floored replacement building containing 12 flats would, by reason of its design, scale and position, have an adverse impact on the established amenities of the surrounding area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The rectangular shaped site, measuring some 48 metres long and 21 metres wide (fronting the public highway), is situated on the northern side of Upperton Road, with Selwyn Drive to the rear. To either side of the site are blocks of flats – Arlington House, with 8 storeys, and Lullington House, with 6 storeys, both dating from the 1960's. On the rising ground to the rear is a cul-de-sac development of two-storey houses, accessed from Selwyn Road.

PLANNING HISTORY

In 1983, planning permission EB/1983/0021 was granted for the erection of a pair of two-storey semi-detached dwellinghouses each with integral garages. In 2005, outline consent was refused for the replacement of the existing two houses with a seven-storey building accommodating 14 residential flats (EB/2005/0139(OL).

Planning application EB/2007/0821, for the erection of a 5-storey building containing ten flats, served by ten car parking spaces, was refused in February 2008, for the following reasons:

The proposal constitutes an undesirable form and scale of residential development which would, by reason of design, over-development, overlooking and over-shadowing, be detrimental to the visual amenities of the area and the amenities of surrounding residential properties. As such, the proposed development is considered to the contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

The refusal is, at present, the subject of a planning appeal, to be determined on the basis of written representations.

CURRENT APPLICATION

Planning permission is sought to erect a total of 12 residential units, comprising 10 three-bedroom flats, one bedroom flat (Flat 11) and one 3-bedroom maisonette (Flat 12), with an overall footprint of some 15 metre wide and 20 metres deep, in a seven-floored building served by a 12-space car park at the front accessed off Upperton Road. Each of the 12 flats would have a balcony fronting Upperton Road. The replacement building would be stepped down at the back with distinctive curved roof features when viewed from the public highway.

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

"Our proposal consists of demolishing the existing pair of houses and replacing them with a block of flats consisting of ten 3 bed flats on five floors, one 1 bed flat on the 6th floor and one 3 bed maisonette on the 6th and 7th floors. The block is set down into the site, which has a 2.5 metre fall from the rear to the front, this and the staggered nature of the design lessens the impact of the proposed building on the houses to the rear. The nature of the design is that the rear elevation steps back over the ground floor, rises for the first and second floors, slopes back for the third and fourth floors and then staggers back greatly to create volumes over the Upperton half of the building.

The design of the proposed building is very contemporary using brick as a plinth, render to cover the vertical faces, coloured render to highlight the distinct vertical feature panel that springs from the main entrance and to the lower panels as base panels off which the single ply cladding rises over to fold over as roofs. All roofs are in the sharp, copper patina colour cladding in linear and curved interlocking forms. It is an exciting building very much of the present time and progressive over that of the modern feel of the neighbouring buildings.

Great care has been taken to ensure that there is no overlooking of adjacent properties, by using oblique angled bays to the sides, and obscured glazing to all other windows facing north west or south east, except where already obscured by the existing site boundary walls. The north east sloping roof has also been designed to accommodate rooflights angled wit the roof.

The ground floor living rooms to the rear of the property are served by secluded inset stepped garden terraces, with the living rooms to all other floors facing south west and their bedrooms facing north east i.e. the rear of the site.

Parking for 12 cars is provided at the front of the site serving all flats, with separate secluded bin store in a timber enclosure and cycle parking area.

The site is screened to the rear boundary by the existing 2.1 metre high brick wall with a 900mm interwoven timber fence on top that has a further dense tree and scrub screen within the adjacent rear property."

(Design and Access Statement received 4 March 2008)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

NE5	Minimisation of Construction Industry Waste
NE11	Energy Efficiency
NE28	Environmental Amenity
UHT1	Design of Development
UHT2	Height of Buildings
UHT7	Landscaping
HO7	Redevelopment
HO20	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking

CONSULTATIONS

The Council's Arboricultural Officer advises that there is group of mature Holm Oaks and Limes on the southern side of Arlington House. These trees are considered to provide significant visual amenity and a Tree Preservation Order has recently been made. The trees roots need to be protected during excavation and their good natural form retained. If the application is approved conditions should be imposed in respect of tree protection and landscape design proposals (Memo dated 30 April 2008).

Southern Water advise that foul sewage disposal can be provided to service the proposed development (Letter dated 13 March 2008).

The Local Highway Authority does not object to the proposed development subject to the imposition of appropriate conditions and a £12,300 financial contribution towards the costs of implementing Local Transport Plan's Local Area Transport Strategies (LATSs) to reduce traffic congestion and widen the choice of transport (Memo received 31 March 2008).

The Environment Agency has no objection in principle to the proposal as submitted (Letter dated 17 March 2008).

REPRESENTATIONS

The application was advertised in the local press and site notices were displayed at the front of the site. In addition, notification letters were sent to the occupiers of surrounding properties. In response, when this report was prepared (7 May), 28 individually composed and 69 pro-forma letters of objection had been received, the contents of which can be summarised as follows:

- The proposal would directly overshadow my property
- There would be direct overlooking my house and garden
- This development would add to the traffic in Upperton Road
- The level of noise and disturbance would greatly increase from this development
- The area is already overbuilt with similar high-rise accommodation

- The design does not conform with neighbouring properties
- There should be a mix of housing types and sizes in the area
- There have been several bad accidents along this section of road
- Given the planning history, we cannot understand why a further application has been submitted for 12 units
- These two houses are a pleasant visual asset to neighbouring flats
- We must be allowed space for healthy living and some privacy
- There are not enough parking spaces on a busy main road
- Flats on either side would have their privacy severely intruded as the windows would look directly into their dwellings
- The proposed building has less regard for any visual integration within the local architecture but is even larger and higher than the previous proposal
- The proposed structure is too high and much bigger than existing
- This particular part of Upperton Road is very narrow
- This is a much larger project than that recently turned down
- The proposal would cause loss of privacy and sunlight to a lot of homes in the vicinity
- An overdevelopment of this site has been refused in the past
- The existing two semi-detached houses should remain as they offer a welcome relief from the wall to wall monotony of the existing flats
- My house and garden would be overshadowed and overlooked

(Letters and e-mails dated 13 March - 9 April 2008).

APPRAISAL

The main issues to consider in the determination of the application are the principle of residential re-development, the design and scale of the replacement building, the access and car parking arrangement associated with the proposal, and the impact of the development on the amenity of surrounding residential properties.

With regard to the redevelopment proposals, the Borough Plan states that the "redevelopment of obsolete or underused land or buildings has been one of the principle means of achieving new homes within the existing built-up area … However it is important that the character and amenity of existing residential areas does not become undermined by inappropriate developments". Although, in principle, there would be no objection to the modest redevelopment of the existing property, which is considerably smaller than those either side, there are a number of constraints that would restrict the number of units that could be accommodated.

Arlington House, with 8-storeys, and Lullington House, with 6-storeys, on either side of the application site, have been positioned to have regard to the impact of such tall buildings on the two-storey dwellings immediately behind in Selwyn Drive. As such, it is considered that any new building on the application site should not exceed three-storeys with a pitched roof. However, the size of such a replacement building would not be capable of accommodating 12 residential units, which is the number proposed.

