

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 6 NOVEMBER 2001

REPORT OF THE HEAD OF PLANNING

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- 1) 78-86 SEASIDE ROAD. DEMOLITION AND REMOVAL OF SHOP FRONTAGE AND REINSTATEMENT OF ORIGINAL FACADE AND COMPLETE RENOVATION AND CONVERSION OF BUILDING INTO 12 SELF CONTAINED FLATS, PLUS TWO REAR EXTENSIONS. EB/2001/0529, MAP I12. DEVONSHIRE
- 2) 78-86 SEASIDE ROAD. DEMOLITION AND REMOVAL OF SHOP FRONTAGE AND REINSTATEMENT OF ORIGINAL FAÇADE AND COMPLETE RENOVATION. EB/2001/0528(CA), MAP I12. DEVONSHIRE
- 3) 16 TRINITY TREES. SINGLE AND TWO-STOREY REAR EXTENSIONS WITH SUB-BASEMENT BICYCLE PARKING. EB/2001/0311, MAP H12. DEVONSHIRE
- 4) 60A TIDSWELL ROAD. CHANGE OF USE AND CONVERSION OF EXISTING LIGHT INDUSTRIAL PREMISES TO FORM TWO SEMI-DETACHED DWELLINGHOUSES WITH ASSOCIATED PARKING SPACES. EB/2001/0545, MAP H12. DEVONSHIRE
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- 7) LANGNEY DISTRICT SHOPPING CENTRE, LANGNEY RISE. DRIVE THROUGH FAST FOOD RESTAURANT. EB/2000/0511(OL), MAP Q7. LANGNEY
- 8) LANGNEY DISTRICT SHOPPING CENTRE LANGNEY RISE. CONSTRUCTION OF SINGLE-STOREY SHOP NEAR THE EASTERN ENTRANCE OF THE SHOPPING CENTRE. EB/2001/0508, MAP Q7. LANGNEY

- 9) LAND AT BEACHY HEAD (ADJACENT TO COAST GUARD STATION), BEACHY HEAD ROAD. INSTALLATION OF A COLINEAR ANTENNA ON EXISTING RADIO MAST. EB/2001/0554. MEADS
- 10) 34 GRANGE ROAD. CHANGE OF USE FROM CONVERTED FLATS TO SINGLE PRIVATE DWELLING. EB/2001/0559, MAP E.13 MEADS
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- 12) 18 GRASSINGTON ROAD. PROPOSED CHANGE OF USE FROM 3 FLATS TO TWO HOUSES (1 NO 5 BEDROOM & 1 NO 4 BEDROOM), PROVISION OF A SINGLE GARAGE, NEW VEHICLE ACCESS TO GRASSINGTON ROAD. ALTERATIONS TO EXISTING DORMER ROOF LINE AND DEMOLITION OF CHIMNEY STACK. EB/2001/0522, MAP E.12 MEADS
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- 15) 132 ASTAIRE AVENUE. PROVISION OF A CONSERVATORY AT SIDE. EB/2001/0568, MAP L.9. ROSELANDS
- 16) LAND AT REAR OF 1-4 FITZMAURICE AVENUE. ERECTION OF THREE SINGLE-STOREY HOUSES WITH CAR PORTS AND PARKING SPACES. EB/2001/0536(OL), MAP L10. ROSELANDS
- 17) 6 NETHERFIELD AVENUE. SINGLE-STOREY EXTENSION AT FRONT TO PROVIDE EN-SUITE SHOWER ROOM TOGETHER WITH ERECTION OF CAR PORT AT FRONT. EB/2001/0573, MAP R9/S9. ST. ANTHONYS
- 18) PRINCES PARK. SITING OF STEEL CONTAINER UNIT, REQUIRED FOR STORAGE OF SAILING EQUIPMENT, ON EXISTING CONCRETE BASE, FOR TEMPORARY PERIOD OF FIVE YEARS. EB/2001/0566(CC), MAP M12. ST. ANTHONYS
- 19) PUBLIC HIGHWAY IN LOTTBRIDGE DROVE ADJACENT TO WARTLING ROAD COACH PARK. PROVISION OF A 12.5M HIGH TELECOMMUNICATIONS MONOPOLE MAST AND ANCILLARY EQUIPMENT CABIN. EB/2001/0582(DET), MAP N.12. ST. ANTHONYS
- 20) 51 QUEBEC CLOSE. PROVISION OF A CONSERVATORY AT SIDE. EB/2001/0562, MAP Q.12. ST. ANTHONYS
- 21) LAND AT REAR OF 2-8 QUEENS CRESCENT. FOUR SEMI-DETACHED (TWO STOREY) DWELLINGS TOGETHER WITH ASSOCIATED VISITORS CAR PARKING. EB/2001/0222, MAP O11. ST. ANTHONYS

- 22) LANGNEY SPORTS CLUB, PRIORY LANE. PROPOSED 300 SEAT FOOTBALL STAND, TOGETHER WITH THE ERECTION OF COVERED TERRACE AND 1.5 METRE HIGH BRICK WALL. EB/1999/0186. MAP S8. ST. ANTHONYS
- 23) EASTBOURNE BOROUGH FOOTBALL CLUB (LANGNEY SPORTS CLUB), PRIORY LANE. PROVISION OF 250 SEAT EXTENSION TO STAND, HOSPITALITY BOX, TOILET BLOCK AND COVERED TERRACING. EB/2001/0366, MAP S8. ST. ANTHONYS
- 24) ADMIRAL RETAIL PARK, LOTTBRIDGE DROVE. STAND ALONE RESTAURANT, WITH TAKE AWAY FACILITY, AND ALTERATIONS TO CAR PARKING LAYOUT (ADJACENT TESCO PETROL FILLING STATION). EB/2001/0489, MAP N10. ST. ANTHONYS
- 25) LAND AT ENTRANCE OF EASTBOURNE BOROUGH FOOTBALL CLUB PRIORY LANE. ONE FREE STANDING NON-ILLUMINATED FIXTURE BOARD. EB/2001/0564(ADV), MAP S8. ST. ANTHONYS
- 26) SOUTHFIELDS CORNER, 1 DITTONS ROAD. ERECTION OF CONSERVATORY AT FIRST FLOOR LEVEL, ABOVE/AT SIDE OF EXISTING DWELLING. EB/2001/0550, MAP G10. UPPERTON
- 27) 9 SELWYN ROAD. EXCAVATION OF FRONT GARDEN TO FORM PARKING AREA, INVOLVING THE REMOVAL OF PART OF FRONT BOUNDARY WALL AND ADJACENT TREE. EB/2001/0565, MAP G.9. UPPERTON

T. C. E. Cookson
Head of Planning
30 October 2001

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 6 NOVEMBER 2001

REPORT OF THE HEAD OF PLANNING

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 Circulars
10. DoE Planning Policy Guidance Notes (PPGs)
11. East Sussex and Brighton & Hove Structure Plan 1991-2011
12. Eastbourne Borough Plan 1998
13. Eastbourne Townscape Guide 1994
14. East Sussex County Council Manual for Estate Roads 1995 (as amended)
15. Statutory Instruments
16. Human Rights Act 1998

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 Planning and Strategy Group 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 AND LICENSING COMMITTEE

TUESDAY 6 NOVEMBER 2001

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

- 1) **78-86 SEASIDE ROAD. DEMOLITION AND REMOVAL OF SHOP FRONTAGE AND REINSTATEMENT OF ORIGINAL FACADE AND COMPLETE RENOVATION AND CONVERSION OF BUILDING INTO 12 SELF CONTAINED FLATS, PLUS TWO REAR EXTENSIONS. EB/2001/0529, MAP I12. DEVONSHIRE**
- 2) **78-86 SEASIDE ROAD. DEMOLITION AND REMOVAL OF SHOP FRONTAGE AND REINSTATEMENT OF ORIGINAL FAÇADE AND COMPLETE RENOVATION. EB/2001/0528(CA), MAP I12. DEVONSHIRE**

SITE LOCATION AND BACKGROUND

This pair of semi-detached three-storey properties are located on the north side of Seaside Road, opposite Queens Gardens and are situated within the Town Centre and Seafront Conservation Area. The properties were built in the late 19th century as a pair of Victorian villas, originally set back from the road behind front gardens, but single-storey additions to the front were added, probably in the early 20th century, to create shops. This ground floor commercial element was last used as Borzas café (Nos. 78/80), Leightons newsagent (No. 82) and Lady Laird (No. 84), but all have been vacant for a number of years and are currently partially boarded up and in a derelict condition.

The upper floors have been used in the past for various forms of residential accommodation but have been vacant for some time and are currently uninhabitable.

PLANNING HISTORY

There have been numerous applications for various relatively minor works over the years. The more recent applications of some relevance to the current proposal are:-

1986 – permission granted for the demolition of the existing shop front and the construction of a new front to link with Nos. 88-94 Seaside Road (EB/86/261).

2001 – permission granted for the installation of an entrance door at the side to provide a self-contained maisonette on the first and second floors (EB/00/0707).

CURRENT APPLICATION

Planning permission and Conservation Area Consent are sought to demolish the existing shop frontages and reinstate the original façade. The planning application also proposes

the conversion of the premises into 12 self-contained flats, together with two rear extensions and the complete renovation of the building.

The proposed residential accommodation comprises:-

Lower Ground Floor: two one-bedroom flats and one two-bedroom flat

Ground floor: one studio flat, one one-bedroom flat and one two-bedroom flat

First Floor: two one-bedroom flats and one two-bedroom flat

Second floor: two one-bedroom flats and one two-bedroom flat

Two relatively modest four-storey extensions are proposed at the rear, one (on the right hand side of the rear elevation) measuring 4.3m. in width by 5.0m. in depth (projecting 3.3m. to the rear of the existing building), and the other (on the left hand side) 3.1m. in width by 3.5m. in depth (projecting only 1.8m. to the rear). External materials will match the existing building (render under a slate pitched roof).

The front boundary treatment is indicated as a 600mm high rendered block wall with piers and black-painted railings. The front and side entrance gates will match this style.

The original entrances into the two separate buildings are to be reinstated.

CONSULTATIONS AND REPRESENTATIONS

Neighbouring residents in Seaside Road (including all the occupiers of Renascent House), Cavendish Place and Ceylon Place were notified and the applications were advertised in the local press and on site as development affecting the Town Centre and Seafront Conservation Area. No representations have been received in response to this extensive publicity.

Southern Water raises no objections to the proposal (letter dated 8 October 2001 – background paper).

The Crime Prevention Adviser at Sussex Police does not identify any major concerns with the proposals. He raises some relatively minor comments on points of detail and a copy of his letter has been forwarded to the applicant's agent (letter dated 16 October 2001 – background paper).

The Assistant Historic Buildings Advisor (AHBA) is generally supportive of the scheme, considering it to be a significant enhancement to this part of the conservation area. A number of issues are raised in respect of decorative detail and details relating to the windows to the bay, front doors, railings to the front boundary, decorative eaves brackets. The AHBA is negotiating with the applicant's agent and I hope to be in receipt of amended drawings before the meeting. The AHBA requests a condition requiring the submission of details of the front entrance porches at a scale of 1:20 (internal memorandum dated 15 October 2001 – background paper).

The Principal Highway Engineer (Planning) confirms that the Highway Authority does not wish to restrict the grant of consent. He comments that there is no on-site parking but considers this to be acceptable because of the site's location within the town centre and on a bus route (internal memorandum dated 20 October 2001 – background paper).

Environmental Health state that the property must be provided with an adequate means of escape to comply with the Building Regulations and that there should be access to suitable refuse storage (internal memorandum dated 16 October 2001 – background paper).

At the meeting of the Conservation Area Advisory Group on 23 October 2001 Members raised no objections in principle to the proposals subject to additional detailing on the front and side elevation.

POLICIES

The following policy in the adopted Borough Plan is relevant to the proposal:

CT11 – Townscape Guide to be applied to development in Conservation Areas

The property is located in a “General Retail” area on the Town Centre Inset Map, but there are no specific policies relating to such areas.

In the emerging draft Borough Plan the following policy is relevant:

UHT16 – Protection of Conservation Areas

APPRAISAL

The main issues to consider in determining this proposal are the effect of the external alterations/extensions on the character of the conservation area; the loss of the commercial ground floor frontage and the impact of the extensions on adjoining occupiers.

With regard to the first of these considerations, the applications seek to return the buildings as close as possible to their original appearance by removing the later shop frontage additions. Neither the Conservation Area Advisory Group or the Assistant Historic Buildings Advisor have raised any objections to this element of the scheme, and in fact the latter has been positively supportive. These parts of the building are currently in a derelict condition and therefore their removal, together with the redecoration/refurbishment of the remainder of the building plus the reinstatement of original features will enhance the character of the Conservation Area.

As stated above, the Borough Plan allocation for this section of Seaside Road is for “General Retail”, but there is no specific policy in the adopted Borough Plan which would prevent the loss of retail or other commercial frontage. Indeed Members will recall that the loss of retail was accepted on the adjoining site, the former Hampdens furnishing showroom, in respect of its redevelopment for the flats now known as Renascent House. I am satisfied therefore that the loss of retail/commercial would not conflict with policy and that the residential use proposed would be an acceptable alternative use.

The proposed extension nearest to Renascent House is of very modest proportions, projecting only 1.8m. to the rear of the existing building and is set back over 2.2m. from the boundary. There are no habitable room windows directly affected by this extension and therefore the impact on the residents at Renascent House would be negligible. The

extension on the opposite side is slightly larger, although it would also have little impact on adjoining occupiers.

As well as the significant improvements to the character of this part of the Conservation Area which would result from the proposal, the scheme will also provide a good mix of residential units in the town centre.

Having regard to all the above points I consider that the proposals are worthy of support.

RECOMMEND: (a) Conservation Area Consent be granted in respect of EB/2001/0528(CA) subject to the following conditions:-

1. D1.2 Commencement of development within five years.
2. That, before the development hereby approved is commenced, detailed plans showing the front and side elevations of the proposed front entrance porches at a scale of 1:20 shall be submitted to and approved by the Head of Planning.

(b) Planning permission be granted in respect of EB/2001/0529 subject to the following conditions:-

1. D1.1 Commencement of development within five years.
2. That, before the development hereby approved is commenced, detailed plans showing the front and side elevations of the proposed front entrance porches at a scale of 1:20 shall be submitted to and approved by the Head of Planning.
3. That the extensions hereby approved shall be rendered and painted to match the existing building before the flats are first occupied.

Together with any further conditions required by the Assistant Historic Buildings Advisor.

3) 16 TRINITY TREES. SINGLE AND TWO-STOREY REAR EXTENSIONS WITH SUB-BASEMENT BICYCLE PARKING. EB/2001/0311, MAP H12. DEVONSHIRE

SITE LOCATION

This detached three-storey building was formerly the Hotel Mandalay until the late 1990s when it became the Didac Language School. The property is situated on the north side of Trinity Trees opposite Holy Trinity Church, within the Town Centre and Seafront Conservation Area. The Swanley Court Hotel is adjacent on the east side and there are flats on the west side of the site.

There is a car park at the rear, for use by members of staff of the language school, accessed through an archway below a group of four terraced houses (known as Alciston Mews) fronting Lismore Road.

PLANNING HISTORY

Numerous applications for alterations and extensions to the former hotel were granted between the mid 1970s and early 1990s.

Permission for the change of use from hotel to the current use as a language school was granted in July 1998, subject to conditions, one of which controlled the hours of operation to 9.00 a.m. to 6.00 p.m on Mondays to Fridays only, with no weekend opening (EB/98/0259).

APPLICATION PROPOSAL

The application, as originally submitted, proposed the erection of a two-storey extension at the rear of the building to provide a total of four new classrooms with additional toilet facilities.

The extension projected between 8.0m. and 10m. to the rear of the existing building by a width of 9.2m. A narrow gap of about 250mm. would have remained to the boundary with No. 14 Trinity Trees.

It would have been necessary to remove two ornamental trees to accommodate the proposed extension.

Following objections from neighbouring residents and as a result of my concerns about the impact of the extension on No. 14 Trinity Trees, the application was amended to the current description. This was achieved by relocating the extension closer to the boundary with the Swanley Court Hotel and creating a single-storey extension in the 6.4m. wide gap that now remains between the two-storey element and the boundary with No. 14. The two-storey extension is now the same width as originally proposed (9.2m.) but it has a maximum projection from the rear of the existing building of 8.0m. As before, it creates four additional classrooms. The height of the extension has been raised to allow for the provision of basement bicycle parking.

The single-storey part of the proposal provides toilet facilities and projects 5.8m. back from its respective part of the host building.