The proposed siting of the block of 12 flats would extend the footprint of the existing pair of semi-detached houses both towards Upperton Road and, more significantly, some four metres towards the rear and side gardens of 5 and 6 Selwyn Drive, respectively. Such a front-to-back measurement is similar to the adjoining blocks of flats in Arlington House, with 29 units, and Lullington House, with 25 units. The siting of the proposed block of 12 flats would be noticeably closer to the adjoining 2-storey dwellings in Selwyn Drive than the existing situation.

In respect of design, the architects have opted, as stated in their Design and Access Statement, for a "*very contemporary*" approach which has little reference to the modern blocks of flats on either side and therefore would appear incongruous in this context and setting. As well as the introduction of (semi)circular features, especially at high level, on the front of the proposed block of flats, which are at variance to the angular architecture of nearby buildings, the "staggered" stepping down of the rear of the proposed building indicates that the site is not capable of taking satisfactorily a conventional form of flatted accommodation.

With regard to the means of access onto Upperton Road, the centralised vehicular access to the proposed 12-space car park, to serve the development, is considered by the Highway Authority to be acceptable. However, the provision of enclosed individual storage areas for use by residents, measuring two metres by one metre, rather than proposed covered communal cycle store for 12 bicycles, would provide future occupiers with secure storage for bicycles, mobility buggies, etc.

A number of concerns have been raised by a large number of local residents including over-shadowing, over-looking and loss of privacy, together with increased over crowding, noise and disturbance, as a direct consequence of proposing 12 residential units accommodated in a seven floored building. In particular, there would be an unacceptable impact on the established amenity of surrounding residential properties especially due to over-looking and loss of privacy.

CONCLUSION

Although some modest form of residential re-development of the site, set within an established residential area, could be acceptable there are aspects of the scheme, as indicated above, which means that the current proposal is inappropriate in terms of form and scale, as well as having an adverse impact on the amenities of the area.

HUMAN RIGHTS IMPLICATIONS

The proposed residential re-development could have an adverse impact upon the above noted Rights of surrounding residents.

RECOMMEND: Permission be refused for the following reasons:

The proposal constitutes an undesirable form and scale of residential development which would, by reason of design, over-development and overlooking, be detrimental to the visual amenities of the area and the amenities of surrounding residential properties. As such, the proposed development is considered to be contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

8) 133 - 135 SEASIDE ROAD, EASTBOURNE
Retrospective application for decking installed at rear
EB/2008/0170(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The decking area has been constructed at the rear of the premises. It has resulted in external part of the property being used by clients of the restaurant/bar, with an increase in noise and disturbance to neighbouring residents and hotel occupants. The appearance of the decking is not considered to be in character with the area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises the restaurant with bar that on the south-east side of Seaside Road, at the corner with Colonnade Road. The premises occupy the ground floor and basement. The rear of the site backs onto Colonnade Gardens. There are flats on the upper floors of the application site, with flats also above 137 – 139 Seaside Road and hotels and guest houses on the opposite side of Colonnade Gardens.

RELEVANT PLANNING HISTORY

1999 – Granted: Change of use from retail to restaurant (EB/1999/0065).

2001 – Granted: Variation of planning permission to permit opening hours of 11am – 1.30am Mondays – Thursdays; 11am – 2am Fridays and Saturdays; and 11am – 1am Sundays (EB/2002/0202).

CURRENT APPLICATION

Planning permission is sought retrospectively for a timber decking area that has been constructed at the rear of the premises. The decking directly abuts the pavement in Colonnade Gardens. It covers an area approximately 4 metres by 13 metres; railings have been installed with an overall height of 1500mm. There is also a ramp up from Colonnade Gardens. The timber has been finished with a dark stain.

PLANNING POLICY

UHT1	Design of New Development
UHT15	Protection of Conservation Areas
HO20	Residential Amenities

CONSULTATIONS

Occupiers of surrounding properties notified and a site notice displayed. Three objections received, summarised below:-

- The decking was used by smokers and drinkers from the premises. This resulted in significant noise and unruly behaviour late at night and the early hours of the morning.
- There was loud music coming from the bar through open doors and onto the deck.
- There have been groups of up to 30 people on the deck singing loudly after midnight.
- The noise and disturbance has affected guests staying in nearby hotels.
- Whilst there may be a requirement for a smoking area, perhaps it would be possible to put on a condition that the decked area must be closed to customers after 11pm to allow neighbours to sleep.
- The decking is surrounding by flimsy looking fencing – perhaps a more solid construction with some form of sound proofing panels might help lower music noise.
- There was a litter and bottles discarded which would roll into the roadway.

(Emails and letter received 25 March – 16 April 2008).

Historic Buildings Advisor: The decking is not in character with the Conservation Area, although it is at the back of the site. (Memo dated 9 April 2008).

APPRAISAL

The main issues to consider in the determination of this application are the effects of the development on the amenities of the surrounding residents and on the conservation area.

The decking at the back of the property has resulted in clients of the premises using the external part of the site, particularly since the smoking ban. Spreading activity to the external areas of the premises results in noise and disturbance that would otherwise be contained within the building. It is considered that this does have an adverse impact. There are flats above the premises (Then Colonnades), and also above Cash Converters (137 - 139 Seaside Road). There are seafront hotels with bedrooms facing Colonnade Gardens. The application site is in a town centre area, where a higher level of noise and activity can be expected. However, the decking has introduced activity to an elevation which has otherwise been quieter than the main Seaside Road frontage. It is considered there the increase in noise and disturbance has resulted in a loss of residential amenity, and is contrary to the provisions of policies UHT1 and HO20.

The application site is within the Town Centre and Seafront Conservation Area. Although the rear is service part of the building, it is still readily visible in the public domain as it is adjacent to Colonnade Gardens.

The timber decking, its style and colour is not considered characteristic of the Victorian architecture of the vicinity. Its appearance is considered more typical of a residential garden setting rather than a town centre frontage. It is therefore considered that the decking does have harmful effect on the character and appearance of the conservation area, is thus contrary to policy UHT1 and UHT15.

HUMAN RIGHTS IMPLICATIONS

It is considered that there may be an adverse impact on neighbouring occupiers Right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be refused for the following reason:

(1) The decking area creates activity external to the building and results in noise and disturbance to the detriment of the neighbouring residential amenity, contrary to policy HO20 of the Eastbourne Borough Plan 2001 - 2011.

(2) The decking is out of character with the Town Centre and Seafront Conservation Area, contrary to policies UHT1 and UHT15 of the Eastbourne Borough Plan 2001 - 2011.

9) 56 PARKWAY, EASTBOURNE
Erection of two-storey extension to rear (including alterations to existing retaining wall around patio) and single-storey extension to front of garage and erection of new front porch
EB/2008/0186(FP),RATTON

EXECUTIVE SUMMARY

The proposed rear extension would follow the profile of the existing rear gable. Although its size is quite substantial size, it is considered that it would not adversely affect neighbouring residential amenity due to its position and the orientation of the rear elevation. The main windows would face back along the rear garden and not materially increase overlooking. The front additions are the same size and design approved under a previous application in 2004.

RECOMMEND: Permission be granted subject to conditions:

CURRENT APPLICATION

The application site comprises a detached, two-storey house on the north side of Parkway. The first floor is contained within the large roof of the house. The rear garden backs onto a woodland area. The front of the property has vehicular access and a driveway for car parking.