The extension is designed to reflect the character and appearance of the host building. It has four painted softwood sliding sash windows on each floor facing the rear, with the lower panes in each window shown as obscure glazing to safeguard the privacy of residents at the rear. The external walls are to be rendered to match the main building and an eaves dentil course is indicated to match the existing, together with a pitched roof clad in natural slate.

The revised proposal secures the retention of the two trees previously indicated for removal.

CONSULTATIONS

The Environment Agency confirms that it has no objections in principle subject to a number of detailed comments relating to surface water disposal and storage of potentially

contaminating materials. The Agency has sent a copy of its letter to the applicant's agent (letter dated 6 June 2001 background paper).

The Council's Conservation Consultant comments on the fact that the proposal has been carefully designed to match the style and materials of the existing building and recommends that permission be granted subject to conditions relating to materials and external joinery details (internal memorandum received on 13 June 2001 – background paper).

At the meeting of the Conservation Area Advisory Group on 29 May 2001 Members raised no objections to the proposal.

The Arboricultural Officer, commenting on the original scheme, which showed the removal of two trees, stated that neither of the trees were of significant amenity value. However, he stated that their loss would be regrettable but it would be difficult to justify a tree preservation order (internal memorandum dated 19 June 2001 – background paper).

REPRESENTATIONS

In respect of the **original** scheme, notification letters were sent to nearly 40 nearby residents and the proposal was also advertised as development in a conservation area. In response ... letters of objection have been received from the occupiers of Flats 1, 2, 3 and 4, Flat 13 Windermere Court, 22 Trinity Trees, 1, 3 and 4 Alciston Mews, Lismore Road, with the following grounds of objection:-

- Extension will result in loss of parking spaces and there will be inadequate parking for the new members of staff
- Both the living area and quiet courtyard of Alciston Mews would be overlooked by the proposed two-storey extension
- Proposal will more than double the current numbers of students (80)
- The proposed extension would be over-development
- Loss of trees would damage the amenity of this 'shared' garden
- The extension will bring the building too close to our back gardens
- Will adversely affect the privacy of adjacent residents
- Will bring additional problems of noise and traffic in an already congested area

(Letters dated 12 to 25 June 2001 - background papers).

Neighbouring residents were notified of the revised proposal and, in response, ... letters of objection have been received from the occupiers of Flats 1, 2, 3 and 4, 14 Trinity Trees, 1, 2, 3 Alciston Mews

- Not a suitable development for a conservation area
- Will result in further loss of privacy and light
- Loss of view of trees
- Will increase the level of noise and disturbance from the school
- Current noise levels from students is terrible
- Would detract from the structure of these elegant buildings
- The school should relocate to more suitable premises
- Students ride their bicycles on the pavement causing danger to pedestrians

- The building is not designed to be a school
- Will be an over-development in a residential area
- Will block views of the Holy Trinity church
- Will be impossible for occupiers of 1 Alciston Mews to manoeuvre out of their garage to face the road
- Extension will result in more staff with a reduced car park

(Letters dated 23 September to 21 October 2001 - background papers).

POLICIES

In the adopted Borough Plan the relevant policy in respect of proposals for language schools is TO2, which states that:-

POLICY TO2: THE COUNCIL WILL GRANT PERMISSION FOR THE DEVELOPMENT OR EXPANSION OF ENGLISH LANGUAGE SCHOOLS PROVIDING THAT:

- A. THEY ARE IN OR ADJOINING COMMERCIAL AREAS;**
- B. THEY ARE NOT IN PREDOMINANTLY RESIDENTIAL AREAS;**
- C. THE IMPACT ON RESIDENTIAL AREAS IN TERMS OF NOISE, TRAFFIC, PARKING AND PRIVACY IS ACCEPTABLE.**

APPRAISAL

The main issues to consider in this case are whether the language school can extend in the manner proposed without causing undue harm to the amenities of neighbouring residential occupiers, whether the size, scale and location of the extension would adversely impact on the outlook and privacy of adjacent residents and whether its design and appearance are acceptable in this Conservation Area setting. There are also issues relating to loss of parking spaces.

Effect of increased intensity

As mentioned above, the Borough Plan identifies the importance of language schools in Eastbourne and it recognises that permanent schools, as opposed to external operators, have a long-term commitment to the town and to maintaining high standards, and are subject to local controls. They also make a significant contribution to the local economy. The applicant operates a successful school and has been established in Eastbourne for a number of years and therefore their requirements should, wherever feasible, be met subject to the above considerations.

In the wider context the site is within a busy part of the town centre with main roads at the front and rear and commercial uses nearby, but the immediately adjoining properties to the west side and at the rear are exclusively in residential use. There clearly appear to be some issues and concerns by neighbouring residents concerning the current operation of the school. Residents complain about the noise from students, both within the building and outside the premises and allege that they experience anti-social behaviour from some of the students. The present capacity is believed to be around 80 students and the four

additional classrooms would roughly double this number, although it would not necessarily increase the alleged problems on a pro rata basis.

It is likely, however, that the increased intensity of the use would impact to some degree on neighbouring residents and Members will need to consider whether such an increase is acceptable, having regard to the location of the premises and the relevant adopted Borough Plan policy, referred to above. The policy is positive towards the expansion of language schools in or adjoining commercial areas and, despite the number of residential uses in the immediate vicinity, the location of the premises does fall within one of the areas referred to in policy TO2A.

Whilst I sympathise with the residents it has to be acknowledged that this is a town centre location where a significant degree of commercial activity would normally be expected, especially during normal daytime business hours. The use of the existing building as a language school is restricted by conditions imposed on the original grant of permission to 9.00 a.m. to 6.00 p.m. on Mondays to Fridays only and if Members are minded to grant permission it is recommended the same restriction on operating hours is imposed on the use of the extension.

Impact of the extension on adjacent residents

The proposed extension projects a maximum of 8m. to the rear of the existing building and closes the gap between the language school and Alciston Mews at the rear from around 20m. to 12m. Ground floor windows in the Mews would not be affected due to the location of an existing garage at the rear but there would be some effect on the outlook from upper floor windows. However, the main concerns of the residents in this respect relate to loss of view which is not a planning consideration and in my opinion the loss of outlook that would occur would not be so serious in itself to justify a refusal of permission for this reason alone.

The two-storey extension is located adjacent to a blank wall in a rear projecting flank wall of the Swanley Court Hotel and therefore would have no effect on this property. It is now some 6.4m. from the boundary with No. 14 and so would have little impact on the residents of the flats in this adjacent building. The single-storey extension abuts the boundary with No. 14 but rises to only 450mm. above the boundary wall which would not significantly impact on the garden flat at No. 14.

Effect on the Conservation Area

The proposed extension is well designed to reflect the main features and character of the main building and uses the same external materials. As mentioned above, neither the Conservation Area Advisory Group nor the Conservation Consultant raised any objection to the proposal and therefore I conclude that it would not have any adverse impact on the Town Centre and Seafront Conservation Area.

Effect on parking area

The proposed extension would encroach onto the existing parking area, although due to the configuration of the existing area, the spaces displaced by the extension can be accommodated by a more efficient use of the space remaining. Additional demand for parking spaces from extra staff is likely to result from the proposed expansion of the

school, but in a town centre location it is not often practical or reasonable to expect all car parking demand created by the use to be provided on site. Indeed employees should be encouraged to use forms of transport other than the private car and this is consistent with the transport and highway objectives of central government policy, contained in PPG13.

CONCLUSION

It is considered that the direct impact of the proposed extension on neighbouring residents would not be so great as to justify a refusal of permission and, having regard to its style and design, its effect on the Conservation Area is acceptable.

The expansion of the school in such a significant manner is clearly a matter to which Members will need to give careful consideration. It is clear that there will be some impact on adjacent residents, but this has to be carefully balanced against the town centre location and Borough Plan policy. Having regard to all the above considerations I consider, very much on balance, that the proposal is acceptable.

HUMAN RIGHT IMPLICATIONS

As stated above, the proposal will have an impact on neighbouring residents. However, provided that relevant conditions are in place to protect the privacy of residents of Alciston Mews at the rear and that strict controls remain over hours of operation, then it is considered that the effect on the rights of existing residents to enjoy their properties will not be seriously infringed.

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

1. D1.1 Commencement of development within five years.
2. A2 Submission of samples of roofing materials.
3. That the external walls of the proposed extension shall be rendered and painted to match the existing building before the extension is first brought into use.
4. C5.1 Hours of operation (9.00 a.m. to 6.00 p.m.).
5. C5.3 Hours of operation (during construction).
6. That the lower sash in each of the windows shown in the rear elevation of the extension hereby approved shall be permanently glazed with semi-obscure glass. Each of the windows shall be incapable of being opened.
7. That the eaves dentil course indicated on the approved drawings shall be provided before the extension hereby approved is first brought into use.

4) 60A TIDESWELL ROAD. CHANGE OF USE AND CONVERSION OF EXISTING LIGHT INDUSTRIAL PREMISES TO FORM TWO SEMI-DETACHED

DWELLINGHOUSES WITH ASSOCIATED PARKING SPACES. EB/2001/0545, MAP H12. DEVONSHIRE

SITE LOCATION

These two-storey light industrial premises are located to the rear of residential properties on the north western side of Tideswell Road. There is a courtyard to the front, from which the buildings are accessed. Vehicles access the site via an archway beneath the residential properties fronting Tideswell Road.

PLANNING HISTORY

There is no planning history relating to the application site, however, the light industrial use is well established. The premises are currently vacant.

CURRENT APPLICATION

It is proposed to convert the premises into two dwellings, as stated in the application description. Minor alterations would be made to the front elevation, in order to co-ordinate the appearance of the ground floor and first floor openings in the property. One first floor window would be increased in width by 0.4m, and one would be reduced by 0.4m. Patio style doors and front doors with entrance canopies would be installed at ground floor level. The ground floor of the dwellings would comprise hall, toilet, living room, and a combined kitchen/dining area. The first floor would provide two bedrooms, a bathroom, and a study, which could also be used as an additional bedroom. The total internal space provided in each dwelling would be 79.36 square metres. Following discussions with the architect, amendment has been made to the parking configuration within the courtyard. Two parking spaces will be provided side by side, rather than one in front of each of the proposed dwellings, to enable vehicles to be able to turn within the site more easily.

PLANNING POLICY

HO10 – Impact and design of residential conversions and changes of use.
HT7 – Car and cycle parking standards.

CONSULTATIONS

The Head of Environmental Health wishes to make no comment on the application (memo dated 28 September 2001 – background paper).

The Principal Highway Engineer responded, with regard to the original drawing, that there is inadequate space within the courtyard for both vehicles to manoeuvre without conflict, and the risk of vehicles reversing out into Tideswell Road. He commented that it would be possible to reduce provision to one space, as the site is located within easy reach of the town centre and public transport. As such a reduction in the standards would be acceptable in this case (memo dated 17 October 2001 – background paper).

The Environment Agency has no objections in principle to the proposed development, but recommends that if planning permission is granted, conditions should be imposed requiring site investigation relating to water pollution potential and site contamination, together with submission of site drainage details. The Agency adds that the site lies on

Alluvium over Lower Chalk, the latter classified as a Major Aquifer under the Agency's 'Policy and Practice for the Protection of Groundwater, and also lies within a Source Protection Zone 1 (Inner). The shallow groundwater table beneath this site, together with the fact that there are licensed groundwater abstractions in the area means that this location is particularly sensitive to groundwater and must be protected from pollution (letter dated 17 October 2001 – background paper).

REPRESENTATIONS

Four letters were received as a result of 17 letters sent to occupiers of neighbouring and nearby residential properties, and a site notice placed to the front of the application site in Tideswell Road.

One letter of objection was received from the resident of number 60 Tideswell Road. The following issues were raised:

- The industrial premises are not suitable for dwellinghouses.
- They would look 'silly'.
- The development would spoil the look of the street.
- Increased noise and disturbance would result in the lane leading to the property.

(letter received 28 September 2001 – background paper).

Letters of support were received from numbers 56, 62 and 68 Tideswell Road (letters received 8 October 2001 – background paper). The occupier of number 62 Tideswell Road states 'I am pleased that there is a chance to have the industrial units at the back of my house turned into two mews houses. It will do away with all the noise and hassle we have had to deal with in the past and I fully back the proposed plans'.

The occupier of number 68 'reads with interest that number 60A is to be turned in two private dwellings' and puts his 'full support behind the scheme'.

The occupier of number 56 simply states that she supports the plan.

HUMAN RIGHTS ACT 1998

It is not considered, having regard to the established light industrial use, and configuration of the windows within the existing building, that the proposal would infringe the rights of neighbouring occupiers conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

APPRAISAL

The proposal would result in some degree of overlooking. The minimum distance between windows in the rear elevation of properties bordering the site in Tideswell Road, and the windows in the front of the application premises is 11.5m. The courtyard area is surrounded by walls varying in height between 1.8m and 2.4m. Therefore, it is the result of the occupation of the first floor of the premises that needs to be examined with regard to overlooking, rather than the ground floor. The proposals would not result in the overall

proportion of openings at first floor level being increased, when compared with the building as it is now. One window would be slightly increased in width, whilst another would be reduced by a similar amount, as described in the current application section of this report. Therefore, having regard to the present arrangement of the building, and the existing potential for overlooking should a commercial tenant occupy the premises, I do not consider that there would be a significant increase in this respect. With conversion schemes, I am of the opinion that regard must be had to the existing situation, and that in certain cases, a more flexible approach needs to be taken with amenity standards, particularly where there are other benefits which counterbalance such concerns. The existing adopted Borough Plan pre-dates advice given in PPG 3: Housing. Even so, the policy relating to conversions (HO10), whilst introducing overlooking amongst the criteria, does not stipulate that the 22m standard should be adhered to, unlike the policy relating to new developments (H018). Likewise, Policy HO10 does not stipulate that minimum Council standards relating to parking should be adhered to, but that parking and access should be considered. Clearly, there is more scope within new build schemes to 'design out' such limitations, and therefore there should be a somewhat lesser degree of flexibility in these cases.

PPG3: Housing, published in March 2000, endorses such a flexible approach with regard to conversion schemes, particularly in town centre locations such as this. Paragraph 41 states that *'Conversions of housing, buildings formerly in other uses and the upper floor-space over shops can provide an important source of additional housing, particularly in town centres. Local Planning Authorities should adopt positive policies to:*

- *Identify and bring back into housing use, empty housing, vacant commercial buildings and upper floors above shops...*
- *Promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking'.*

(PPG 3: Housing – background paper).

In this case, in addition to providing two units of residential accommodation on previously developed land, I consider that the scheme would improve the appearance of the property, by removing the rather unsightly single-storey lean to addition at the front, and removing several unsympathetic windows and doors which have been added incrementally.

Furthermore, residential use of the property would result in the removal of a light industrial use within what is a predominantly residential area. Such commercial use, with such a constrained access, and so close to dense residential development, is, if the property is re-occupied likely to continue to generate a higher number of traffic, and pedestrian movements than would be the case with two residential dwellings. There is also the possibility that the property could change to a storage or distribution use (Class B8) under permitted development rights.

It would appear that the majority of residents surrounding the site raise no objections to the development, and indeed three letters of support have been received. The one objection received does not mention overlooking, but noise and disturbance and the appearance of the property – points which have been dealt with above.

The conversion should provide pleasant accommodation, and though the ground floor of the property would be single aspect, the large patio doors should allow natural light to filter through to the kitchen/dining area. This also ensures that the privacy of occupiers of properties to the rear in Longstone Road (the gardens of which adjoin the rear of the application property), will be preserved. Conditions restricting openings will be necessary to ensure that residential amenity is not eroded once the permission is implemented.

The car parking area within the courtyard should, depending on the size of particular vehicles, provide off-street parking for 1-2 vehicles, which given the location of the property, extremely close to the Arndale Centre, and public transport, is considered acceptable.

Overall, I consider that the benefits of the scheme, having regard to government guidance, the location of the site (within a dense residential area in the town centre), and the representations received, are significant, and that a realistic approach should be taken to ensure the best use of the site, bearing in mind that this is a conversion scheme, and given the constraints that already exist.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within five years.
2. That all external areas left exposed by the alterations to the existing window and door openings shall be finished with render to match the type, colour and texture of that used on the remainder of the building.
3. That, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no buildings, structures, walls or fences shall be erected within the site of the development hereby approved without the prior approval in writing of the Local Planning Authority.
4. A5 No windows or openings in elevations (including roof) of development (other than those shown on approved drawings) unless prior agreement obtained in writing.
5. Details showing the location of ventilation systems required for the kitchens and/or bathrooms within the dwellings hereby approved shall be submitted to, and approved in writing prior to the commencement of development. Such equipment shall not be sited on the rear elevation at ground floor level, or on the front elevation of the building.
6. Sections of the replacement UPVC windows shall be submitted, at a scale of not less than 1:20, to, and approved in writing by the Head of Planning prior to the commencement of development, and shall thereafter be retained in accordance with the approved details, unless prior written consent is obtained from the head of Planning.

7. Details of the finished boundary walls to the application site shall be submitted to the Head of Planning, and approved in writing prior to the commencement of development, and thereafter retained in accordance with the details approved, unless prior written consent is given by him to any variation. The boundary walls shall be finished to a height of at least 2 metres.
8. B8.2 Proper construction and retention of parking spaces.
9. No development shall commence until the developer has carried out an investigation assessing the degree of contamination of the site and determining its water pollution potential. The methods and extent of this investigation shall be agreed with the Local Planning Authority prior to works commencing. On completion of this site investigation, details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then incorporate these approved measures.
10. Details of site drainage shall be submitted to and approved by the Local Planning Authority.
11. C5.3 Hours of operation during construction.

5) 36 SOUTH STREET. CHANGE OF USE FROM RETAIL SHOP (CLASS A1) TO RESTAURANT (CLASS A3). EB/2001/0570, MAP G.10 DEVONSHIRE

SITE LOCATION

This four storey end of terrace property is situated on the southern side of South Street. The ground floor of part of the property fronting the road is currently in use as a retail shop, with ancillary storage in the basement. To the rear of the shop at both ground and lower ground floor levels there is a one bedroom flat with four additional units of residential accommodation on the three upper floors. Access to the upper floors is via a separate entrance on the South Street frontage.

CURRENT APPLICATION

Planning permission is sought to change the use of part of the ground floor and basement to a restaurant. The drawings accompanying the planning application indicate that the ground floor would be used to accommodate the tables and chairs, a bar and two toilets and the kitchen would be in the basement.

In a letter accompanying the planning application the applicant has confirmed that the restaurant would employ 7 staff and seat 40 people. The hours of opening proposed are 12.00 noon to 2.30pm and 7.00pm to 11.00pm. (Letter dated 19 September 2001 – background paper)

In a further letter from the applicant dated 18 October 2001 he confirms that he would fully comply with environmental health regulations. In addition he states that no other property in South Street has an alleyway and that no other catering establishment in the street has a yard. With reference to the proposed extraction system he would be happy to accept any suggestions we may have about the siting of the flue and regarding refuse he is willing to store it in the alleyway or kitchen. Finally, the applicant has confirmed that the objectors would not be subjected to cooking smells with the extraction equipment proposed (background paper).

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map identifies the application site as being within a Secondary Shopping Area and Policy SH7 (Protection of Secondary Retail Areas) is considered relevant to the determination of this application.

CONSULTATIONS

Letters were sent to occupiers of surrounding commercial and residential properties and a notice was displayed at the front of the site. In response three letters of objection have been received from the occupiers of 36A and 36C South Street and 12 and 14 Furness Road and the comments made can be summarised as follows:

- Property at 36A backs on to the shop and is on two levels, with bedroom in the basement. The dividing wall is not soundproofed and there are concerns about the proposed restaurant kitchen being in the basement.
- The cold storage room will be likely to have a generator which may be heard from the bedroom.
- Main concern is precautions in the event of fire.
- The shop does not have an additional means of escape from the basement as there is no exit door from the side or rear of the property.
- Extractor unit for fumes may cause other residents a problem if noisy.
- Disposal of waste from restaurant is also a concern as there are already inadequate facilities.
- Would appreciate it if restaurant could open after 8.00am and close before midnight.
- Change of use should only be acceptable subject to state of the art odour filtration.
- There is no provision for storage of refuse and a sealed cupboard in the basement could constitute a health hazard.
- There is no provision or possibility of providing a fire escape.
- Floors and walls are thin and smells and noise would impair quiet enjoyment of flat.
- Noise of shop door opening and closing frequently would interfere with quiet enjoyment of flat.
- Excessively high ducting for extraction equipment would be undesirable in a conservation area.
- Will be subjected to cooking smells especially in summer when windows are open.
- Will not be able to relax and enjoy garden.
- People living in the area already experience all miseries consequent upon people who make their living providing late night leisure facilities. (Letters dated 9, 12 and 22 October 2001 – background paper)

The Eastbourne Access Group has asked that if building works are required to implement the planning permission, then provision should be made for disabled people (e-mail received 5 October 2001 – background paper).

The Head of Environmental Health has confirmed that odour and grease associated with the proposed restaurant use could cause a smell nuisance to residential premises. Therefore it should be a requirement to install a mechanical extract ventilation system above the cooking range and the flue of the ventilation system should terminate at least one metre above the ridge of the building.

Furthermore, as the basement of the premises does not have any windows then the applicant will need to satisfy that there is sufficient ventilation to the room. It may be that the proposed mechanical ventilation will be sufficient, however if not, then the applicant must install further means of ventilation. (Internal memorandum dated 10 October 2001 – background paper)

The Council's Assistant Historic Buildings Advisor has no general objections to the proposed change of use to a restaurant on conservation grounds. However there are concerns about the location of any extraction flue on the building. It would seem most likely that this would have to be located on the side elevation. As South Street has a particularly varied and interesting roofscape, with a mix of gable ended frontages and attic floors there is concern about the impact of a flue on the character of the conservation area, particularly if the top of the flue were to come anywhere near the roof line.

Furthermore, the rear of the building is clearly visible from Furness Road which is also in the conservation area. A tall extraction flue located on the side elevation of the property would be visible from here and could partially harm views of the listed cottages at 6-10 Furness Road. (Internal memorandum dated 18 October 2001 – background paper)

APPRAISAL

The Secondary Shopping Area within which 36 South Street is situated has a strong retail presence. It is therefore considered that the proposed change of use would not in any way undermine the retail attractiveness of the locality and would comply with adopted Borough Plan policy.

However there is a one bedroom flat immediately to the rear of the application premises and it is considered that having a kitchen and restaurant in such close proximity to residential accommodation could be detrimental to the amenities of occupiers particularly by reason of noise, disturbance and cooking odours likely to be associated with a restaurant use. Furthermore there would be the potential for the occupiers of the flats above the premises to experience the same problems.

The application premises has no rear yard and there is nowhere, other than the kitchen, side alleyway or the footpath to store refuse. Storage of rubbish in a basement kitchen would be unacceptable on health and safety grounds and storage of refuse in a private alleyway or public footpath would cause an obstruction. There is therefore nowhere that rubbish associated with a restaurant use could be stored which would in my opinion, preclude the use of this property for this type of business (producing putrescible waste).

The Council's Head of Environmental Health has advised that the proposed use could cause a smell nuisance to adjoining residential premises and that in order to minimise the effect, any ventilation flue should terminate at least one metre above the ridge of the building. However I share the concerns of the Assistant Historic Buildings Advisor, about the detrimental effect such a tall flue, extending into the skyline would have on the visual amenities of the locality and in particular on the character and appearance of this part of the Town Centre and Seafront Conservation Area.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed use would infringe the rights of neighbouring occupiers conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

Therefore, whilst I accept that the proposed change of use would not be contrary to adopted policy, I consider that for the reasons detailed above I,

RECOMMEND: Permission be refused for the following reasons:

1. That the proposed use of parts of the ground floor and basement as a restaurant and kitchen would be likely to be detrimental to the amenities of occupiers of the adjoining residential accommodation, by reason of the noise, disturbance and smells likely to be associated with the use.
2. That the proposal fails to provide any refuse storage to serve the proposed restaurant and would lead to the depositing of rubbish in the adjacent private alleyway or on the public footpath, which would be detrimental to the amenities of occupiers of surrounding residential properties and the visual amenities of the locality.
3. That the ventilation flue likely to be associated with the proposed use would be detrimental to the visual amenities of the locality and in particular to the character and appearance of this part of the Town Centre and Seafront Conservation Area.

HAMPDEN PARK WARD

- 6) **MARYLAND, 9 BRAND ROAD. CHANGE OF USE OF FIRST FLOOR FROM RESIDENTIAL TO CHILDREN'S NURSERY IN CONJUNCTION WITH EXISTING NURSERY ON GROUND FLOOR (TO ACCOMMODATE MAXIMUM OF 18 ADDITIONAL CHILDREN), TOGETHER WITH EXTENSION OF PERMITTED OPENING HOURS FROM 8.30 AM TO 5.30 PM, TO 8AM TO 6 PM, TOGETHER WITH PROVISION OF OFF-STREET CAR PARKING AREA ACCESSED FROM BRAND ROAD VIA EXISTING ACCESS. EB/2001/0532, MAP L4. HAMPDEN PARK**

SITE LOCATION

This detached two-storey property stands on the corner of Brand Road and Brassey Avenue. The rear garden of the property borders number 47 Brassey Avenue to one side,

and Brand Road to the other. The area is generally of a low density, and of a residential nature, with the majority of properties close to the site also being detached with generously sized gardens.

PLANNING HISTORY

The current use of the property as a children's nursery on the ground floor with residential accommodation above was granted permission in 1993, subject to conditions that no more than 24 children shall be accommodated at any one time; that the use shall only take place between 8.30am and 4.30pm on Mondays to Fridays; and only the Brand Road entrance shall be used in connection with the nursery (EB/93/0046 – background paper). The property was previously used as a convent following planning permission being granted in 1980 for the change of use from single private dwelling (EB/80/0460 – background paper).

Since the change of use to a nursery was first granted, there have been several other planning applications determined, for a conservatory, increases in the numbers attending the nursery, and alterations to the permitted opening hours. This has seen a stepped increase in the size of the nursery and the intensity of the use.

An application for a conservatory and an increase in the permitted number of children from 24 to 30 was submitted in 1995, but was subsequently withdrawn by the applicant (EB/95/0462 – background paper).

However, an application for a conservatory, to accommodate an additional 12 children, together with an extension of permitted opening hours from 8.30am to 4.30pm to 8.30am to 5.30pm, was submitted in 1997 (EB/97/0091 – background paper). This was granted subject to conditions restricting the number of children using the garden at any one time to 6, a restriction limiting the total number of children attending the nursery to 36, and an identical condition to that applied to the 1993 permission relating to the sole use of the Brand Road entrance for access to the nursery.

When the conservatory was constructed the doors were installed in the side, facing the adjacent property (No. 47 Brassey Avenue) and complaints were received during the summer months from the occupier of this adjoining property about noise from the nursery when the doors are left open. A retrospective application was therefore approved, subject to an additional condition regarding the doors being kept closed during opening hours (EB/97/0496).

An application relating to change of use of the first floor from residential to children's nursery was received in 1996. The application proposed to increase the capacity of the nursery from 24 to 44, with space for 26 on the ground floor and 18 on the first floor, together with variations to the opening hours and the provision of an emergency exit and slide at front. This was refused on the grounds of its adverse impact on the amenities of neighbouring residents, loss of residential accommodation and conflict with draft Borough Plan Policy (EB/96/0483 – background paper).

Members may recall that an application was considered by the Planning and Licensing Committee on 3 October last year, for the change of use of the first floor from residential to children's nursery to accommodate an additional 14 children, together with provision of

a small flat, together with extension of permitted opening hours from 8.30 a.m. to 5.30 p.m. to 8.00 a.m. to 6.00 p.m.

Members resolved to refuse this application for reasons relating to (i) the increased intensity of the use resulting in more noise, disturbance, traffic congestion and parking problems to the serious detriment of neighbouring and nearby occupiers' amenities, (ii) that the proposal would conflict with policy US20 of the Borough Plan and (iii) that a substandard unit of residential accommodation would be created due to the lack of self-contained facilities.

CURRENT APPLICATION

The nursery provision on the first floor would comprise two classrooms measuring 19.4 and 15.5 square metres respectively, and a separate art and craft area measuring 8.6 square metres, for use by up to 18 children. Toilets, and a small staff room would also be provided. The applicant has confirmed that they do not wish to apply for a change in the permitted numbers of children able to use the garden at one time.

CONSULTATIONS

The Arboricultural Officer comments that there are no trees of importance that may be affected by the proposals (memo dated 25 September 2001 – background paper).

Ofsted's Regional Office confirm that they have not yet received an application for a variation of their registration (letter dated 27 September 2001– background paper).

Environmental Health have been consulted; however, to date, no response has been received.

The Principal Highway Engineer states that the parking layout as shown on the application drawing will not function efficiently. He recommends that the layout of the parking area could be altered in accordance with an extract attached to his memo. In addition, he suggests that the vehicular access to Brand Road should be widened to 4.2m minimum, in accordance with the East Sussex Manual. He is aware that the application will involve additional traffic movements in the area, but that Brand Road is not a strategic route and is considered to have adequate on-street parking (see memo received 23 October 2001 – background paper).

REPRESENTATIONS

To date, a total of 17 letters of objection have been received from local residents, and from a representative advising on their behalf, as a result of neighbour notifications and a site notice.

The objectors raise concerns about the further increase in commercial activity now proposed, and the loss of residential accommodation, in what they describe as a quiet, residential area, and the effect that this would have upon their privacy and amenity, as nearby residents to the nursery. They also raise concerns with regard to the increased traffic movements that would result as a consequence of the proposal, which would in turn lead to more noise and disturbance. They do not see the increase in hours as alleviating congestion, but as simply spreading the problem over a longer time period. Other grounds

for objection include negative safety implications, including concern at an increasing number of young children leaving and entering the site, and possible repercussions with regard to reduced natural surveillance from the first floor if the change of use is allowed (see letters dated 29 September – 17 October 2001 - background papers).

PLANNING POLICIES

The following adopted Borough Plan policy is considered relevant to this application:-

Policy US20 – Proposals for child nurseries, playgroups and crèches in new or converted premises will be given favourable consideration subject to the following criteria:

- A. In residential areas the service should normally be intended for the local neighbourhood only in order to avoid undue detrimental impact on residential amenity.**
- B. No undue impact on residential amenity in respect of noise, traffic, parking, loss of privacy and sunlight, and the location and size of outdoor playspace.**
- C. Converted residential properties should normally retain their external residential appearance.**

The following policies within the deposit draft Borough Plan may be considered relevant to the application:

Policy LCF 19 – Community Facilities (objections received to policy).

Policy HO 3 – Retaining residential use (no objections received to policy).

Policy HO 20 – Residential Amenity (objections received to policy)

HUMAN RIGHTS ACT IMPLICATIONS:

It is unlawful for local authorities to act in a way that is incompatible with a right bestowed by the European Human Rights Convention. The convention rights applicable in this case are:

Article 8 – Right to Respect for Home, Private and Family Life.

First Protocol, Article 1: Protection of Property:

‘Every natural or legal person is entitled to the peaceful enjoyment of his possessions’.

The impact of developments on an individuals home life must be considered. There must be a fair balance between individuals and community. The economic well being of the community and the rights of individuals are relevant considerations.

It is noted that the application site is within a predominantly residential area, and that objections have been received from neighbours, as reported in the ‘representations’ section ; the issues raised may have an impact on the rights laid out in the above Articles of the Human Rights Act.

APPRAISAL

This is the third time that an application has been submitted for the use of the upstairs of the application property. Similar proposals have previously been refused twice. The application submitted in 1996 proposed an increase of 18 children – a total capacity of 44 children. The application submitted last year proposed an increase of 14 children – a total capacity of 50 children. The current application proposes an increase of 18 children – a total of 54 children within the property. The total capacity proposed at each time has therefore increased. There has been no change in adopted planning policies. There are new policies emerging in the deposit draft Borough Plan, which carry very little weight at this stage. The one policy within the new Plan which carries more weight is HO3 – relating to retention of residential accommodation which has not been challenged during the plan public consultation period.

The current application seeks permission to change the use of the first floor of the premises, as the previous application did. However, the current proposal proposes the use of the property for purely commercial purposes, by omitting any element of residential use. Whilst removing a problem, in that the residential element proposed was considered to be substandard, it does mean that there would be the net loss of an existing residential unit, and that this would be likely to have an impact on the character of the area. It would also set an undesirable precedent for other similar proposals. With the exception of nursing homes, which though commercial enterprises, are also a form of residential accommodation, other commercial uses in the area – such as the veterinary practice in Brassey Avenue - generally occupy the ground floor only.

It is also proposed to provide an additional 18 child places, compared with 14 in the 2000 application. Though the removal of the residential component increases the available floorspace on the first floor, the proposal would still result in an increase in capacity of 50 per cent, to a total of 54 children. This would mean that, according to my calculations, there would be 2.03 square metres of floorspace per child within the nursery. This is well below the national standards for the oldest age group of children of 2.3 square metres per child. Whilst these regulations should not be implemented or administered within the planning system, these figures do give an indication that should planning permission be granted, the overall intensity of the use of the building would be high.