Planning permission is sought to erect a two-storey extension to the rear of the house. This would project 3.7 metres beyond the existing rear wall. The first floor of the extension would be accommodated in the gable, which would have a large window facing the garden. There would also be a rooflight on each side of the pitched roof of the extension at first floor. The roof of the extension would continue down to cover a single-storey addition to the ground floor. The existing patio and retaining wall would be adjusted to accommodate the rear extension.

At the front of the house it is proposed to erect a pitched roof porch to the main entrance; and extend the existing integral garage forward by 2.5 metres to be level with front building line. Part of the garage would be converted to habitable space and the remainder kept for storage.

PLANNING HISTORY

Planning permission was granted in 2004 for a first floor rear extension and single-storey extension to the front (ref: EB/2004/0777).

PLANNING POLICY

UHT1 Design of New Development
HO20 Residential Amenity

CONSULTATIONS

Neighbouring occupiers notified and site notice. Two letters of objection from occupiers either side of the application dwelling received:

- The proposed extension is larger than the one that was put forward in 2004.
- The proposed extension would extend four metres on two-storeys; No56 is already set one metre further back than No.54.
- This will tower over our single-storey family room and patio.
- It will have an overbearing impact and the outlook would be dominated by the high roof line.
- The gardens of Parkway slope steeply and the only area of flat grass is adjacent to the house. The proposed extension would cast shadow over this flat bit of grass and patio.
- A two-storey extension would cut light out light and evening sun from our lounge.
- The proposed extension would cause overshadowing of the garden at No.58 - greenhouses, patio and parts of the garden - as our garden faces north.
- The windows in the proposed extension also face north, but due to the depth of the extension the garden of No58 will be overlooked as the garden slopes up to the rear; we will not have any privacy which we have been used to for nearly 30 years.
- We believe that the proposed extension is contrary to policy HO20.

(Letters received 26 and 31 March 2008).

APPRAISAL

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

The proposed two-storey rear extension would project 3.7 metres beyond the existing rear building line (north facing). It is considered that the extension would not detrimentally affect the dwellings either side, 54 and 58 Parkway. The two-storey extension would be 4.5 metres from the boundary with No.54 and would not breach a 45-degree angle from the rear windows. It is considered that the extension would not result in harmful loss of light.

Furthermore, the first floor of the extension, contained with the apex of the roof, would not breach a 45-degree angle drawn from the corner of 58 Parkway, to the west. The ground floor window in the rear of No58 closest to the boundary with No56 are a kitchen, there is also a conservatory. No.58 has a slightly higher ground level. It is considered that the proposed extension would not have a harmful impact on the daylight or sunlight received by No.58. There are greenhouses in the rear garden of No58, which are adjacent to the boundary but up against the existing hedge.

The rear extension would have a large window at first floor level facing down the garden. Although the extension would result in the first floor windows being set further along the rear garden, it is considered that due to the direction, that there would not be material increase in overlooking of neighbouring gardens compared to the current situation. Roof lights are proposed to the roof slopes of the rear extension; however, these would be positioned at the height that would not allow direct overlooking of the gardens and dwellings to the side.

The design and size of the rear extension would be harmonious with the existing house. It would not be readily visible from public areas. It is therefore considered that the rear extension would not harm neighbouring residential amenity or the visual amenity of the area, complying with policies UHT1, UHT4 and HO20 of the Borough Plan.

The proposed additions to the front are the same as those approved in 2004. The extension to the front of the garage and the proposed porch would be harmonious with the existing house. They would not be obtrusive in the street and the modest size would not affect neighbouring residential amenity.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

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

(2) That 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) 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 elevations (east and west) of the extensions.

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 adversely affect on the character appearance of the locality or be harmful to neighbouring residential amenity, complying with policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan 2001 - 2011.

10) 160 VICTORIA DRIVE, EASTBOURNE
Two storey extension to rear elevation
EB/2008/0211(FP), OLD TOWN

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

This two storey rear extension to the existing 1930's semi-detached property will not be detrimental to the residential amenities of the neighbouring properties nor the visual amenities of the surrounding area. The effects of overlooking and overshadowing are considered minimal and the issue of overlooking from the proposed decking area has been addressed by way of condition to incorporate a privacy screen along the boundary to 162 Victoria Drive.

SITE LOCATION

The application site comprises a semi-detached 1930s property at the eastern end of Victoria Drive, some 25m away from the junction with Albert Parade. The property has no extensions or alterations and has a small rear garden abutting the rears of the commercial properties along the southern side of Albert Parade. A small dead-end alleyway from Albert Parade runs along the boundary to the rear of 160 and 162 Victoria Road.

The ground level of the rear garden is significantly lower than the street level and therefore properties along the top end of Victoria Road (in the vicinity of the application site) each has a side access and steps down to the rear gardens.

PLANNING HISTORY

No relevant applications have been received.

CURRENT APPLICATION

Permission is sought for the erection of a 2.7m deep by 4.0m wide two storey extension to the rear of the property. This will serve as a kitchen extension and additional bedroom on the first floor. The application also proposes a raised 1.8m deep x 1.75m wide decking area and access stairs attached to the rear extension by replacement patio doors to the existing building.

PLANNING POLICY

UHT1	Design of a New Development
UHT4	Visual Amenities
HO20	Residential Amenities

CONSULTATIONS

A site notice was placed to the front of the application site and letters of notification were sent to the occupiers of the surrounding residential properties.

Four responses have been received objecting to the application for the follow reasons:

- The development would not be suitable for the site, would not be in keeping with the surrounding area and would not be in character with the existing building.
- Overshadowing and overlooking will be caused, particularly to 162. Victoria Road.
- Loss of privacy due to the raised timber decking area.
- Affecting value of adjoining properties.

The Environment Agency has commented that the application has a low environmental risk, and would cause no adverse impact to the protection of controlled waters.

APPRAISAL

The main issue to consider in the determination of this application is the effect the proposed development would have on the residential amenities of neighbouring properties.

The proposed extension is 2.7m deep and is set at an angle of 33° from the window in the rear elevation of 162 Victoria Road. This would significantly reduce the impact of overshadowing to the neighbouring property. Although set to the south of the neighbouring property of 162 Victoria Road, the proposal would not cause any additional overshadowing to the rear garden area than that caused by the three storey properties on Albert Parade which abut the rear garden to both the side and rear.

There are no windows to the side elevation of the proposed extension, eliminating the impact of overlooking to the neighbouring adjoining properties.

The 1m high raised decking area is set away from the boundary to 162 Victoria Road by 0.6m, and is of a size (1.8m deep x 1.75m wide) that will not lend itself to be used as a seating area, serving primarily as an access to the rear garden from the dining room. It will be controlled by way of condition to incorporate a screen along the boundary to 162 Victoria Road, which will significantly reduce the impact of overlooking to the adjoining property of 162 Victoria Road.

The proposal is to the rear of the property and is not visible from the public domain. Although there is an access alley to the rear of the application site, serving the commercial properties along Albert Parade, it is a dead-end alleyway and it therefore is not considered a public access or right of way, from which the application will be viewed.

The materials will match those of the main building allowing the proposal to harmonise with the host building and also the surrounding area. The ridge of the roof slope reiterates the roof of the host building. The use of UPVC windows will not be detrimental to the visual appearance of the development as they are to the rear of the application site, and the replacement of the original windows in the host building would not require consent.

HUMAN RIGHTS IMPLICATIONS

It is considered that the application under consideration would not infringe on the above noted rights of the neighbouring residents.