There are windows within the first floor of the property, facing the garden, and the neighbours property which, understandably, would need to be opened to allow ventilation, particularly during the summer, unless considerable investment was made in expensive air conditioning systems. The increased number of children, and the use of the first floor would therefore be very likely to lead to increased noise from within the building. The increased numbers would also be likely to lead to increased use of the garden area, particularly as there is a planning condition limiting the use of the garden to 6 children at any one time. The fixed capacity of the garden, combined with the sharp increase in overall capacity would therefore be very likely to result in use of the garden for a higher proportion of the day, unless the capacity were raised by varying the planning condition. I consider that an increase in garden capacity would be likely to be of concern. Noise within the garden was observed from the public highway on the case officer's site visits, an increase in children within the garden, or duration of garden use would, in my opinion, lead to serious harm to residential amenity.

In addition, the expansion of the nursery operation would generate additional traffic and pedestrian movements to the site. An off-street parking area has been included in the

current proposals, and though the configuration is somewhat constrained, this could be amended to provide five parking spaces. However, as a result of the increased capacity, there would be a minimum of 3 (possibly 4) additional staff required, according to the published standards. Whilst it is accepted that some staff may use alternative modes of transport, it seems unlikely that the parking area will provide sufficient space for staff members, let alone visitors. There is some on-street parking in Brand Road, however, Brassey Avenue is a much busier road, with poor visibility due to the topography close to the nursery frontage, which means that, in effect picking-up/dropping off can only be done safely in Brand Road, which has a quieter nature. Some parents will choose to walk to the nursery, but many will choose to drive there on the way to work, or simply to drive for reasons of convenience. A local resident has reported in writing that approximately 75 per cent of 'drop-offs' on October 8 and 9 of this year were undertaken by car. The applicants statement confirms that 78 per cent of children on the waiting list are local – however this means that 22 per cent are from further afield. Furthermore, this document does not state what distance is considered to be walkable, which for small children is likely to be a limited distance on a daily basis – certainly the above figures on car use would tend to suggest this. It would seem from this, that the nursery is not providing for just local needs but on a wider basis, and that this would mean there would be likely to be a significant increase in car journeys to and from the site should the first floor be used as a nursery.

I am therefore of the opinion that the proposed change of use would considerably increase the total number of journeys to and from the nursery (by car and on foot), and thereby significantly increase the disturbance experienced by local residents. Given the substantial increase in capacity proposed, I do not consider that opening for half an hour longer at each end of the day would significantly alleviate the 'tidal' effects that tend to occur in the morning and evenings with regard to drop-offs and pick ups, but such an extension would, in my opinion, prolong the noise and disturbance experienced by local residents further.

The proposal would expand a community facility, however, there are at least four other playgroups or nurseries in the Hampden Park Area, and approximately 40 within the Borough. Those outside of Hampden Park include 'Just Learning' - a large purpose built single-storey nursery completed about 1 year ago, within 1.8 miles of the application site. This has a capacity of 100 children, and I understand that this facility is not full at present. In addition, the Council has recently granted permission for another nursery at Willingdon Drove, just over a mile away from the site, which will further increase nursery provision in due course.

Overall, I consider that whilst the provision of good quality childcare facilities is desirable, the use applied for would lead to a significant expansion and intensification of the existing nursery in this location, which would have a significant, and unacceptable effect on the amenity of nearby occupiers within this residential area.

Due to the considerations outlined above, I therefore

RECOMMEND: Permission be refused on the following grounds:-

1. That the significantly more intensive commercial use of the property proposed would lead to an increase in noise and disturbance from within the site, and from the increased number of journeys (by car and on foot) generated to and from the nursery by the increased

capacity. The proposal would therefore conflict with Policy US20 of the Eastbourne Borough Plan which states (in part):

Policy US20 – Proposals for child nurseries, playgroups and crèches in new or converted premises will be given favourable consideration subject to the following criteria:

A. In residential areas the service should normally be intended for the local neighbourhood only in order to avoid undue detrimental impact on residential amenity.

B. No undue impact on residential amenity in respect of noise, traffic, parking, loss of privacy and sunlight, and the location and size of outdoor playspace.

2. The loss of the existing residential accommodation and the use of the whole property for entirely commercial purposes would be inappropriate and seriously detrimental to the residential character of the area.

LANGNEY WARD

7) LANGNEY DISTRICT SHOPPING CENTRE, LANGNEY RISE. DRIVE THROUGH FAST FOOD RESTAURANT. EB/2000/0511(OL), MAP Q7. LANGNEY

SITE LOCATION

The application site, covering 0.4 hectare (one acre), is situated on the eastern side of the Langney Shopping Centre, immediately adjacent the spiral ramp giving access to the pedestrian bridge across Langney Rise, on land presently used for customer parking.

PLANNING HISTORY

A large number of planning applications have been submitted in respect of the Langney Shopping Centre since it was built in the early 1970s, following the grant of outline consent in December 1970 and reserved matters eleven months later. In 1986 a refurbishment scheme including some retail extensions was granted permission. In 1996 planning permission was granted for internal road alterations in the area now proposed for the drive through restaurant. These alterations were implemented to produce the current layout of the car park. The shopping centre takes the form of a covered mall comprising a range of food and non-food shops and two Class A3 uses

CURRENT APPLICATION

Outline consent is sought for the provision of a 300 sq. metre drive through fast food restaurant, together with associated access road and parking for some 30 cars. The proposed development is to be situated on part of the existing shopping centre car park adjoining the Eastern Access Road, to the south-east, and verge adjacent Langney Rise,

to the east. The means of access is to be determined at this stage with siting, design, landscaping and external appearance to be reserved for subsequent detailed approval.

In a letter submitted with the application, the agent states, inter alia, that:

"This application is part of a programme of improvements to the shopping centre. Other elements of the programme have included improved signage and some internal improvements to communal areas.

To maintain the attraction of Langney Shopping Centre to local people additional improvements are needed. Adding to the range of shops and services, as well as some improvements to the car park circulation are considered necessary. This is the main objective behind this proposal.

The proposal is to erect a drive through restaurant comprising approximately 300 sq metres of floorspace. Approximately 26 car parking spaces, including spaces for the disabled will be provided.

Existing access will be altered to provide a more direct route into the main car park as well as providing access to the proposed restaurant. The existing tight corner on the Eastern Access Road will be replaced with a new 'T' junction allowing customers for both the shopping centre and proposed restaurant to be directed further into the car park before making parking decisions".

(Letter dated 1 September 2000 - Background paper).

Although not confirmed by the applicants, the proposed drive through restaurant is likely to be aimed at attracting one of the three main operators in the fast food market - McDonalds, Burger King or Kentucky Fried Chicken. Although the application is submitted to determine the means of access only, the applicant has stated that:

"The design of the building is likely to reflect the restaurant concept developed by one of the main operators such as Burger King or McDonalds. These are single storey buildings with a pitched tiled roof with brick clad walls. Landscaping can also be expected to be of a high quality with regular maintenance, and will be designed to compliment the existing landscaping of Langney Shopping Centre".

(Letter dated 1 September 2000 - Background paper).

PLANNING POLICY

The Shopping Centre, including its car park, is designated as a District Shopping Centre in the adopted Borough Plan, primarily serving local residents in the Langney area. The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the proposed development.

- Policy CT1 - New development to harmonise with existing
- Policy CT2 - Height of new development to be similar to existing
- Policy SH3 - New retail development contiguous to existing centres
- Policy HT7 - Car and cycle parking standards
- Policy HT21 - Pedestrian and disabled provision in shopping centres

CONSULTATIONS

The Crime Prevention Design Adviser, on behalf of Sussex Police, has considered the proposal with a view to reduce crime and disorder risks.

"If consent is granted I would wish to see the detailed application. Whilst there is no reason to suppose that the development would cause crime problems, I would ask that any eventual consent has a time condition to prevent the site becoming a late night gathering spot after public houses close. The location has good road connections to the town centre and Eastbourne has suffered from the night time activities of large groups of young people with cars" (Letter dated 29 September 2000 - Background paper).

The Council's Parks Development Manager advises that the indicative site layout does not show the potential for landscape design. The applicant is urged to take expert advice in respect of the site's landscape design treatment (E-mail dated 26 October 2000 - Background paper).

The Principal Highway Engineer (Planning), on behalf of the Highway Authority, advised that the application should be referred to the County Council for consideration *"as the surrounding highway infrastructure will certainly be affected as a result of increased traffic flows"* (Internal memo dated 5 October 2000 - Background paper),

With regard to the above highway related comment, the proposed development has, during the past twelve months, been the subject of careful and thorough analysis of a Transport Assessment, originally submitted with the application, together further data supplied by the applicant's agent. The Highway Authority has responded to the considerable amount of additional information provided by the applicant's highway consultant, and has reached the following conclusions:

- The proposed level of car parking provision would appear to be appropriate for the shopping centre and restaurant under typical trading conditions, but the imposition of a condition on the Tuesday and Saturday markets (ensuring relocation and size capping) could result in better use of the shopping centre car park, better distribution of activity and perhaps a reduced level of ret-running through the petrol filling station.
- A condition should require the provision of TRACK tests to demonstrate the feasibility of the proposed service requirements.
- Cycle parking and disabled provision could be dealt with by a condition
- Measures to deter "boy racers" from using the shopping centre car park should be sought if this is perceived to be a potential problem by the Borough Council
- The proposed pedestrian link between the new restaurant and shopping centre appears to represent a significant improvement on earlier proposals/existing arrangements
- No junction works are proposed for the Eastern Access Road/Langney Rise junction on the argument that the marginal increase in traffic using the restaurant development does not justify such works

(Working paper response dated 1 October 2001 - Background paper).

REPRESENTATIONS

Two site notices were displayed on the site. In addition, notification letters were sent to residential properties, situated to the north, east and south, surrounding the proposed development. In response three letters of representation have been received, the contents of which can be summarised as follows:

- Completely out of character with the shops already on site
- The smell from the cooked fat meals is something we can do without
- There will be more traffic, noise and litter.
- We have many reservations regarding late night problems
- The opening hours of the restaurant should be the same as the shopping centre

(Letters dated 21 September -15 October 2000 - Background papers).

HUMAN AND CONVENTION RIGHTS

Given the location of the proposed drive through restaurant, it is unlikely that the above noted Rights of local residents would be infringed.

APPRAISAL

The main issues to consider in the determination of the proposed development are the impact of the proposed development on: the established shopping centre, the existing car park and access arrangements, and the amenities of nearby residential properties.

As indicated in the "Planning History" section of this report, Langney Shopping Centre has a range of retail units, together with two Class A3 uses, comprising a café in the shopping mall and The Kingfisher Tavern, on the north-west corner of the main building. The proposed drive through restaurant, to be sited some 60 metres to the east of the shopping centre, will compliment the above identified Class A3 facilities to the commercial well being of the shopping centre. In addition, the proposed restaurant will provide Langney with a type of facility, at present lacking in area, thereby offering local residents a wider choice and an opportunity to undertake linked trips to the shopping centre for both shopping and eating out. On such a basis, the proposed development is likely to have a beneficial impact upon the shopping centre.

At present the Langney Shopping Centre has some 750 free car-parking spaces. The proposed fast food restaurant is intended to occupy an under-utilised part of the car park on the eastern side of the shopping centre, which at present is available for use by customers. However, analysis has shown that whilst approximately 60 parking spaces would be lost due to the proposal there would still be sufficient parking spaces available for people attracted to the shopping centre. Given that various residential areas surround the Centre, information has been provided that shows that 40% of all visitors to the shopping centre do not make use of a private car. Rather many local residents walk, take a taxi or use a bus to visit the centre. On such a basis, the use of the application site is considered to be acceptable.

Two vehicular accesses serve the existing shopping centre. There is a junction onto Kingfisher Drive, to the west of the Centre, and a junction with Langney Rise, to the east,

adjacent the Esso petrol filling station. The latter junction would provide the main access to the proposed drive through restaurant. However, as part of the application, it is proposed to create a new position for the entrance off the Eastern Access Road into to car park, which although slightly closer to the junction to the main road would lead to a re-aligned route through the car park. Such a change should make it easier for drivers to reach the parking spaces nearest the eastern side of the shopping centre or to travel a little further to the parking area adjoining the north of the Centre. As such, the revised layout and access arrangements should provide improved traffic circulation and have no material impact on the operation of the surrounding highway network.

The residential properties nearest to the proposed fast food restaurant are some 60 metres to the south-west (Swanley Close) and east (Pensfold Drive). In the case of the former dwellings, the intervening land is at present used for vehicular access, including deliveries to the shopping centre, and car parking. Separating the proposal from Pensfold Drive there are two roads and substantial planting. In addition, the proposed development will be set within the natural dip of the existing shopping centre car park. Given this situation, the siting of the proposed development is not considered to have an adverse impact on the surrounding residential development.

Other concerns have been expressed with regard to the operation of the fast food restaurant, including cooking smells, opening hours, litter, noise or anti-social behaviour. However, the first three matters can be covered by condition, whilst the potential activities by "Boy Racers" or other anti-social behaviour can be dealt with by the operators of the shopping centre employing sound management practices.

RECOMMEND: Planning permission be granted subject to the following conditions:

1. Approval of the details of the siting, design, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority by application before the development is commenced.
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.
4. A9.3 Submission and approval of landscaping scheme
5. C5.3 Hours of construction
6. The new car park, cycle parking, access road and associated junctions shall be designed and constructed to a standard approved by the Head of Planning in consultation with the Highway Authority, to include materials, lighting, signing and lining.
7. No development, hereby approved, shall be commenced until a scheme for disposal of surface water including the provision and

implementation of a surface water regulation system has been approved by and implemented to the satisfaction of the Local Planning Authority.

8. Prior to being discharged into any watercourse or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
9. B15 Provision of drainage scheme
10. Full details of the proposed method of extraction for the fast food restaurant shall be submitted to and approved by the Head of Planning and implemented before the use commences and thereafter maintained.
11. C12 Provision of litter bins
12. That the use hereby authorised shall only take place between the hours of 8 am and 11 pm on each day of the week.

8) LANGNEY DISTRICT SHOPPING CENTRE LANGNEY RISE. CONSTRUCTION OF SINGLE-STOREY SHOP NEAR THE EASTERN ENTRANCE OF THE SHOPPING CENTRE. EB/2001/0508, MAP Q7. LANGNEY

SITE LOCATION

The application site comprises the area of grass, with red painted railings to the front and an established hedge along the rear, situated to the south of the eastern entrance to the shopping centre. The proposed building is to be built next an existing retail unit, occupied by Meridian Cleaners.

PLANNING HISTORY

There has been a large number of planning applications submitted in connection with the Langney Shopping Centre since it was built in the early 1970s. However, the most relevant application in respect of the present proposal is an outline consent, granted in July 2000, for the construction of an additional retail unit and the utilisation of grassed area for the purpose of a garden centre unit (EB/2000/0238(OL) - Background paper).

CURRENT APPLICATION

Planning permission is sought for the construction of a shop, measuring 5 metres wide, 6 metres deep (giving a retail floorspace of some 26 sq. metres) and a maximum height of 4.05 metres, to be occupied by a florist. On the front and side elevation it is proposed to have a horizontal glass canopy, protruding 1.0 metre. In addition, a brick wall with wrought iron railings is proposed along the frontage of the site, adjoining the pavement.

In a letter submitted with the application, the agent states that:

"The planned area of this shop is to be located beside the existing shop units set back from the face. The parapet has been lowered to 4050 mm to give a step down look to the existing shops, but reflects where possible the existing proportions and massing of the existing structures.

It is intended that the shop unit is trading by Christmas 2001".

(Letter dated 17 August 2001 - Background paper).

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the proposed development.

Policy CT1 - New development to harmonise with existing

Policy CT2 - Height of new development to be similar to existing

Policy SH3 - New retail development contiguous to existing centres

CONSULTATIONS

The Council's Downland, Trees and Woodlands Manager advises that the proposed extension would not affect the existing vegetation on site. However, clarification is sought for the fencing off of the grassed area and the use of the outside area, such as, for storage purposes. If the latter occurs then plants, grass, hedging and the tree could be affected (Internal memo dated 7 September 2001 - Background paper).

The Environment Agency has no objection in principle to the proposal but suggests various "General Informatives", which the agent has been made aware of (Letter dated 18 September 2001 - Background paper).

The Principal Highway Engineer (Planning), on behalf of the Highway Authority, has no objections to the application (Internal memo dated 19 October 2001 - Background paper).

REPRESENTATIONS

Two notices were displayed on the front of the site and notification letters sent to nearby residential properties. In response one letter of objection has been received from the occupier 45 Swanley Close who states, inter alia, that:

"To even think of taking away another green patch for one more empty shop they cannot let shops they have inside".

(Letter received 25 September 2001 - Background paper).

HUMAN AND CONVENTION RIGHTS

Given the nature and position of the application site, It is unlikely that the proposed development will have an adverse affect upon the above noted Rights of local residents.

APPRAISAL

As indicated in the "Planning History" section of this report, outline consent was granted earlier this year for the construction of an additional retail unit and the utilisation of the existing grassed area for the purpose of a garden centre. As such, the principle of developing this part of the shopping centre for commercial purposes has been established.

The current application proposes a retail unit of a size, height and design similar to the existing shops surrounding the application site. As such, the proposed development would provide a suitable extension to the existing built situation. However, it is proposed to construct a substantial brick wall, with wrought iron railings, along the back of the public pavement. Such a feature is considered to be out-of-keeping with the more modern architecture incorporated into the host building, especially the blue and silver cladding which has been recently applied to both entrances of the shopping centre. Rather a simpler, plainer form boundary treatment would be more appropriate.

Given the position of the application site, adjacent the access road to the service yard, with an established hedge between, it is considered that, providing the identified hedge is retained, the proposed development is acceptable.

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

1. D1.1 Commencement of development within 5 years
2. A11 That the existing hedge along the southern boundary of the site shall be retained permanently at a height of at least 3 metres.
3. A2 Submission of samples of facing materials
4. C5.3 Hours of building operations
5. C1.4 Restriction of use
6. A15 No equipment on roof or walls
7. The brick wall and piers, together with ornamental railings, as shown on drawing number 2130/02 have not been approved by this permission. As such, details of the boundary treatment should be submitted to and approved in writing by the Head of Planning prior to the commencement of the development.
8. That no goods, articles or equipment shall, without the written consent of the Head of Planning, be stored or kept within any open part of the site which is not to be built upon.

MEADS WARD

- 9) **LAND AT BEACHY HEAD (ADJACENT TO COAST GUARD STATION), BEACHY HEAD ROAD. INSTALLATION OF A COLINEAR ANTENNA ON EXISTING RADIO MAST. EB/2001/0554. MEADS**

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

CURRENT APPLICATION

Permission is sought to install a colinear radio antenna to the top of the existing mast, for the benefit of the Royal National Lifeboat Institution, who are upgrading their existing analogue system to digital. The antenna has a maximum length of 2.7m, with a maximum diameter of 50mm at the base, tapering to 20mm at the top, and is constructed of glassfibre.

POLICIES

The following policy is relevant to this application:

Policy US8 – Restriction of masts on the Downland.

CONSULTATIONS

No representations have been received as a result of the statutory notices and notifications.

The Development Planning Manager states that the Council's policy is to utilise existing masts wherever possible, and that there would be no significant impact from the additional antenna, and therefore no detrimental impact on the Area of Natural Beauty.

I hope to have the comments of the Sussex Downs Conservation Board in time for your meeting.

APPRAISAL

The existing mast has been in place for many years, and supports several dishes/antennae. The addition of this relatively small antenna will not have any visual impact, given the size of the existing structure (approximately 40m in height) and the equipment already on it.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

The proposal represents a minor addition to the existing mast, and complies with the approved policy.

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

D1.1 Commencement of development within five years.

10) 34 GRANGE ROAD. CHANGE OF USE FROM CONVERTED FLATS TO SINGLE PRIVATE DWELLING. EB/2001/0559, MAP E.13 MEADS

SITE LOCATION

This large detached period property comprises three storeys of accommodation and features traditional gables and bays and is constructed of red brick. The property which is currently divided into two flats is situated on the north western side of Grange Road, some 40 metres from the junction with Silverdale Road.

CURRENT APPLICATION

Planning permission is sought to convert the property into a single private dwelling. The proposal involves removing a stairway at the side of the property which currently provides access to the first floor flat and reinstating a side entrance door and landing window. In addition it is proposed to remove an existing metal balcony and external metal spiral staircase at the rear of the property and reinstate the staircase internally in the main hall.

The proposed dwelling would comprise the following accommodation:

Ground Floor – hall, dining room, study, kitchen, lounge and wc.

First Floor – four bedrooms, three bathrooms, a dressing room and shower room.

Second Floor – play room and store.

There is an existing garage which is sited adjacent to the boundary with the block of flats fronting Silverdale Road.

PLANNING POLICY

Policy HO3 of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011) seeks to retain residential use and states:

“Planning permission will not be granted for developments:

- a) which would involve the net loss in the number of existing dwelling units;
- b) which would result in the net loss of the number of residential units previously committed.

Subject to compliance with other policies and proposals of this Plan.

An exception to this Policy will be made where it can be demonstrated that a scheme would result in a significant improvement in the quality of residential accommodation provided.”

This policy has not been the subject of any objection and therefore carries some weight and is a material consideration in the determination of this application.

CONSULTATIONS

The occupiers of neighbouring properties were notified of the application. However no representations were received.

The Council's Development Planning Manager has confirmed that the application appears to be contrary to Policy HO3, which is now approved as Council policy, as it involves a reduction of residential units. The application should therefore be refused as being contrary to agreed policy. (Internal memorandum dated 10 October 2001 – background paper)

APPRAISAL

The main issue to consider in the determination of this application is the principle of the proposed development having regard to Borough Plan policy.

The proposed conversion of the property from two flats to a single private dwelling conflicts with Policy HO3 of the Revised Deposit Draft of the Borough Plan, as the development would result in the loss of an existing dwelling unit. However it is considered that the loss of a single unit of accommodation would not have any significant impact on the available housing stock for the town and it would therefore be unreasonable to refuse planning permission for the development on such policy grounds in this instance.

HUMAN RIGHTS IMPLICATIONS

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

For the above reasons I therefore consider the proposed conversion of the property is acceptable however in view of the size of the property I would recommend that for the avoidance of doubt an informative should be added to any grant of planning permission, to ensure that the applicant is fully aware of the definition of a dwellinghouse.

RECOMMEND: Permission be granted subject to the following condition:

D1.1 Commencement of development within five years.

INFORMATIVE: You are advised that a single private dwelling is defined in Class C3 of the Town and Country Planning (Use Classes) Order 1987 as:

“Use as a dwellinghouse (whether or not as a sole main residence) –
a) by a single person or by people living together as a family, or
b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).”

This refers to the total number of residents living in the property.

- 11) **HILLBROW, 1 DENTON ROAD. INCREASE THE HEIGHT OF THE EXISTING PERIMETER FENCE AT THE SOUTHERN END OF THE ARTIFICIAL TURF PITCH FROM 4 METRES TO 6 METRES. EB/2001/0533, MAP C.11 MEADS**

SITE LOCATION

The application site comprises the artificial all-weather training pitch at the University of Brighton's Hillbrow campus. The site is located on the south side of Denton Road and is situated within the Meads Conservation Area.

PLANNING HISTORY

In September 1998, planning permission was granted for a new gymnasium and artificial training pitch on the Hillbrow campus site. (EB/98/0344 – background paper)

The pitch is protected by a 2.5 metre high chain link fence on three of its sides. At the end facing 3 Denton Road, the fence is 4 metres high.

CURRENT APPLICATION

Planning permission is now sought to increase the height of the existing perimeter fence at the southern end of the pitch, adjacent to 3 Denton Road to 6 metres, in order to reduce the occurrence of balls being used on the training pitch from passing over the fence into the neighbouring garden.

In a letter dated 20 August 2001, the applicant has confirmed that the proposed development has had the full involvement of the occupiers of 3 Denton Road (background paper).

PLANNING POLICY

The following Borough Plan policies are considered relevant to this application:

- Policy US19 - University of Brighton developments
- Policy CT1 - New development to harmonise with existing
- Policy CT2 - Height of new development to be similar to existing.

CONSULTATIONS

The application was advertised in the local newspaper and a notice was displayed at the site. In addition, letters were sent to occupiers of surrounding residential properties.

At the time of writing this report one letter of objection had been received from the occupier of 12 Wellsmead Place, 74 Meads Road, who has stated that if the fence extends as far as their flats, it will seriously affect the light through the kitchen window and will look out of character with the surrounding area (letter dated 26 September 2001 – background paper).

In addition, a letter of support for the proposal has been received from the occupier of 3 Denton Road who has stated that the 4 metre high fence has proved to be inadequate. Since the use of the pitch for games started in March 2000, 97 footballs have been kicked over the fence into their garden and that property damage has been caused. (Letter dated 22 September 2001 – background paper)

The Council's Historic Buildings Advisor has confirmed that on the whole he is not happy with the proposal but understands the need for it. He has previously made this point and suggested that the boundary vegetation needs supplementing as there is a large gap

opposite the proposal and extra planting will help screen the proposal from view. Furthermore, he considers that this might also be the opportunity to get some planting between the fence and the adjoining property in Denton Road. Large trees here may help screen the sports centre from the Downs and would also help camouflage the high fence on what is now dead ground. (Internal memorandum dated 19 September 2001 – background paper)

The Conservation Area Advisory Group at their meeting on 23 October 2001 raised no objections to the proposed development subject to satisfactory screen planting along an open section of the Denton Road boundary.

APPRAISAL

The proposal involves increasing the height of the existing fence along the southern boundary of the all-weather pitch from 4 metres to 6 metres. The fence will be green pvc coated chainlink to match the existing.

The increased height of the boundary fence at this end of the pitch will protect the residents of 3 Denton Road from wayward shots and prevent damage to their property.

The concerns expressed by the Council's Historic Buildings Advisor are noted and I consider that the planting of trees along the boundary as suggested would soften the appearance of the fence and would over time, help screen the sports hall when viewed from the Downs.

When the existing 4 metre high chainlink fence was approved in 1998, it was not considered to have any harmful effect on the character and appearance of the Meads Conservation Area and I do not consider that an increase in height of 2 metres would have any additional visual impact.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed increase in height of the boundary fence will ensure the right to the peaceful enjoyment of possessions and protection of property and rights to respect for private and family life, home and correspondence of the occupiers of 3 Denton Road and other nearby residents.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within five years.
2. That no development shall take place until there has been submitted to and approved by the Head of Planning a planting scheme for along the boundary of the fence and along a section of the Denton Road boundary between the southern end of the artificial turf pitch and the side boundary of 3 Denton Road. All planting comprised in the approved details shall be carried out in the first planting season following the completion of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of

similar size and species, unless the Head of Planning gives written consent to any variation.

12) 18 GRASSINGTON ROAD. PROPOSED CHANGE OF USE FROM 3 FLATS TO TWO HOUSES (1 NO 5 BEDROOM & 1 NO 4 BEDROOM), PROVISION OF A SINGLE GARAGE, NEW VEHICLE ACCESS TO GRASSINGTON ROAD. ALTERATIONS TO EXISTING DORMER ROOF LINE AND DEMOLITION OF CHIMNEY STACK. EB/2001/0522, MAP E.12 MEADS

SITE LOCATION

This large detached period property comprises three storeys of accommodation and features traditional gables and bays and is constructed of red brick. This attractive building is a typical quality example of the style found in the Meads area. The property is currently divided into three flats and occupies a large prominent plot on the corner of Grassington Road and Carlisle Road. The main frontage is to Grassington Road. The site is enclosed by a one metre high greensand and brick wall.

PLANNING HISTORY

Planning permission was refused for the erection of a block of ten two bedroom flats and ten parking spaces (following demolition of existing building) in March 2001. (EB/2000/0587(OL))

Planning permission was allowed on appeal in April of this year for the erection of a three storey extension with rooms in the roof to the west elevation of the existing property. The extension would have a frontage to Carlisle Road and would provide four additional flats. A new vehicular access and five on site car parking spaces were proposed off Carlisle Road. (EB/2000/0686 – background paper)

CURRENT APPLICATION

Planning permission is sought to change the use of the property from three flats to two houses, provide a single garage and a new vehicular access to Grassington Road. In addition it is proposed to alter the existing dormer roofline and demolish a chimney stack.

The existing building is to be divided vertically into two houses and the accommodation will comprise the following:

House 1

Ground Floor – lobby, hall, kitchen, lounge and drawing room.

First Floor – two bedrooms and two bathrooms.

Second Floor – three bedrooms.

House 2

Ground Floor – hall, kitchen, dining room, study, lounge, utility room and wc.

First Floor – two bedrooms and two bathrooms.

Second Floor – two bedrooms and a bathroom.

The proposed single garage is to be sited adjacent to House 2 and is to be served by a new vehicular access off Grassington Road, some 27 metres from the junction with Carlisle Road. House 2 will also have an additional on site car parking space on the Grassington Road frontage.

House 1 will be served by one on site car parking on the Carlisle Road frontage.

In a letter accompanying the application the applicant has stated that the proposed development will be in addition to that already approved on appeal. (Letter dated 4 September 2001 – background paper)

The alterations proposed to the external appearance of the building involve the provision of a new glazed entrance to serve House 2, on the southern elevation of the property, a pitched roof extension to existing flat roof dormer at second floor level, removal of a single chimney stack, provision of new velux rooflights and amendments to existing window openings.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map identifies the application site is being within the College Conservation Area.

Policy HO3 of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011) seeks to retain residential use and states:

“Planning permission will not be granted for developments:

- a) which would involve the net loss in the number of existing dwelling units;
- b) which would result in the net loss of the number of residential units previously committed.

Subject to compliance with other policies and proposals of this Plan.

An exception to this Policy will be made where it can be demonstrated that a scheme would result in a significant improvement in the quality of residential accommodation provided.”

This policy has not been the subject of any objection and therefore carries some weight and is a material consideration in the determination of this application.

CONSULTATIONS

The application site has been advertised in the local press and a site notice was posted at the front of the site. In addition letters have been sent to nearby residents. At the time of writing this report two letters had been received from the occupiers of Flat 1, 63 Carlisle Road and Flat 6, 22 Grassington Road and the comments made can be summarised as follows:

- development will result in more noise and distress with extra traffic and more accidents
- strong protest to any changes to external appearance of building and new vehicular access in Grassington Road which is a quiet residential street and already overloaded with vehicles
- new vehicular access should be sited in Carlisle Road
- only one garage is proposed for two houses
- did not think you could take down chimney stacks
- there will be a lot of noise with 4 and 5 bedroom accommodation
- will accommodation be used as bedsits? (Letters dated 28 September and 1 October 2001 – background paper).

The Council's Principal Highway Engineer has confirmed that the parking allocation within the site does not comply with the current requirements. The proposed new vehicle access is acceptable in principle however it does not provide for pedestrian visibility and would have to be moved at least two metres away from the boundary wall of 20 Grassington Road and would need to conform to the standards laid down in the ESCC Manual for Estate Roads. (Internal memorandum dated 18 October 2001 – background paper)

The Council's Historic Buildings Advisor has no objections to the principle of the proposal. The alterations to the Grassington Road elevation are sympathetic to the building. However the new vehicular entrance should have brick piers decorated to match the existing. (Internal memorandum dated 19 September 2001 – background paper)

The Conservation Area Advisory Group at their meeting on 23 October 2001 raised no objections to the proposed development.

APPRAISAL

The main issues to consider in the determination of this application are the principle of the proposed development having regard to Borough Plan policy, the effect of the development on the amenities of occupiers of surrounding residential properties, the effect on highway safety and the effects on the character and appearance of the College Conservation Area.

The proposed conversion of the property from three flats to two houses conflicts with Policy HO3 of the Revised Deposit Draft of the Borough Plan, as the development would result in the loss of an existing dwelling unit. However it is considered that the loss of a single unit of accommodation would not have any significant impact on the available housing stock for the town and it would therefore be unreasonable to refuse planning permission for the development on such policy grounds.

I note the concerns raised by the Council's Principal Highway Engineer, that the on site car parking falls short of the recommended standards. However I consider that the provision of one on site parking space for one of the houses and two spaces for the other dwelling is acceptable in this instance.

Furthermore, the comments made regarding the proposed vehicular access on Grassington Road are noted and details regarding the precise siting of the access and

visibility splays can be covered by attaching a condition to any grant of planning permission. It is therefore considered that the development is acceptable in terms of highway safety.

It is considered that the proposed conversion will not have any harmful effects on the amenities of occupiers of surrounding residential properties. Indeed it could be argued that the activities generated by three flats could be considerably greater than that associated with two houses.