RECOMMEND: Permission be granted subject to the following conditions:

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

(2) That 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 door in the north side elevation shall only 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.

(4) That before the development hereby approved is commenced, details of a privacy screen shall be submitted to and approved in writing by the Local Planning Authority, which shall include the height design, materials and position. The approved screen shall be provided before the development is first brought into use and shall be permanently maintained thereafter.
Reason: To safeguard the privacy of adjoining occupiers.

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.

11) 24 SEASIDE ROAD, EASTBOURNE
Variation of condition 2 of planning permission EB/2007/0376 to extend opening hours from 9am - 12am (midnight) to 9am - 3am EB/2008/0217(FP),DEVONSHIRE

EXECUTIVE SUMMARY

The proposed extension to the opening hours would increase the amount of late night activity in the vicinity. This would add to the cumulative impact of existing late night uses and adversely affect the amenities of neighbouring residents, and crime and disorder in the area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a mid terrace, three-storey property located on the northern side of Seaside Road. The shop has recently been fitted out as a kebab shop. The upper floors are residential.

PLANNING HISTORY

1966 – Granted: Internal alterations to ground floor shop & installation of new shopfront (EB/1966/0382).

2005 – Granted: Conversion of part of basement from storage to a self-contained flat (EB/2005/0266).

2005 – Granted: Change of the ground floor and basement from retail (Use Class A1) to café/restaurant (Class A3) (EB/2005/0372).

2006 – Granted: (24A Seaside Road) Conversion of maisonette to two self-contained flats in association with replacement of windows and door to side and rear elevations with UPVC windows (EB/2006/0887).

2007 – Granted: Change of use from retail shop (Class A1) to a restaurant with takeaway facilities (sui generis) (EB/2007/0376).

CURRENT APPLICATION

Planning permission is sought to vary the hours of operation to permit the premises to remain open until 3am.

PLANNING POLICY

HO20 – Residential Amenity
TC6 – Town Centre Shopping Areas
TC7 – Area for Later Opening of Class A3 Uses

CONSULTATIONS

Occupiers of neighbouring properties notified and a site notice displayed. Four replies received with objections to the application:-

- We already have problems with kebab shops open until 3am on Seaside Road.
- Why after gaining planning permission to open 9am – 12am is it necessary to open until 3am.
- There is noise from people gathering around the other kebab shops late at night.
- There police are called out regularly because of anti-social behaviour along Seaside Road once the pubs and clubs have closed.
- Residents on Seaside Road rarely get sleep until after these café/takeaways close at 3am

(Emails and letter received 5 – 23 April 2008).

Environmental Health: Does not consider an extension to opening hours should be granted; there are outstanding issues regarding full assessment of the extraction system that has been installed. (Email dated 30 April 2008).

APPRAISAL

The main issue to consider in the determination of this application are the impacts on the amenities of the area.

Seaside Road is not identified in the Eastbourne Borough Plan as an area for late night uses. However, there are some, long established premises that operate until the early hours of the morning (hot food takeaways and bars/nightclubs). Policy TC7 of the Borough Plan identifies parts of Bolton Road, Langney Road, Pevensey Road and Terminus Road for later opening.

The proposed variation for 24 Seaside Road to remain open until 3am would increase the amount of activity in the area. It is considered that increasing the number of premises open until late at night would add to the cumulative impact of the existing late night uses, encouraging more customers to congregate late at night. It would result in an increase in noise and disturbance that would adversely affect residents of flats above the shops in the vicinity. This cumulative impact on the general amenities of the area would be contrary to policies HO20 and TC6.

Seaside Road has been identified as an area that experiences anti-social behaviour late at night. In terms of crime and disorder, it is considered that the problems currently experienced by the police would be compounded by the establishment of yet another location in the town centre which would encourage patrons to congregate late at night.

HUMAN RIGHTS IMPLICATIONS

It is considered that the extension to opening hours may have an adverse effect on neighbouring residents' Right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be refused for the following reason:

That the proposed extension to the hours of operation would result in an unacceptable increase in noise, disturbance, litter, crime and disorder by reason of the congregation of people in the early hours of the morning, adding to the cumulative impact on the amenities of the area, and surrounding dwellings in particular.It therefore conflicts with policies HO20, TC6 and TC7 of the Eastbourne Borough Plan 2001-2011 and Government advice in PPS1 and Safer Places-The Planning System and Crime Prevention.

12) THE BROADWAY UNITED CHURCH, THE BROADWAY, EASTBOURNE Ground and first floor extension to front and side of church, to form new entrance with disabled access ramp and meeting rooms EB/2008/0234(FP),RATTON

EXECUTIVE SUMMARY

The proposed extensions are a contemporary design. The design and style of the extension would be inharmonious with the existing building and incongruous in the street scene.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises The Broadway United Church (formerly known as St Stephen's Methodist Church) at the western end of The Broadway. The church building is two-storeys high, and has a pitched roof with one of the sides extending down to cover the ground floor. A single-storey extension with a flat roof has been built on the rear of the building. Part of the church grounds to the western edge of the site has been developed into twelve flats.

PLANNING HISTORY

1956 – Granted: Erection of 10 blocks (two-storeys high) of 4 flats each, 12 shops with flats over, a Church with parking space, two tennis courts and gardens. (EB/1956/0071).

1958 – Granted: Use for the erection of a Church, Church Hall, Manse, 10 shops and 10 flats over, with 12 commercial garages in 2 groups, 13 two-storey blocks of 4 flats each, 26 domestic garages in 3 blocks and 6 domestic garages in 3 pairs. (EB/1958/0484).

1959 – Granted: Erection of 2 blocks, each comprising 5 shops and 5 two-bedroom flats, and 2 blocks each comprising 5 garages, with a central cul-de-sac road. (EB/1959/0359).

1962 – Granted: Erection of Church and Church House, and use of existing Church as Church Hall. (EB/1962/0294).

1970 – Granted: Erection of new Church hall at rear, and removal of internal wall in existing Church. (EB/1970/0144).

1999 – Granted: Single-storey extension to form disabled and toilet facilities. (EB/1999/0360).

2004 – Granted: Erection of 2 blocks of two-storey retirement apartments, comprising 8 one-bedroom and 4 two-bedroom flats, together with associated landscaping and car parking. (EB/2004/0431).

CURRENT APPLICATION

Planning permission is sought to enlarge the church building on the front and side elevations (east and north facing). The alteration to the front would extend at first floor level, and be clad with timber boarding and facing bricks. The extension would have a roof to match the pitch of the existing roof profile. The alteration to the front would also provide a new main entrance to the building.

The proposed extension to the side elevation would be set on the roof slope that covers the existing ground floor. It would have an asymmetric roof and be clad with a mix of timber boarding and facing bricks. The extension would be 15.3 metres long and a height of 7.1 metres.

PLANNING POLICY

UHT1 – Design of New Development
UHT4 – Visual Amenity
HO20 – Residential Amenity
TR11 – Car Parking

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring properties and a site notice displayed. One reply received:-

- No objection to an access for the disabled but an extension will mean having to look out on to a brick wall.
- We already have to put up with unbearable noise from the church.
- Church users also use the private car park of the flats.

(Email dated 16 April 2008).

Highway Authority: Does not wish to restrict grant of consent (Memo dated 17 April 2008).

APPRAISAL

The main issues to consider in the determination of this application are the visual amenity of the area, neighbouring residential amenity,
The proposed extensions would add a contemporary design to the building. The alteration to the front would follow the profile and pitch of the existing roof of the building.

The shape of the addition would be harmonious in appearance. However, the proposed side extension would appear significantly different to the host building. It would have an asymmetric roof that would unbalance the appearance of the existing building.

The extension's design and bulk would appear inharmonious. The windows on the east facing elevation of the side extension would appear incoherent with the existing fenestration of the building. Furthermore, it is considered that the use of timber boarding as an external material would emphasise the lack of cohesion between the proposed and existing building, which has a brick finish. It is considered that the proposed extensions would have a detrimental effect on the visual amenity of the Broadway street scene, contrary to policies UHT1 and UHT4.

The bulk of the side extension would be set 6 metres from the nearest flat in Broadway Mews (No11). The nearest neighbouring ground floor flat faces due south. It is considered the extension, which would be set to the south-east of the No.11, would not result in harmful loss of light. Furthermore, it is considered that the position and size of the extension would not affect outlook. The extension would be no higher than the existing building.

The extensions would add 108 square metres to the floor space of the church. As there is already dedicated off-street parking for the church, and capacity on the surrounding roads, it is considered that the extra useable floor space would not significantly increase demand for car parking.

HUMAN RIGHTS IMPLICATIONS

It is considered that the development would not adversely affect neighbouring occupiers' above noted Rights.

RECOMMEND: Permission be refused for the following reason:

The development, by reason of the design and bulk and massing of the extension, would appear inharmonious with the existing building, and an incongruous feature in the street scene to the detriment of the visual amenity of the area. The proposal is therefore contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001 - 2011.

13) LAND AT THE REAR OF, 18 - 20 TRINITY TREES, FRONTING LISMORE ROAD, EASTBOURNE
Erection of three storey building to comprise eight one-bedroom flats EB/2008/0239(FP),MEADS

EXECUTIVE SUMMARY

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

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site is formed from the rear curtilage of the Swanley Court Hotel in Trinity Trees, and has a frontage of 14m to Lismore Road with a depth of 23m; the width increases slightly at the rear to 16.5m.

The site lies within the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

The former hotel building was used as a hotel from the 1950's until 2005-6, since when it has been closed. It was owned for many years by Swanley Town Council for the use of its residents (i.e. not open to the general public). The outbuildings at the rear were rented out for storage.

Planning permission was granted in September 2006 for the conversion of the existing building into eight flats and a maisonette, and in April 2007 for the temporary use of the building as offices (B1); neither of these permissions were implemented. (EB/2006/0590 and EB/2007/0105). Permission was granted in 2007 for its conversion into 11 flats, involving demolition of extensions and the erection of a new rear extension (EB/2007/0854), and the demolition element is currently being undertaken.

Planning permission and conservation area consent were granted in 2004 for the demolition of the outbuildings at the rear and the construction of a car park accessed from Lismore Road. Although the demolition of the outbuildings has been carried out, the car park was not constructed. (EB/2004/0799 and EB/2004/0800). Planning permissions were granted in 2007 for a three storey building on the site to provide either offices or four flats, both with undercroft parking (EB/2007/0365 and EB/2007/0367).

CURRENT APPLICATION

Planning permission is now sought for an L-shaped three storey building of a similar design to the previous approvals, but without the undercroft parking and an amended footprint. The building would provide eight one bedroom flats, arranged as three on each on the ground and first floors and two flats on the third floor.

The front of the building would be 12.5m wide, with a depth of 9m on the west side, and 19m on the east side; the rear would be 8.8m wide. It would be constructed of brick on the ground floor and render on the first floor, under a mansard slate roof. The provision of accommodation within the roof space has resulted in dormers on the front and east elevations, and conservation roof lights on the rear and both flank elevations; the largest dormer is on the front elevation and is curved, echoing a feature on the nearby church building. It is also proposed to construct a boundary wall in brick and flint 2.1m high to match the adjacent walls fronting Lismore Road, and to provide a wall of a similar height along the rear boundary, separating it from the former hotel building in Trinity Trees.

The current scheme makes no provision for car parking, and this is considered acceptable in such a central location; it could be said that it would be preferable to have no parking on the site in order to avoid another vehicular entrance onto Lismore Road, which is a busy road and part of the one-way system around the town centre. There are, however, eight cycle spaces proposed.

The current plans show a reduction in bulk from those originally submitted, as a result of concerns regarding the impact of the proposal on the outlook of the adjacent residents in Alciston Mews.

PLANNING POLICY

UHT1	-	Design of new development
UHT2	-	Height of buildings
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
HO2	-	Predominantly residential areas
HO6	-	Infill development
HO20	-	Residential amenity
TR6	-	Facilities for cyclists
TR11	-	Car parking

CONSULTATIONS

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

The comments of the Historic Buildings Consultant are based on the originally submitted plans; additional comments on the revised plans will be reported verbally. Concern is raised about the lack of parking and communal space around the new building, in addition to insecure cycle stands, with the conclusion that the scheme is not supportable due to the overall mass and scale of the building.

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 and residential amenity.

On the first issue, it is considered that the height, scale and design of the proposed building fits in well with the streetscene, and reflects the style and detailing of the nearby buildings in Lismore Road. Although the proposed building has a mansard style roof, it would have a 50° pitch, which would have the appearance of a more traditional hipped and pitched roof from ground level. The reintroduction of a substantial brick and flint wall on the front boundary will have a positive impact on the conservation area.

In respect of residential amenity, the only property affected by the proposal is 1 Alciston Mews. A gap of 2-2.5m would remain between the flank walls of this and the proposed building, and the only windows affected in Alciston Mews would be a bathroom window on the ground floor and two windows serving a staircase and a kitchen on the first floor. The windows directly facing the flank wall of the existing building at first floor level would be two bathroom and secondary living room window, all of which would obscure glazed, whilst on the second floor all the windows would be roof lights (and therefore do not overlook Alciston Mews at all). The deeper section of the proposed building would be set back between 4.5-5m from the common boundary, and the distance and angle between the proposed building and Alciston Mews is considered adequate. The impact on the adjacent property is therefore considered to be within acceptable limits.

The increase in the number of flats from four to eight has been achieved in a number of ways. The undercroft parking, and the ground floor vehicular entrance, have been removed, as has the lift; the footprint of the building has been increased slightly, and the top floor flat has been divided into two. Overall this has resulted in a significant increase in floorspace, and together with a rationalisation of all flats to just one bedroom, has provided sufficient space to accommodate eight modest, but reasonably sized flats. Bearing in mind the location of the plot fronting a busy part of the town centre ring road, it is considered that eight one-bedroom flats would represent a practical use of the site, providing a welcome addition to the town centre housing stock.

HUMAN RIGHTS IMPLICATIONS

It is considered that the impact on the residents of the adjoining properties is within acceptable limits.

RECOMMEND: Permission be granted subject to the following conditions:

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

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

(3) No development shall take place until a protective heavy duty braced timber box frame, 3m high and 1 metre square, filled with polystyrene has been erected around the plane tree adjacent to the front boundary. Such protection shall be inspected and approved by the local planning authority before any works or demolition commence on site, and shall be maintained during the course of the works. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the protected area.
Reason: To ensure that the tree is adequately protected from damage to health and stability throughout the construction period, in the interests of the amenity it provides.