The proposed garage is of a type and design in keeping with the appearance of the existing property and along with the minor external alterations to the building, it is not considered that there would be a detrimental effect on the character and appearance of the College Conservation Area.

HUMAN RIGHTS IMPLICATIONS

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

For the above reasons it is considered that the proposed development is acceptable however in view of the size of the properties I would recommend that for the avoidance of doubt, an informative be added to any grant of planning permission, to ensure that the applicant is fully aware of the definition of a dwellinghouse. I therefore,

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

1. D1.1 Commencement of development within five years.
2. A2 Submission of samples of facing materials.
- 3.No development shall take place until full details of the new vehicular access on Grassington Road, any proposed entrance piers, the surfacing to the car parking area and the visibility splays have been submitted to and approved by the Head of Planning. The development shall thereafter be carried out in accordance with the approved details, prior to the first occupation of either of the dwellings hereby approved.
4. A9.1 Submission and approval of landscaping scheme.

INFORMATIVE: You are advised that a single private dwelling is defined in Class C3 of the Town and Country Planning (Use Classes) Order as:

“Use as a dwellinghouse (whether or not as a sole main residence) -

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).”

This refers to the total number of residents living in the property.

OCKLYNGE WARD

13) WESTLORDS PLAYING FIELDS, WILLINGDON ROAD. STRUCTURE TO PROVIDE TEMPORARY CHANGING ACCOMMODATION, EB/2001/0583, MAP I3. OCKLYNGE

SITE LOCATION

Westlords is located on the eastern side of Willingdon Road, close to the Willingdon Roundabout. There is an existing access to the site, positioned approximately 35 metres north of the junction of Willingdon Road with Wish Hill. Mature trees partially screen the majority of the main frontage onto Willingdon Road. There is an existing parking area close to the western boundary, which is in a variable state of repair. The site is surrounded on three sides by residential properties.

PLANNING HISTORY

It is considered that the following may be relevant to the proposal:

Permission was granted in 1954 for the erection of a sports pavilion, at the southern end of the site (EB/1954/0035 – background paper).

Permission was granted in 1999, for the demolition of part of Westlords and outbuilding and conversion into two properties with new garages and the erection of eight detached dwellings (EB/1998/0356 – background paper).

Members will recall that an application for the erection of a single-storey sports pavilion, and mesh fencing on the north eastern boundary was approved at the meeting of the Planning and Licensing Committee on 7 August 2001, subject to 10 conditions (EB/2001/0264 – background paper).

CURRENT APPLICATION

It is now proposed to site a temporary building in the south-western corner of the site, immediately adjacent to the existing parking area. The building would incorporate two small changing rooms and a toilet. The building is a flat roofed structure, which I believe is currently sited at the Eastbourne Sports Park. The footprint of the building would measure 7.43m x 2.74m. The height of the structure is approximately 3m. The floor level of the building is elevated with the accommodation being accessed by wooden steps.

PLANNING POLICY

The following Borough Plan policies are considered relevant to the proposal:

- CT1 – New development to harmonise with existing.
- CT5 – Protection of primary open space.
- LE3 – Protection of playing fields.

In addition, many of the mature trees on site are protected by a Tree Preservation Order.

CONSULTATIONS

The Means of Escape and Access Officer states that a Building Regulation application will be required for these works, which has not yet been received, and that the works will need to accord with approved document 'M'.

In addition, to accord with policy DA1 of the Borough Plan, he makes the following recommendations:

- The ramp, steps and entrance doors should accord with design note number 1 of the Sussex Coast and Countryside Access guide.
- Internal doors should have a minimum clear opening of at least 800mm.
- An accessible toilet should be fitted out and accord with design note number 5.
- At least 3 car parking spaces should be provided for disabled people in accordance with design note number 11.

(memo dated 10 October 2001 – background paper).

The Principal Highway Engineer raises no objections to the proposed development (memo dated 19 October 2001 – background paper).

The Downland, Trees and Woodland Manager states that he has viewed the application on site. He comments that the location of the cabin presents no problem, as there is already a hard surface in situ. One concern raised is the electricity supply, which if already there and usable, should present no problems (memo dated 17 October 2001 – background paper).

Comments from Southern Water are still awaited, and any such observations will be reported verbally at the meeting.

REPRESENTATIONS

In excess of 70 written notifications were despatched, and two site notices placed on the Willingdon Road frontage of the site.

A total of three letters were received as a result of the above.

The occupier of 3 Westlords requests the provision of additional screening through further planting of trees on the boundary between the field and his, and adjacent properties, and states that the top corner of the parking is still extremely messy, and questions whether this will be cleaned up as part of the development (letter dated 29 May 2001 – background paper).

The occupiers of 3 Walnut Tree Walk note that this is the third application relating to the above site in a few months which they consider 'is extremely poor administration and an approach to planning that I find objectionable'. They consider that a plan should be 'presented in its totality and not presented bit by bit' (letter received 11 October 2001 – background paper). Of course, the Local Planning Authority cannot control when applications are submitted, or indeed the nature of the proposals, but have a duty to determine applications as and when they are made.

The occupiers of 3 Westlords, and 6 and 8 Westlords submitted a total of two letters of objection.

The objections can be summarised as follows:

- The temporary building will be too close to residential housing, on the footprint of the old pavilion, which assumes that nothing has changed, which is a wrong assumption.
- The details of the temporary structure are less specific than the details shown on the plans for the permanent pavilion, applied for in May 2001.
- The height of the building, or materials to be used are not indicated.
- The trees are very tall, and many bushes have been removed – therefore the proposal will not be adequately screened.
- There is no time limit indicated.
- Details of how and where sewage will be handled are not clear.
- The Football Club should be encouraged to obtain their funding and stick to their original plans.
- The proposal is out of keeping with the existing residential development in the area, and in particular the Westlords development.
- The proposal will be an ‘eyesore’, and will be in full view of 1-4 Westlords.
- It is not clear whether the sewage holding tank will be above or below ground level, if above, it could aggravate the unsightly appearance of the development.
- The fact that the application has been made so soon after the permission for the permanent building suggests that there will be a significant delay in its construction.

(letters dated 13 and 14 October 2001 – background paper)

HUMAN RIGHTS ACT 1998

It is not considered that, given the established use and Borough Plan allocation of the site as playing fields, the distance from the temporary pavilion to neighbouring residential properties, and the level of car parking provision, the proposal would infringe the rights conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

APPRAISAL

The site has long been used as playing fields, and is allocated for such use in the Borough Plan. The principle of provision of changing facilities on the site has been

established by the permission granted in respect of the permanent building earlier this year.

The building would, in its proposed position, be less visible from Willingdon Road, and set slightly further into the site, than the approved permanent facilities. The building would be positioned behind many of the mature trees within the site on the Willingdon Road frontage, in the position of the old pavilion. The building would be visible through the trees, but would not, in my view be overly prominent. I note from the photographs submitted, that the proposed structure is painted green, which is appropriate given the setting of the proposal.

The structure would be a minimum of 20 metres from the boundary with the Westlords residential development, and would be a minimum of 38 metres from the frontages of the dwellings. This distance is considered to be sufficient, particularly having regard to the 2m close boarded fence forming the boundary treatment, and the temporary nature of the proposal.

The Means of Escape and Access Officer has indicated that an application under the building regulations will be required, and that certain improvements would be required in order to provide disabled access to the structure. However, from a planning point of view, given the space limitations of the building proposed, it would not be practical, in my view, to insist on such provision for such a temporary period. For example, the ramp needed for the temporary building would be very large, due to its elevated floor level, and in order to provide a toilet for those with disabilities, a significant proportion of the changing room space would be lost.

As stated in the 'consultations' section of the report, the Downland, Trees and Woodland Manager confirms that there should be no adverse impact on the trees on site from the siting of the structure. With regard to the servicing of the building, the applicant has confirmed that waste will be collected via a holding tank, which will be positioned underneath the building (but above ground level). It is intended to re-use an existing electricity supply. These details can be conditioned to avoid harm to the protected trees.

The existing car park is in need of attention, particularly near the entrance to the site. In other areas of the car park, the surface has broken up in smaller areas, and it is in need of weeding and re-marking. However, I consider that although the standard of surface is not ideal, and not suitable for a permanent facility, it is usable on a very short term basis. Clearly, if this very temporary use became extended, the resurfacing of parts of the parking area, and weeding/remarking would be likely to become a requirement.

The building is very basic in design, and though it is sited sensibly, I consider that, given the pleasant appearance of this area, and the above limitations of the proposal, it would be unsuitable for anything other than a very short period, until the work on the permanent facilities is underway. I therefore recommend that a temporary permission is appropriate in this case.

RECOMMEND: Permission be granted subject to the following conditions:

1. D5.1 Temporary permission until 31 May 2003.

2. Details of the proposed electricity supply to the temporary building hereby approved shall be submitted to, and approved in writing by the Head of Planning prior to the commencement of development.
3. Details confirming the wastewater drainage/storage arrangements shall be submitted to, and approved in writing by the Head of Planning prior to the commencement of development.
4. That the changing facilities hereby granted temporary permission shall only be used between the hours of 07:30 and 21:00.
5. That details of the external colour of the structure hereby granted temporary permission shall be submitted to, and approved in writing prior to the commencement of development.

14) PUBLIC HIGHWAY IN CROSS LEVELS WAY (NEAR TO THE RODMILL ROUNDABOUT). INSTALLATION OF A 10M TELECOMMUNICATIONS "STREETWORKS" MONOPOLE MAST AND ANCILLARY EQUIPMENT CABINS EB/2001/0553(DET), MAP I.7. OCKLYNGE

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

CURRENT PROPOSAL

It is proposed to erect a 10m high monopole mast on the grass verge in Cross Levels Way approximately 90m west of Rodmill Roundabout (i.e. halfway between the two roundabouts). The mast would support a 1.7m trisector antenna and a small 180mm diameter microwave dish. An equipment cabin measuring 1.35m wide by 1.55m high and 0.55m deep would be sited behind the mast, adjacent to the existing timber fence, and would be finished in dark green.

The nearest residential properties are the dwellings in Kings Drive, approximately 120m to the west and south west, whilst there are some student nurse accommodation blocks 60m to the north.

CONSULTATIONS

No representations have been received as a result of site notices; the hospital were notified separately, but no response has been received.

The Principal Highways Engineer has no objections to the proposal.

APPRAISAL

The only issues to take into consideration are the siting and appearance of the proposed equipment.

This is a very busy section of road, and there are eight existing 10m high street lights within this 120m stretch of highway (all bare galvanised steel), together with a significant length of Armco, and timber fencing. I consider that the proposal would have very little impact on the visual amenities of the area, or on residential amenity, given the distance between the equipment and residential properties.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

I consider that the proposal is acceptable in terms of its siting and appearance.

RECOMMEND: That the siting and appearance be approved.

ROSELANDS WARD

15) 132 ASTAIRE AVENUE. PROVISION OF A CONSERVATORY AT SIDE. EB/2001/0568, MAP L.9. ROSELANDS

This two-storey semi-detached property is situated on the north side of Astaire Avenue, on the corner with Churchdale Road.

PLANNING HISTORY

Planning permission was refused in August 1995 for the erection of a two-storey extension at the front of the dwelling.
(EB/95/0309 – background papers).

Planning permission was refused in December 1995 for a dormer roof extension on the front of the property.
(EB/95/0544 – background papers).

Permission was granted in May 1997 for the erection of a detached garage at the front, however, this has not been implemented.
(EB/97/0183 – background papers).

CURRENT APPLICATION

Permission is now sought to construct a conservatory on the side elevation which fronts Churchdale Road; the structure would be 4.7m wide and 3.1m deep, under a hipped and pitched roof with a ridge height of 3.5m. The materials would be brick, UPVC and polycarbonate. The ground level of the garden is approximately 1m above pavement level and is 5.8m deep; this would leave a distance of 2.7m between the conservatory and the footpath in Churchdale Road.

CONSULTATIONS

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

APPRAISAL

The main issue to be considered in determining this application is the impact of the proposal on the visual amenities of the area.

Although there is a substantial hedge between the application site and the adjoining property (100 Churchdale Road) the remainder of the site is completely open; given the elevated position of the conservatory and its proximity to the highway, I consider that the impact would be detrimental to the visual amenities of the area. This is a prominent corner property, which is already set 1m forward of the adjoining dwelling, and the provision of a conservatory in the position shown would be very much out of character with the surrounding properties.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

I consider that the conservatory in the proposed location would be an unacceptable visual intrusion into the street scene.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed conservatory, by reason of its size and location, would adversely affect the appearance of the dwelling on this prominent corner location, and would be out of character with surrounding properties and detrimental to the visual amenities of the area.

16) LAND AT REAR OF 1-4 FITZMAURICE AVENUE. ERECTION OF THREE SINGLE-STOREY HOUSES WITH CAR PORTS AND PARKING SPACES. EB/2001/0536(OL), MAP L10. ROSELANDS

SITE LOCATION

The application site is located at the rear of residential properties in Fitzmaurice Avenue, Woodgate Road and St Philip's Avenue and is served by a driveway between Nos 4 and 5 Fitzmaurice Avenue which also provides access to numerous blocks of garages which extend in a northerly direction along this backland site. The site is rectangular in shape, measuring 40m. in depth by an average width of some 15.5m.

The site is currently occupied by King Brothers, civil engineering contractors, as their offices and storage yard.

PLANNING HISTORY

The various buildings on the site have been used for many years in connection with a builder's business in respect of which planning permission was granted in 1957.

Outline planning permission for residential development comprising the erection of a terrace of three two-storey houses, together with three garages and two parking spaces was refused in 1987 on the grounds of the limited width of the site and adverse effect of the development on the outlook and privacy of the occupiers of adjoining residential properties (EB/87/173 - background paper).

In 1996 outline planning permission for the erection of a pair of semi-detached dwellings on the same site as the 1987 proposal, with all matters reserved for subsequent consideration, was refused for the following reason:-

“That the proposed development, by virtue of its two-storey height, massing and close proximity to the site boundaries, would have a seriously adverse effect on the amenities of the occupiers of adjoining properties by reason of loss of outlook and overlooking”.

(EB/96/0306 – background paper).

Members will recall that outline planning permission for the erection of three two-storey two-bedroom houses was refused at your meeting held on 10 July 2001 for the same reason as EB/96/0306 (EB/2001/0256(OL) – background paper).

THE APPLICATION PROPOSAL

The current application is also in outline and seeks consent for the erection of three single-storey dwellings, with all matters reserved for subsequent approval. An illustrative layout drawing submitted with the application indicates one two-bedroom detached bungalow and a pair of semi-detached bungalows, one with two-bedrooms and the other with one. A total of five parking spaces are indicated two of which are under a car port..

CONSULTATIONS AND REPRESENTATIONS

Neighbouring residents in Fitzmaurice Avenue, Woodgate Road and St Philips Avenue were notified of the application. In response five letters of objection have been received from the occupiers of 54 Woodgate Road, 64, 66, 72 and 74 St Philips Avenue, stating the following grounds for objection:-

- Loss of privacy and security
- Would significantly reduce privacy in the garden
- The units are very small and appear to be squeezed into the available space
- Overshadowing of the garden
- Development at the rear of gardens with associated movement of people would give rise to noise and disturbance and lights after dark
- Bungalows would be out of keeping with the large three-bedroom two-storey houses in the vicinity
- Cramming in modern style dwellings would not be in keeping with the spacious character of the surrounding area
- Access is not wide enough to provide a permanent residential access nor access for emergency vehicles

- The development will exacerbate the serious problems of traffic in St Philips Avenue
- Possibility of root disturbance to trees close to the boundary
- The area is at risk to flooding and it currently floods during prolonged wet weather

(Letters received between 20 September and 5 October 2001 - background papers).

The occupier of 3 Fitzmaurice Avenue has no objections in principle to the proposal (letter received 4 October 2001 – background paper).

The Secretary of the Eastbourne Access Group considers that the pavement in Fitzmaurice Avenue giving access to the proposed houses should be properly ramped so as not to impede the passage of wheelchairs (e-mail dated 24 September 2001 – background paper).

The Principal Highway Engineer comments that the illustrative proposal is one space below the current adopted parking standard and that there is insufficient turning space for the undersized parking bays shown. He also refers to a previous comment that the driveway needs to be at least 4.5m. in width to allow vehicles to pass and that the entrance to the site, which is only 3.9m., needs to be widened to at least 4.5m. (internal memo dated 2 October 2001 - background paper).