(4) The proposed development shall be carried out in strict accordance with the amended drawings 2734/3/P1A, 2734/3/P2A, 2734/3/P3A, 2734/3/P4A, 2734/3/P5A and 2734/3/P6A received by the Local Planning Authority on 7 May 2008.
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.

(5) No development shall take place until samples of the materials to be used in the external surfaces, including windows and roof lights, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the surrounding area.

(6) No development shall take place until a sample panel of the flint and brick boundary wall, including details of the coping of the wall and piers, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the surrounding area.

(7) All rainwater goods shall be in cast metal, and details of any external flues/vents shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the conservation area.

(8) No development shall take place until details of all soft and hard landscaping, including details (including elevations) of the bin stores and cycle stores, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reasons: In the interests of the visual amenities of the conservation area.

(9) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.
Reason: To prevent pollution of the water environment.

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

(11) Should groundwater be encountered, the method of controlling groundwater at the site during construction shall be carried out in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to any development commencing on site.
Reason: To ensure that the development complies with approved details in the interests of the protection of controlled waters.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

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

14) 144 PRINCES ROAD, EASTBOURNE
Single-storey extension to front elevation, garage conversion and 2 additional car parking spaces to front of property, together with single storey extension to rear elevation.
EB/2008/0241(FP), SOVEREIGN

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

This single storey pitched roof extension to the rear of the original bungalow will not be detrimental to the residential amenities of the neighbouring properties nor the visual amenities of the surrounding area. The effects of overshadowing and overlooking are considered minimal.

SITE LOCATION

The application site comprises a detached bungalow on the western side of Princes Road. The bungalow has a pitched roof, with gables to front and rear. An attached garage, with a flat roof, projects at the front of the dwelling. The bungalow has been previously enlarged with the addition of a conservatory to the rear, which is 4.5 metres wide by 5 metres long.

PLANNING HISTORY

The application forms part of the development of 24 detached three-bedroom houses, 20 detached three-bedroom bungalows and 48 detached two-bedroom bungalows each with a garage, roads & sewers (ref. EB/1972/0487)

A similar proposal was refused under application EB/2008/0026, for the erection of single-storey extension to front of bungalow, single-storey rear extension and loft conversion with dormers to side roof slopes. The reasons due to the appearance and amount of overlooking caused by the proposed development.

CURRENT APPLICATION

Planning permission is sought to enlarge the bungalow by adding to the front and rear elevations. The proposed rear extension would project 1950mm from the back wall of the bungalow. It would be across more than half of the bungalow's width and would adjoin the side of the conservatory. The rear extension would have a 4.1m pitched roof, lower than the apex of the main roof of the bungalow (which is a height of 4.9m).

The proposed front extension comprises an addition to the side of the existing garage, making it 2.6 metres wider. The enlarged garage space would be converted into habitable space and have a bow window to the front. The front extension would have a flat roof to match the height of the existing attached garage with two roof lights.

PLANNING POLICY

UHT1	Design of New Development
HO20	Residential Amenity
TR11	Car Parking

CONSULTATIONS

A site notice was placed to the front of the application site and letters of notification were sent to the occupiers of the surrounding residential properties.

Three objections have been received and can be summarised as follows:

- The appearance of the extension would be markedly out of keeping with its neighbours.
- The rear extension with a pitched roof would cause overshadowing of the kitchen/diner to the rear/side of 142 Princes Road.
- There would be more need for parking spaces with the size of the extensions, leading to extra traffic and noise in the quiet cul-de-sac.
- The number of parking spaces proposed indicates multiple occupancy of the property.
- With the size of the proposed development the size of a family that would occupy the property will create noise and distress to elderly residents.

Also a request to speak has been received from the neighbour to the rear of the application site, of12 Cochrane Close.

APPRAISAL

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

The proposed pitched roof extension to the rear would extend the existing profile of the bungalow by 1.95 metres. This is not as deep as the existing conservatory and is smaller than the flat roof extension to the rear of 142 Princes Road which situated to the north of the application site.

Although the proposed rear extension would have a pitched roof at a height of 4.1m, (being 0.85m lower than the existing apex) it is considered that it would not adversely affect the bungalow to the north. Therefore there would not be an adverse impact on the light received in the kitchen/dining room at No.142. The design of a pitched roof to match the incline of the existing roof of the bungalow would be a far better design solution than a flat roof extension.

The extension at the rear of 142 Princes Road has the benefit of windows in the rear and both side elevations and projects further into the garden. Although there is a high level window to the side elevation of the proposed rear extension at No.144, it is considered that that there would not be any significant overlooking caused to the kitchen/dining room at No.142.

The proposed addition to the front is to create habitable space in the existing garage. The conversion of the garage would be off-set by the creation of three parking spaces at the front of the property to accommodate vehicles.

The proposed extension to increase the width of the garage would not be distinctly different to the other bungalows in this row. Although it would be wider than the existing garage the alteration would not significantly affect the overall appearance of the dwelling. The existing garage is close to the boundary with 142 Princes Road and sits forward of the main front wall. The proposed front addition extends towards the porch and front door of No.144. Therefore the extension to the front of the property would not add to overshadowing of the front window that serves the lounge at No.142.

The hardsurfacing of the existing garden area, to the front of the bungalow to form car parking, would not require consent and therefore cannot be considered as part of this application.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not infringe on the above noted rights of surrounding residents to the peaceful enjoyment or 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.

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.

15) GARAGE SITE AT THE REAR OF, 4-14 ROSELANDS AVENUE, EASTBOURNE
Re-development of existing dilapidated garage blocks and provision of five family homes, gardens and parking spaces.
EB/2008/0242(FP),ST. ANTHONYS

EXECUTIVE SUMMARY

Although the proposed development of five eco-homes, to replace a row of dilapidated garages, has many environmentally related credentials as well as being a creative solution for the re-development of such a site, given the restricted size and backland nature of the land, in question, the proposal would not harmonise with the appearance and character of the surrounding residential area.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site, comprising 22 lock-up garages, occupying some 460metres by 13 metres, is situated to the rear (to the north-east) of 4-14 Roseland's Avenue. Vehicular access is off Roseland's Avenue, with the entrance some 60 metres west of Seaside. The site is within a Flood Risk Zone.

PLANNING HISTORY

In 1956 planning approval EB/1956/0253 was granted for the erection of garages on the site.

CURRENT APPLICATION

Permission is sought to re-develop the existing garage blocks with five 2-storey 3 bed family eco-houses (one detached and two pairs of semi-detached dwellings), each with a curved sedum roof and measuring approximately 5.5m wide by 9.7m deep by 5.5m high. Five cars parking spaces are to be provided.

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

"The development, whilst unobtrusive, is ambitious and this report demonstrates how every effort has contributed towards the development being exceptional and to ensure that it leaves a positive lasting legacy.

The proposal will contribute to the environment with a green sedum roof and a host of other sustainable benefits such as super-insulation, solar energy collectors, and gardens, and as the building will be insulated to a higher level than current build regulations require, it aims to be awarded with four stars (under the Code for Sustainable Homes) or above. Also, along with on-site parking spaces, the site is within very close proximity to ideal public transport links, a local park, the seafront, and a small parade of shops."

(Statement received 7 April 2008)

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011:

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT7	Landscaping
HO1	Residential Development within Existing Built-up Area
H02	Predominately Residential Use
HO7	Redevelopment
H08	Re-development of Garage Courts
H020	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking
NE3	Conserving Water Resources
NE4	Sustainable Drainage Systems
NE7	Waste Minimisation Measures in Residential Development
NE11	Renewable Energy
NE28	Environmental Amenity
US1	Hazardous Installations
US3	Infrastructure services: Foul Sewage & Surface Water
US5	Tidal Flood Risk

CONSULTATIONS

The Planning Policy Manager considers that the application is acceptable in principle subject to the sequential and exception tests obtaining the necessary approval from the Environment Agency and compliance with relevant Borough Plan policies (Memo dated 2 May 2008).

The Highway Authority does not wish to restrict the grant of consent. The proposed development would require a financial contribution of £5,125.00, towards the costs of implementing Local Transport Plan's Local Area Transport Strategies to reduce traffic congestion and widen the choice of transport. In addition, the on-street disabled bay, proposed in Roselands Avenue, should be removed (Memo dated 2 May 2008).

The Head of Environmental Health, Southern Gas network and the Environment Agency on 11 April 2008. Members will be advised of any responses verbally.

REPRESENTATIONS

Notices were displayed at the front of the site and letters of notification sent to the occupiers of surrounding residential properties. At the time this report was prepared (7 May) one letter of objection had been received, the contents of which can be summarised as follows:

- The proposed houses would be very close to the rear of existing residential properties

- Parking on Roseland's Avenue can be very difficult at times
- The rear gardens of existing properties will be overlooked

(e-mail sent 28 April 2008)

APPRAISAL

The main issues to consider in the determination of the application are the demolition of the existing row of garages, the residential use of the land in question, the scale and design of the proposed dwellings, the access and parking arrangements proposed, and the impact of the development on the residential amenities of the area.

The demolition of the existing garages, many of which are unused and some of which have been vandalised, would be acceptable, as would be the residential use of land, providing such a redevelopment would, having regard to Policy HO8 be well designed in terms of siting, scale and materials, the subject of Policy UHT1; there would be no significant harm to residential, visual or environmental amenity; there would be no adverse effect on road safety, and there would be adequate provision for car parking.

With regard to the above highlighted planning policy UHT1, all development proposals are required to meet a number of criteria. Of particular significance to the current proposal is the requirement to harmonise with the appearance and character of the local environment respecting local distinctiveness. Furthermore, development proposals should be appropriate in scale, form, materials, setting, alignment and layout.

The five proposed eco-homes, with their distinctive design, including curved sedum roofs and small private gardens, do not harmonise with the established appearance and character of the surrounding residential area, which is characterised by interwar semi-detached suburban housing, with spacious rear gardens, and 1960's built blocks of flats, with communal grounds. In addition, the proposed development is inappropriate in terms of scale, setting and layout, with the result that the proposal would be cramped form of development in very close proximity to adjacent rear gardens.

The Highway Authority has confirmed that whilst the vehicle entrance to the application site is only 3.8 metres wide, which would not allow two way traffic flow, the previous garage related use has operated with no apparent problems. Furthermore, as the five proposed units would result in lower traffic volumes, the Highway Authority does not wish to object to the proposed access and on-site car parking arrangements, the on-street disabled parking bay should be removed.

As indicated in the letter of objection, concerns have been expressed about the very close proximity of the proposed development to the rear gardens of existing residential properties, which would give rise to overlooking and loss of privacy. However, the scheme's fenestration has been designed to avoid overlooking of nearby private gardens.

HUMAN RIGHTS IMPLICATIONS

The proposed development is unlikely to infringe the above noted Rights of local residents with particular regard to their privacy.

RECOMMEND: Permission be refused for the following reason:

The proposed development would, by reason of its scale, form and materials, not harmonise with the established appearance and character of the surrounding residential area. As such, the proposal is contrary to Policies UHT1 and HO8 of the Eastbourne Borough Plan 2001-2011.

16) LAND WITHIN THE CURTILAGE OF, 28 MILNTHORPE ROAD, EASTBOURNE
Erection of a detached dwelling with parking area (following demolition of existing garage and garden structures).
EB/2008/0257(FP),MEADS

EXECUTIVE SUMMARY

The proposal is considered to be acceptable in terms of its impact on the conservation area, residential amenity and highway safety.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises the rear part of the garden of 28 Milnthorpe Road, which currently contains garden buildings and a garage with access onto Derwent Road, in the Meads Conservation Area. The site measures 12m in width and 22m in depth.

PLANNING HISTORY

The property was converted into three flats many years ago, and the ground floor flat has the benefit of a conservatory at the rear. The garage was added in 1960.

Outline planning permission was refused in 1980 for the erection of a three bedroom dwelling on the same site as the current application.

CURRENT APPLICATION

Planning permission is sought to construct a detached bungalow of brick and tile under a steeply pitched tiled roof, with a dummy timber door in the gable. The dwelling would be 10m wide (leaving 1m access paths at either side), 6.3m deep and 6m high, with a 7m deep parking area at the front and a 7m deep garden at the rear. The dwelling would provide for a sitting room, kitchen/diner, bathroom and two bedrooms on the ground floor, with a third bedroom in the roofspace. The front and side boundary walls are to remain intact.

PLANNING POLICY

HO2 - Predominantly residential areas
HO6 - Infill development
HO20 - Residential amenity
UHT1 - Design of new development
UHT2 - Height of buildings
UHT4 - Visual amenity
UHT5 - Protecting walls/landscape features
UHT15- Protection of conservation areas

CONSULTATIONS

The Arboricultural Officer comments that the new tree shown in a proposed planting strip adjacent to the parking area is unlikely to succeed. He considers that the nearby highway tree will need protection during construction, and that details will be required of service runs into the site.

The Historic Buildings Consultant states that the building appears to be of a suitable size and scale for the plot and has been informed by an approved design of a similar back land development in the same road. The materials will preserve the character of the conservation area, although the provision of both tile hanging and brick arches to the window heads gives the appearance of over-detailing. The proposal is supportable, subject to conditions.
(N.B. The brick arches have been deleted from the scheme).

The application was originally submitted as an outline application, however this is not considered appropriate in a conservation area, and was therefore resubmitted as a full application. The original application attracted six objections from residents in Milnthorpe Road and Derwent Road which are summarised thus:

- the remaining open land in Milnthorpe Road should remain as such, as development would result in great harm to the environment; gardens should not be brownfield sites
- concerns regarding access onto Derwent Road which already has parking problems
- loss of a garage in an area where they are in short supply
- adverse impact on right to light and privacy
- the building is out of character, over dominant (scale and height) and would result in overshadowing of properties in Milnthorpe Road; it would be within 4m of the rear building line of 30 Milnthorpe Road
- another dwelling is unnecessary in Meads
- the second storey would overlook the gardens in adjacent properties and the houses in Derwent Road
- the property under construction at the rear of 22 Milnthorpe Road is far too big for the site and this must not be repeated

(Letters/e-mails dated 29 January 2008 to 12 February 2008)

APPRAISAL

The main issues to take into account are the impact of the proposal on the amenities of adjacent residents and the character and appearance of the conservation area.

The principle of residential development has already been established along the Derwent Road frontage, and the current application follows the form, scale and design of the previous approval at 22 Milnthorpe Road (which is currently under construction).