POLICIES

Policy HO18 of the adopted Borough Plan states that:-

IN ORDER TO PROTECT RESIDENTIAL AMENITY, THE COUNCIL WILL EXPECT PROPOSALS FOR NEW RESIDENTIAL DEVELOPMENT, RESIDENTIAL CARE HOMES AND GROUP HOMES TO ACHIEVE ACCEPTABLE STANDARDS IN RELATION TO THE FOLLOWING:

- A. OVERLOOKING AND LOSS OF PRIVACY SO THAT NO HABITABLE ROOMS DIRECTLY FACE EACH OTHER WITHIN 22M ;**
- B. LOSS OF SUNLIGHT OR DAYLIGHT OR OVER SHADOWING ACCORDING TO BUILDING RESEARCH ESTABLISHMENT PUBLISHED INDICATORS;**
- C. NOISE DISTURBANCE;**
- D. ACCESS AND CAR PARKING ACCORDING TO COUNTY COUNCIL STANDARDS;**
- E. TRAFFIC GENERATION AND PROXIMITY;**
- F. LOSS OF NATURAL SITE FEATURES;**
- G. LANDSCAPING;**
- H. SCALE, MATERIALS, AND ARCHITECTURAL DETAILS.**

PLANNING APPLICATIONS WHICH FAIL TO COMPLY WITH SUCH STANDARDS WILL BE REFUSED.

APPRAISAL

The site lies within an existing residential area although it is not currently identified as either a housing commitment or housing allocation in either the adopted Borough Plan or the First Deposit Draft of the Plan. However, in my opinion a residential use would be

more appropriate than the current commercial use as a builder's store/offices/yard and PPG3 (Housing), which emphasises the importance of making full and effective use of land within existing urban areas, reinforces this view. Whilst the site lies in a backland location the existing access, which has a width of almost 5m., is of a reasonable standard and would be adequate to serve three dwellings.

In my opinion the size and shape of the site are, in principle, quite adequate to accommodate two dwellings to a standard compatible with the surrounding area. The proposal for three dwellings does result in a higher density than the neighbouring development and therefore the proposal would be clearly not be of the same character as the established development adjoining the site, which is predominantly two-storey houses set in relatively large plots.

However, PPG3 states that local planning authorities should give priority to re-using previously developed land within urban areas and should also maximise the potential of such sites by seeking higher densities and more intensive forms of development. The proposal clearly meets these objectives and, because of its backland location, would have little visual impact on the character of the area.

The last proposal for three two-storey dwellings was refused, not because of its greater density than the surrounding development, but as a result of the overlooking and overshadowing which would have been caused by a combination of the close proximity of the two-storey mass and first floor windows to the boundaries with neighbouring properties.

The buildings indicated in the current proposal are also close to the site boundaries but they are now only single-storey in height with no first floor windows to overlook adjoining properties and the height and massing of the buildings is now significantly lower, to the extent that any overshadowing of neighbouring gardens would be extremely limited. If Members are minded to approve the application it is considered that permitted development rights should be withdrawn, both because of the restricted nature of the site and the need to ensure that no roof lights or dormers are inserted which could overlook adjoining properties.

I still have some reservations about the environmental quality and suitability of this backland site, in view of its position adjacent to dilapidated blocks of garages but, having regard to all the above considerations I am of the opinion that this point alone would not be sufficient to justify a refusal of permission, particularly having regard to the general objectives of PPG3 that the most efficient use should be made of existing urban land.

HUMAN RIGHTS IMPLICATIONS

Having regard to all the above points it is considered that this revised application for a single-storey development would not infringe the rights of neighbouring residents to enjoy their properties.

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

1. Approval of the details of the siting, design, external appearance (including external materials) and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from

the Local Planning Authority by application before the development is commenced.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.
4. C5.3 Hours of operation during construction.
5. That, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), no buildings, structures, extensions, additions shall be erected nor alterations to the dwellings hereby approved shall be carried out without the prior approval in writing of the Head of Planning.
6. That, before the dwellings hereby approved are first occupied, parking spaces shall be available for use by the occupiers, in accordance with details to be submitted to and approved by the Head of Planning. Such parking spaces shall thereafter be maintained solely for the parking of vehicles belonging to the occupiers of or visitors to the dwellings.
7. That, details of proposed boundary treatment/means of enclosure shall be submitted to and approved by the Head of Planning before the development hereby approved is commenced. The approved boundary treatment/means of enclosure shall thereafter be maintained.

ST. ANTHONY'S WARD

- 17) 6 NETHERFIELD AVENUE. SINGLE-STOREY EXTENSION AT FRONT TO PROVIDE EN-SUITE SHOWER ROOM TOGETHER WITH ERECTION OF CAR PORT AT FRONT. EB/2001/0573, MAP R9/S9. ST. ANTHONYS**

SITE LOCATION

This property is a semi-detached bungalow located opposite a landscaped area.

PLANNING HISTORY

A single storey extension at the rear was approved in 1972 (EB/72/0750 – background paper).

CURRENT APPLICATION

An open sided car port is proposed with timber fascia and felted roof, and steel supports. The structure would protrude 0.15m from the front building line of the property, and would measure 2.3m in width, 5m in length, and 2.35m in height. A small flat roofed extension is also proposed, in matching brick, measuring 1.6m in width, 2.4m in length, and 2.65m in height.

PLANNING POLICY

HO19 – Criteria for extensions.

CONSULTATIONS

No consultations were undertaken.

REPRESENTATIONS

One letter has been received from the occupier of the neighbouring property, 8 Netherfield Avenue. The issues raised can be summarised as:

- No objection to the shower room extension.
- Objection to any brick wall in car port, and felt roof, as these items 'will affect me a lot' by:
 - loss of light.
 - effect on the 'open planning area'.

A number of other non-planning related concerns are also mentioned.

(letter dated 5 October 2001 – background paper).

HUMAN RIGHTS ACT 1998

Given the open sided nature of the proposal, it is not considered that the proposal would infringe the rights conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

APPRAISAL

The small extension would have an insignificant effect on the appearance of the property, and would have no adverse effect on neighbours. As such I have no objection to this element of the application.

Many of the concerns listed by the neighbouring occupier regarding the car port are not relevant, and cannot be taken into consideration. However, their main concern appears to be regarding a 'brick wall'. However, the car port is not intended to be enclosed with such a treatment.

Though I have some reservations about the proposal, and its visibility, given the open plan nature of the area, I consider that its open sided nature would limit its visual

intrusion, and having stood within the lounge of the neighbouring property, its effect on outlook and light. The window concerned, at number 8, is approximately 1.8m in width, and is a minimum of approximately 3m from the boundary with the application site. The roof level of the car port would be approximately mid-way up this window. The main, pleasant outlook onto the grassed open space area opposite would not be seriously affected given the nature of the proposal.

Overall, I consider that the proposal would not have a serious affect on the amenity of neighbouring occupiers, and though I have some reservations about the appearance of the proposal in the streetscene, I am of the opinion that it would not cause such serious visual harm as to warrant refusal.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within five years.
2. That the external materials used in the construction of the en-suite shower room extension, shown on drawing number 47500/01, shall match the type, texture and colour of those used on the existing building.
3. That, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the carport hereby approved shall be constructed, and maintained strictly in accordance with the details shown on drawing number 47500/01, and shall not be physically enclosed, unless prior written approval is obtained from the Head of Planning to any variation.

18) PRINCES PARK. SITING OF STEEL CONTAINER UNIT, REQUIRED FOR STORAGE OF SAILING EQUIPMENT, ON EXISTING CONCRETE BASE, FOR TEMPORARY PERIOD OF FIVE YEARS. EB/2001/0566(CC), MAP M12. ST. ANTHONYS

The Council's views are sought under Article 10 of the Town and Country Planning (General Development Procedure) Order 1995.

The site is located close to the Wartling Road entrance to Princes Park, in the corner of 'The Oval' stadium. The site is surrounded by vegetation, with a 2m hedge along the Wartling Road frontage, and a landscaped bank shielding it from Princes Park. There is an existing concrete base measuring 8m x 4.5m, which the container is to be site upon.

The applicant's agent states that 'it is intended to use the storage container for the storage of sailing equipment. The boating lake is used for the tuition of sailing, canoeing and windsurfing for young people, in particular students of East Sussex Schools. Their main building is situated on Royal Parade. Some of the lighter equipment is carried by hand, which involves crossing Royal Parade at least twice a day' (memo dated 14 September 2001 – background paper).

The proposed container would therefore be situated in a more convenient location, quite close to the boating lake.

The proposed siting of the container is secluded, so that it would not be visible from most surrounding areas, as there is vegetation on all sides. The container would measure 6.14m x 2.46m, and would therefore sit comfortably on the existing concrete base. However, I consider that, in view of the nature of the structure, it is only suitable for a temporary period (so that its condition and screening can be reviewed), and should be subject to a condition relating to details of the external colour. The surrounding land is owned and maintained by the Borough Council, and therefore the surrounding landscaping (which is outside the application site as shown on the application site plan) is likely to be retained in its present form.

RECOMMEND: The County Planning Officer be informed that this Council raises no objections to the proposed development subject to the following conditions:

1. Temporary permission until 30 November 2006.
2. That details of the external finish of the storage container shall be submitted to, and approved in writing by the County Planning Authority prior to the commencement of development.

19) PUBLIC HIGHWAY IN LOTTBRIDGE DROVE ADJACENT TO WARTLING ROAD COACH PARK. PROVISION OF A 12.5M HIGH TELECOMMUNICATIONS MONOPOLE MAST AND ANCILLARY EQUIPMENT CABIN. EB/2001/0582(DET), MAP N.12. ST. ANTHONYS

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

PLANNING HISTORY

A similar application was reported at your meeting on 7 August 2001. In that case, the original location of the equipment was in Princes Road, adjacent to the junction with Jervis Avenue.

Negotiations with the applicant resulted in the relocation of the proposal to Lottbridge Drive adjacent to the coach park. Members were recommended to refuse the proposal in Princes Road, and to approve the revised location. Members resolved to refuse both. (EB/2001/0383(DET) – background papers).

CURRENT APPLICATION

It is proposed to erect a 12.5m high monopole antenna on the footpath approximately 10m to the north of the bus stop in Lottbridge Drive, adjacent to the Wartling Road coach park. The pole would be surmounted by a 1.7m trisector antenna concealed within a shroud, and a 180mm diameter microwave dish. An equipment cabin 1.35m wide by 1.5m high and 0.55 deep would be sited next to the pole, together with a smaller meter cabin; both would be finished in green. It is proposed to widen the footpath into the grass verge adjacent to the proposed equipment.

CONSULTATIONS

At the time of writing this report, one letter has been received as a result of a notice posted on site and notifications. The occupier of 2 Jervis Avenue objects to the proposal on health grounds, obstruction of the pavement, and the previous refusal. (Letter dated 19 October 2001 – background paper).

The Principal Highways Engineer states that a pedestrian barrier should be positioned along the widened footpath.

APPRAISAL

The current location is acceptable in terms of visual impact, as there are plenty of lighting columns along this part of the highway, and the proposed equipment would be seen against the backdrop of the coach park and the extensive shrubbery which screens it at this point. In terms of siting, it is 150m from the nearest residential property, which compares favourably with similar masts in Victoria Drive, for example.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

The proposal is acceptable in terms of siting and appearance. There is a mix of paint finishes to the lighting columns in the vicinity, and I consider that the monopole should be finished in light grey to blend in with the general street scene.

RECOMMEND: That the siting and appearance be approved, subject to the following condition:

That the monopole shall be finished in light grey (BS381C.627E) before it is first brought into use.

20) 51 QUEBEC CLOSE. PROVISION OF A CONSERVATORY AT SIDE. EB/2001/0562, MAP Q.12. ST. ANTHONYS

This two storey terraced dwelling is situated on the corner of Quebec Close; the dwellings are arranged in “clusters” rather than rows, in an open plan setting, and this particular dwelling has a frontage to both Quebec Close and Atlantic Drive.

CURRENT PROPOSAL

It is proposed to erect a brick and UPVC conservatory on the side elevation, which fronts Quebec Close. It would have a maximum width of 3.4m, and 3m in depth, with splayed corners, and a pitched roof up to 3.3m high. The rear of the conservatory would extend beyond the front wall of the house, to be in line with the adjacent bay window.

POLICIES

Policy HO19 is relevant to this application.

CONSULTATIONS

Four letters of objection have been received as a result of neighbour notifications from the occupiers of 1, 2 and 53 Quebec Close; the objections are summarised as follows:-

- The size, design and location of the conservatory would be totally out of character with the area, and would be overpowering on this prominent corner.
- The gardens are all open plan, maintained by the estate gardener, and the proposal would be inappropriate in an open plan garden.
- It would have an adverse impact on the adjacent property (no. 52) in terms of overshadowing and loss of privacy.
- The proposal could set a precedent which could lead to the erosion of the open aspect of the area.

(Letters dated 6-16 October 2001 – background papers).

APPRAISAL

The proposed conservatory would be sited on a very prominent corner on Atlantic Drive, in an open plan setting. In my opinion, such a structure would be unduly prominent and wholly out of character with the design and layout of the residential development. In addition, the juxtaposition of the conservatory and the front of the dwelling would result in a jarring feature, unrelated to the host building.

Furthermore, I consider that the siting and orientation of the conservatory could result in overlooking and loss of privacy for the occupiers of the adjacent property (no. 52).

In addition to the above, the conservatory would be within one metre of the parking area fronting Quebec Close.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal could have an adverse impact on the rights of adjoining residents.

CONCLUSION

I consider that the proposed conservatory would have an adverse impact on the visual amenities of the area and the amenities of adjacent residents, and would not comply with approved policy.

RECOMMEND: Permission be refused on the following grounds:-

- (1) That the proposed conservatory, by reason of its size, design and siting, would be an unduly prominent feature, wholly out of character with the building and area in general.
- (2) That further to reason 1 above, the proposal would not comply with policy HO19 of the Eastbourne Borough Plan, which states, in part, that

Extensions or additions to houses will normally be required to meet acceptable standards in relation to the following:

E. sympathetic design in relation to the original house.

Planning applications which fail to comply with such standards will be refused.

21) LAND AT REAR OF 2-8 QUEENS CRESCENT. FOUR SEMI-DETACHED (TWO STOREY) DWELLINGS TOGETHER WITH ASSOCIATED VISITORS CAR PARKING. EB/2001/0222, MAP O11. ST. ANTHONYS

SITE LOCATION

The application site, covering an area of 0.122 hectare (0.302 acre), occupies an area situated immediately to the rear of 2-8 Queen's Crescent, Queen's Road and "The Lodge" public house, which fronts St Anthony's Avenue.

The site is accessed by a 3.0 metre wide track off Queen's Crescent. There is a wooden fence and brick wall on either side of the access way. The track, which is approximately 30 metres long, with a shallow double bend, gives access to a rectangular shaped piece of land measuring some 35 metres by 28 metres. The land has a row of 10 garages and a concrete apron for the parking of vehicles.

PLANNING HISTORY

In 1960 planning permission was granted for the erection of 22 lock-up garages (EB/1960/0476 - Background paper). Temporary planning permission, for five years was granted in 1965 for the erection of a single lock-up garage. The permission was renewed in 1971 for a further two years (EB/1965/0558 & EB/1971/0038, respectively - Background papers).

CURRENT APPLICATION

Planning permission is sought for the erection of four 2-storey semi-detached dwelling houses, each with three bedrooms and a garage, with parking space to the front. In addition, four other parking spaces are to be provided for visitors.

In a letter submitted with the application the agent states that

"The provision of the dwellings will reduce the traffic movements on the site and at the same time improve the security of surrounding properties".

(Letter dated 17 April 2001 - Background paper)

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the proposed development.

Policy CT1 - New development to harmonise with existing

Policy CT2 - Height of development to be similar
Policy HO18 - Design criteria for new residential development
Policy HT7 - Car and cycle parking standards

CONSULTATIONS

The Principal Highway Engineer (Planning) advises that:

The East Sussex Manual states that a private drive should serve no more than five properties off a private drive. This application has four properties, which is acceptable.

The standards also states that where the private drive serves more than two properties then the first 10 metres of the driveway should be 4.5 metres wide.

The application drawing shows an access drive, which scales approximately 3 metres. The applicant will have to consider reducing the number of units to two or provide the widened access for the first 10 metres from Queens Crescent.

The access way to the front of the properties measures 4 metres which is restrictive to vehicles having to reverse out of the driveways. Ideally this should measure 6 metres or the driveways widened to prevent over-run.

(Internal memo dated 22 May 2001 - Background paper).