The gardens of the properties on the west side of Milnthorpe Road are relatively deep (on average 32-34m) and most of these have buildings/garages on the Derwent Road boundary, whilst the properties in Derwent Road aremore modest and generally occupy very small plots. The proposed plot size of 12m by 22m compares favourably with those in Derwent Road. It is considered important that development along this frontage follows a similar pattern of the previous approval, reflecting the scale of service buildings which might have been found in such a location. There would be no windows at first floor level that would directly overlook adjacent properties (being roof lights), nor would the building adversely affect the outlook of any nearby residents. A condition would need to be imposed to ensure that the dummy door in the roof is retained as such, otherwise direct overlooking of the existing dwellings in Derwent Road (within 15-17m) would result.

The existing vehicular access to Derwent Road is to be retained, leading to a forecourt that is largely hard surfaced, which is considered acceptable in this location; the existing garage is only of sufficient size to accommodate one car and there is no parking space in front of it.

The ground level in Derwent Road falls gently from north to south, and the gardens at the rear of the Milnthorpe Road properties are lower than the surrounding streets. For this reason, despite the existing garage being constructed at pavement level, the proposed dwelling has been set at a lower level, so that it sits comfortably within the site and the streetscene. It is also important from the perspective of the adjoining properties, so that the outlook from nos. 26 and 30 Milnthorpe Road is not dominated by a building with a raised floor level. I have some concerns regarding the stability of the boundary walls, and their retention and/or repair will need to be conditioned.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be granted subject to the following conditions:

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

(2) The proposed development shall be carried out in strict accordance with the amended drawings 0753/01 rev.B and 0753/03 rev.A received by the Local Planning Authority on 7 May 2008.
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.

(3) That the floor level of the dwelling shall be as shown on drawing no.0753/03 rev. A, and shall not be raised in any way.
Reason: For the avoidance of doubt, and in the interests of the amenities of the adjoining residents.

(4) 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.

(5) No development shall take place until a protective heavy duty braced timber box frame, 3m high and 1 metre square, filled with polystyrene has been erected around the elm tree to the south of the front boundary. Such protection shall be inspected and approved by the local planning authority before any works or demolition commence on site, and shall be maintained during the course of the works. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the protected area.
Reason: To ensure that the tree is adequately protected from damage to health and stability throughout the construction period, in the interests of the amenity it provides.

(6) 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. This shall include bricks, mortar mix, tile hanging, roof tiles, ridge tiles, flat roof covering, vents/flues, paviours and rainwater goods. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the neighbourhood.

(7) That all joinery shall be timber, including doors, windows, roof lights, bargeboards and soffits, and details of these items shall be submitted to and approved by the local planning authority before the development commences.
Reason: To secure that the development is in harmony with the neighbourhood

(8) Before any works commence on site, details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure the retention of the nearby street tree, and in particular to avoid unnecessary damage to its root system.

(9) That, 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 buildings, structures, walls or fences of any kind shall be erected within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
Reason: To prevent over-development of the site.

(10) 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 any roof slope of the development.

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

(11) The false door at roof level on the front elevation shall be permanently maintained as a timber, vertical panelled, non-openable door, unless otherwise agreed in writing by the local planning authority.
Reason: In the interests of the privacy of nearby residents and the character and appearance of the conservation area.

(12) That before the development hereby approved is commenced, details of screen walls/fencing along the rear and side boundaries shall be submitted to and approved in writing by the Local Planning Authority, which shall include the height, design, materials and position. The details shall include the retention of the existing brick boundary walls at the front and to the sides, which shall be retained at their current height and repaired where necessary. The walls and/or fences shall be provided in accordance with the approved details before the development is first brought into use and shall be permanently maintained thereafter.
Reason: To safeguard the visual amenities of the area and to safeguard the privacy of adjoining occupiers.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

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

17) EASTBOURNE DISTRICT GENERAL HOSPITAL, KINGS DRIVE, EASTBOURNE.
Change of use from on-site residential accommodation to training facility (D1) on ground floor with offices on first and second floors, for a temporary use for of five years.
EB/2008/0272(FP), RATTON

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

The proposed change of use from residential accommodation to offices and training facilities is considered acceptable due to the proven redundancy of residential use. The supporting report has demonstrated the lull in demand for on-site accommodation.

SITE LOCATION

Duncan House is one of the residential blocks on the south side of the hospital site. Built in 1976 as nurses accommodation, the building is three storeys high, and is arranged as three bedroom flats. These comprise of three bedrooms, kitchen, toilet and bathroom.

PLANNING HISTORY

EB/2000/0083, and EB/2001/0230 - Change of use of part of ground floor from residential to offices : Refused as no evidence was submitted to demonstrate the redundancy of the residential accommodation, and being in conflict with Policy HO15.

EB/2003/0697 - Change of use of part of ground floor from residential to offices : Approved for a temporary use for five years. This expires in December 2008.

An application was withdrawn in 2007 for the same proposal, as insufficient information was submitted to support the loss of on-site residential accommodation at the District General Hospital.

CURRENT APPLICATION

Permission is sought for the change of use to all three floors of Duncan House. The site is currently authorised as residential accommodation, with a temporary consent for D1 use for the ground floor for a temporary period. The current application seeks to extend the consent for the ground floor to use as a training facility suite with three lecture rooms and seminar rooms, and also for the change of use to administration offices on the upper floors. This change of use is proposed for a temporary period, being for a maximum of 5 years. No external alterations are proposed.

PLANNING POLICY

HO15 Dedicated Student Accommodation

CONSULTATIONS

Site notices were place around the application site and along the public highway. No responses have been received.

APPRAISAL

The main issues to consider in the determination of this application are the loss of the existing residential use and the principle of the proposed temporary D1 use as offices and training space.

Supporting information has been submitted with the application as to demonstrate the redundancy of the existing use and the need for on-site office and training space.

Policy HO15 seeks to retain dedicated nursing accommodation unless there is no longer a proven need within the Borough. The supporting report submitted with the application states that currently there are a number of vacant units within Duncan House, with only 8 of the 200 university students occupying rooms within any of the hospital's residences. Due to changes in the educational system supply of accommodation exceeds demand. During periods of peak demand the hospital still has spare capacity (within other buildings) and it is likely that this free capacity will increase over the coming years. This change of use is not considered to effect on the

The supporting report also clearly identifies the need for additional office and training facilities by the DGH; staff are currently trained off-site. The benefit of on-site training will reduce the expenditure on hire facilities and travelling costs. The 2003 approved application for a change of use for the ground floor to be lawfully used as offices demonstrates the minimal impact the loss of accommodation units currently has had.

There are no internal alterations proposed to the upper floors, and it will be possible to reinstate the residential flats should circumstances change. The temporary consent will be controlled by way of condition to allow the Council to review the situation after a five year period.

Therefore, in view of the above points, it is considered that the principle of office and training facility use is acceptable. In light of the previous applications on the property and the nature of the existing redundant use, it is reasonable to allow an exception to policy HO15 in this instance.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be granted subject to the following conditions:

(1) That the use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 May 2013 to the satisfaction of the Local Planning Authority.

REASON: To enable the Council to review the situation regarding the provision of dedicated staff accomodation on the site.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

There would be no harmful impact on visual or residential amenity, or the character of the area and sufficient information has been submitted to justify a temporary consent.