The Environment Agency originally expressed concern "*that the proposed development may be at an unacceptable risk of flooding but insufficient information has been submitted to enable a full assessment to be made. It is requested that the application be DEFERRED until the following information has been obtained and the Agency provided with an opportunity to comment further.*

- *Existing site level survey (including the site access route) and proposed finished site levels (including floor levels) all to Ordnance Datum.*

In addition, if the application is approved various conditions should be imposed in order to prevent pollution of the water environment" Letter dated 22 May 2001 - Background paper).

In August 2001, the applicant supplied a revised layout plan incorporating spot levels related to Ordnance Datum, a copy of which was sent to Environment Agency. The Agency's response was as follows.

"The additional plan indicating the existing and proposed site levels is noted and, although an extensive existing site level survey has not been provided, the Agency is now able to WITHDRAW its request that this application be deferred".

(Letter dated 19 September 2001 - Background paper).

REPRESENTATIONS

In addition to a notice being displayed at the front of the site, letters of notification were sent to surrounding residential properties. In response seven letters of objection have

been received. The various concerns that have been raised can be summarised as follows:

- Compared to the existing garages 2-storey buildings will be both an eye sore and very invasive
- At present traffic in and out of the site is minimal as many of the garages are used for storage but dwellings will increase traffic, noise and pollution
- There would be overlooking and loss of privacy of surrounding properties
- The existing access to the site is extremely narrow with no room for vehicles to pass, and in addition there is no pavement
- As the proposed visitor parking is difficult to negotiate, more drivers will try to park on the Crescent
- Any large vehicle, including the emergency services, would find it impossible to gain access to the proposed dwelling houses

(Letters dated 9 - 22 May 2001 - Background papers).

HUMAN AND CONVENTION RIGHTS

The access arrangements, as proposed by the application, are likely to result in an increase in inconvenience and a reduction in safety for both users or neighbours of the identified route, which could infringe the above noted Rights,

APPRAISAL

The main issues to consider in the determination of the application are: the principle of residential development; the scale and form of the proposed development; the impact the proposed development on the amenity of surrounding residential properties and the highway and parking arrangements.

As mentioned at the beginning of this report, the application site has previously been developed for the construction of garages. In addition, the said land is surrounded by existing residential development, including the recently constructed bungalows, which form part of the Queen Alexandra Cottage Homes scheme. Given this context, together with the advice contained in PPG3 "Housing", in respect of making efficient use of previously developed land within urban areas, the principle of residential development is considered to be acceptable.

As indicated in the "Current Application" section of this report, planning permission is sought for the erection of four 2-storey dwelling houses. Many of the surrounding residential properties surrounding the application site are also two storeys in height under a pitched roof. Each of the new dwellings would have an attached garage at the front, together with a front and back garden, which although not as large as many of the established residential properties in the area could provide a satisfactory form of living environment.

Objections have been received from the residents of surrounding residents with regard to overlooking and loss of privacy. Although the proposed dwelling houses are to be sited some 6 metres from the boundary of St Anthony's Hall, the window to window distances between the front of the new houses and the rear elevation of terrace fronting Queen's

Crescent is some 30 metres. This distance is well in excess of the 22-metre standard forming part of Policy HO18 of the adopted Borough Plan, which is intended to avoid overlooking and loss of privacy.

Of greater concern to most of the local residents who have objected to the proposed development is the 3 metres wide and 30 metre long track giving access between the public highway and the proposed properties. Although this already provides vehicular access to the existing garages on the site, the track does not provide sufficient width nor is it of a satisfactory alignment to serve the 4 proposed residential units. Indeed, it is likely that large service and emergency vehicles would have great difficulty in negotiating the existing vehicular access, which would also provide the main pedestrian route to the proposed development. Furthermore, the width of the proposed access road (four metres) in front of the proposed dwellings and the remote position of the proposed visitor parking would make manoeuvring difficult and deter likely use, respectively. Therefore given the described situation, the access and parking arrangements are considered to be inadequate for the scale of development proposed, contrary to criterion D of Policy HO18 in respect of access and car parking.

RECOMMEND: Planning permission be refused for the following reason:-

That the access and visitor car parking arrangements, intended to serve the proposed development, are not considered to be adequate, by reason of insufficient width and alignment, and inappropriate position, respectively, for the type and number of traffic movements that are likely to occur. As such, the proposed development is contrary to Policy HO18 of the adopted Borough Plan.

- 22) **LANGNEY SPORTS CLUB, PRIORY LANE. PROPOSED 300 SEAT FOOTBALL STAND, TOGETHER WITH THE ERECTION OF COVERED TERRACE AND 1.5 METRE HIGH BRICK WALL. EB/1999/0186. MAP S8. ST. ANTHONYS**
- 23) **EASTBOURNE BOROUGH FOOTBALL CLUB (LANGNEY SPORTS CLUB), PRIORY LANE. PROVISION OF 250 SEAT EXTENSION TO STAND, HOSPITALITY BOX, TOILET BLOCK AND COVERED TERRACING. EB/2001/0366, MAP S8. ST. ANTHONYS**

INTRODUCTION

Members may recall that at the September meeting, both of the applications in connection with the building and extension of a stand, and associated facilities, at Langney Sports Club to be used by Eastbourne Borough Football Club, were approved conditionally subject to the prior conclusion of a Section 106 legal agreement to secure flood storage contributions.

FLOOD STORAGE PROVISION

The matter has now been considered further. However, unlike the Willingdon Levels Catchment Area, which has lakes forming part of Eastbourne Park, there is no such scheme in place for the East Langney and Mountney Levels Catchment Area. Therefore, rather than a sum of money being provided by the applicant to (part) fund flood storage it would be more appropriate if provision was made for the containment of 40 cubic metres

of flood water within the application site. This could be achieved by, for example, the formation of a pond or by some means of underground storage, with a restricted outlet.

The applicant has been advised of the above situation and their agent has confirmed by way of a letter that:

"It is our client's intention to provide flood storage on site in the form of a pond. This will provide a storage capacity of some 40 cubic metres and will be provided with a weir outlet which will discharge into the drainage ditch which bounds the site. As suggested in your letter we would ask that this provision be achieved by way of a planning condition rather than a legal agreement".

(Letter dated 12 October 2001 - Background paper).

In addition, a site plan showing the possible location of the pond has been submitted. Copies of the drawing have been circulated to the Council's Parks Development Manager and Building Control, with regard to the practicalities of creating a pond in an area with a relatively high water table. Given the existing ground conditions it may be more appropriate to create a reed bed instead of a pond. The identified consultees should be able to provide the necessary advice on which to progress the flood storage scheme.

With regard to the above, Members are asked to consider the deletion of the previously required legal agreement and its substitution by condition 6 (see below) to enable flood storage to be provided within the application site.

RECOMMEND: Planning permission be granted for both EB/1999/0186 and EB/2001/0366 subject to the following conditions:-

- 1) D1.1 Commencement of development within 5 years
- 2) The stand authorised by the permission shall cease to be occupied in the event that the approved waiting restrictions are not implemented within one year of the date of the permission. The approved waiting restrictions to be defined by reference to an annex describing the restrictions and showing the relevant areas of road on a plan.
- 3) The stand authorised by the permission shall cease to be occupied in the event that the approved traffic island has not been constructed within one year of the date of the permission. The approved traffic island to be defined by reference to an annex describing the works required and a plan.
- 4) The stand authorised by the permission shall cease to be occupied in the event that approved signage, lighting, surfacing and crash barriers for the car park and access route to the car park have not been carried out and constructed within one year of the date of the permission. The approved signage, lighting, surfacing and crash barriers to be defined by reference to an annex describing the works required and a plan.

- 5) The approved scheme for on-site marshals shall be implemented within three months of the date of the planning permission. The approved scheme for marshals to be defined by reference to an annex describing the requirement for marshals, including numbers, locations for marshals and the duration of the marshalling.
 - 6) That within six months from the date of the permission arrangements for flood storage provision within the site shall be completed in accordance with details submitted to and approved in writing by the Head of Planning.
- 24) ADMIRAL RETAIL PARK, LOTTBRIDGE DROVE. STAND ALONE RESTAURANT, WITH TAKE AWAY FACILITY, AND ALTERATIONS TO CAR PARKING LAYOUT (ADJACENT TESCO PETROL FILLING STATION). EB/2001/0489, MAP N10. ST. ANTHONYS**

SITE LOCATION

The application site comprises the part of the Admiral Retail Park's car park situated to the front of the Tempo and Scottish Power retail units, immediately north-west of the Tesco petrol filling station, which is adjacent Lottbridge Drive. The site covers approximately 67 existing spaces and has a frontage, to the dual carriageway, of some 75 metres, much of which is planted with shrubs.

PLANNING HISTORY

Approval of reserved matters for retail warehouse, vehicular access and alterations to car park was granted in November 1996 under EB/1996/0444(RM) (Background paper). Since that time, the Local Planning Authority has determined several applications for express advertisement. In addition, planning permission was granted in July of this year for a stand-alone retail unit (Carphone Warehouse) and alterations to car parking layout, adjacent the Tesco petrol filling station (EB/2001/0090 - Background paper).

CURRENT APPLICATION

Planning permission is sought for the development of a 114-seater restaurant with take-away facility, measuring some 19 metres by 21 metres with a mixed mono-pitch/waved roof profile, within the existing car parking area at Admiral Retail Park, to be occupied by Pizza Hut.

In a letter submitted with the application, the agent states, inter alia, that:

"The siting of this development is the same as that for which the Council granted planning permission for a stand-alone retail unit to be occupied by The Carphone Warehouse (EB/2001/0090. This scheme would be developed as an alternative to the earlier proposal. There are no planning issues arising from the proposal for an additional Class A3 unit on the Park, given the existence of the McDonald's restaurant, and the fact that the proposal will also perform an ancillary role to the main shopping function of the Park. Indeed it will be of benefit, as it will improve the quality and convenience of the shopping environment at the Park.

The construction of this unit would result in the loss of 35 car parking spaces, 12 more than would be removed by the implementation of the Carphone Warehouse retail unit permission. However, as you will be aware, an earlier survey of the parking provision at Admiral Retail Park indicates that there is sufficient over provision the Park, even at peak times, for this reduction to have no traffic implications.

The proposed unit is intended to generate linked trips within the Retail Park and, as such, is not anticipated to result in a material increase in traffic movement. The proposed restaurant use will serve existing customers at the Park and additional pass-by trade, but is not of a scale or character which will result in any significant traffic movements which would raise highways issues".

(Letter dated 15 August 2001 - Background paper).

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the application

Policy CT1 - New development to harmonise with existing

Policy SH1 - Shopping hierarchy; Level G - Out of town, which include Retail Parks and single superstores

Policy SH4 - Protection of town centre against large scale retail proposals

CONSULTATIONS

Retail related issues

The Local Plan Officer expresses concerns with the proposal. This proposal is very different from that of Car Phone Warehouse who expressed a specific need for a workshop bay that could not be satisfied elsewhere in the Borough.

"The relevant policy is SH4 of the adopted Plan, and I consider that this proposal, cumulatively with adjoining retail premises, does constitute large scale retail development (i.e. it is adding another attraction to an out-of-centre retail park), and on this basis, we should be seeking the applicant to demonstrate

- a) a need for the development;*
- b) the sequential approach employed.*

Without evidence of need and an indication that alternative sites are not available, I consider the proposal to be contrary to Policy".

(Internal memo dated 12 September 2001 - Background paper).

The Council's Retail Consultant considers that there are sequentially preferable sites on the same retail park. For example, in the vacant Scottish Power unit. This would have the following merits:

- 1) reducing the amount of committed retail space on the Retail Park - to the benefit of the Town Centre

- 2) eliminating the loss of car parking space outside Tempo/Scottish Power which could be a hindrance to re-letting the Scottish Power

Apart from the above issue of sequential testing, it would be an advantage if Pizza Hut could provide some evidence of need (i.e. - other than their current lack of representation in the Eastbourne area).

(Letter dated 24 September 2001 - Background paper).

In response to the above comments made by the Council's Local Plan Officer and Retail Consultant the applicant's agent states, inter alia, that:

"Class A3 restaurant uses are an established feature in out of centre retail parks across the country, including Eastbourne. Admiral Retail Park itself already has one Class A3 outlet, the McDonald's restaurant with drive-thru facility. I am not aware that Eastbourne Borough Council has previously applied the test of need and the sequential approach to Class A3 proposals in retail parks.

PPG6 advises Local Planning Authorities in drawing up their Development Plans to consider the need for, and adopt a sequential approach to selecting sites for new "retail" development...The guidance expressly states that this approach should not apply to "smaller-scale" facilities, such as, pubs and restaurants (emphasis by the agent)".

[Reference is made to a recent appeal case in respect of a Class A3 proposal in which the Inspector considers that there is no planning policy requirement that the proposed development should satisfy a need and sequential test]

"Again, similar to the above appeal decision, I do not believe that there is a Development Plan policy with which the submitted application conflicts... Policy SH4 relates to "large scale retail development". It is inconceivable that a small Pizza Hut restaurant can be considered to be "large scale"...Furthermore, the use proposed falls within the Class A3 Use Class and is, therefore, not a "retail" development to which Policy SH4 applies.

Commercial need accepted (following a Ministerial Statement of 11 February 1999) as an indicator of need... The Pizza Hut facility will be complementary to the existing McDonald's restaurant and will be ancillary to the primary retail function of the Park. It will increase the choice of facilities, which can be visited as part of a single trip and will also make effective use of an area of surplus car parking. Therefore, the proposal will meet the need to make sustainable use of brownfield land and will also introduce additional competition and choice which are other legitimate needs.

The occupation of part of a vacant unit (for example Scottish Power) would be commercially unrealistic, unviable and undesirable. The existing retail floorspace at Admiral Retail Park meets important needs providing access to retail warehouse facilities. It is important to Eastbourne's ability to meet PPG6 objectives and ensuring the availability of a wide range of shops that existing retail floorspace is occupied by retail operators".

(Letter dated 2 October 2001 - Background paper).

Highway related issues

The Director of Transport & Environment, on behalf of the Highway Authority, states that

"As identified in the applicant's car parking survey, the proposed construction of a stand-alone restaurant will result in the loss of 35 car parking spaces. The Highway Authority agrees that there is sufficient over provision to accommodate such a loss.

However, the Highway Authority has concerns regarding the potential for the application to generate extra traffic on the surrounding highway network. To resolve this issue the Highway Authority would wish to view the transport assessment discussed in the consultants supporting letter dated 15 August 2001"

(Letter dated 19 September 2001 - Background paper).

The applicant's Highway Consultants have provided details of the proposal and state, inter alia, that:

"The parking survey, undertaken to support an earlier consented application (ref; EB/1998/0255) for a non-food retail unit adjacent to the existing Wickes store, found that there was considerable under-occupation of the parking areas. On the Friday maximum occupation was found to be less than 40% and on Saturday to be less than 50%. Allowing for 10% additional circulating and manoeuvring vehicles, there would still be 640 and 521 empty spaces on Friday and Saturday respectively.

The proposed development will comprise 114 seats and, therefore, could be expected to attract 38 vehicles during the Saturday peak hour. This, of course, makes no allowance for any linked or diverted trips from within the retail park.

In terms of parking demand, therefore, the level of traffic likely to be attracted to the proposed development (absolute worst case) would be accommodated within the spare parking capacity on the retail park. It can, therefore, be concluded that the proposed development can be accommodated within the Admiral Retail Park without adverse impact on the level of parking available.

Further, the trip attraction to the proposed restaurant is not significantly different from the alternative Carphone Warehouse and therefore it would not have a significant impact on the performance of the surrounding road network which was found to be acceptable in planning and highway terms for the extant consented scheme".

(Letter dated 22 August 2001 - Background paper).

Ground condition related issues

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted two conditions are imposed in order to prevent pollution of the water environment (Letter dated 18 September 2001 - Background paper).

The Council's Pollution Services Manager confirms that there is no environmental health objection in principal to the proposal. However, it should be noted that the site is part of the former gas works and there are therefore land contamination issues to be taken into

consideration. An appropriate condition should be attached to the grant of planning permission (Internal memo dated 20 September 2001 - Background paper).

The Health & Safety Executive has considered the proposal and "*concludes that the risk to people at the proposal development would be sufficiently low that it does not wish to advise against the granting of planning permission on grounds of safety. This conclusion is based on the assumption that the development is intended for use by a standard cross section of persons and is not intended for use by a predominantly vulnerable population*" (Letter dated 16 October 2001 - Background paper).

REPRESENTATIONS

Three notices were displayed around the application site and letters sent to the managers of the existing commercial units at the Retail Park. However, at the time this report was prepared (29 October 2001) no responses had been received.

HUMAN AND CONVENTION RIGHTS

As the proposed development is situated in an established commercial area, it is unlikely that the above noted Rights will be adversely affected.

APPRAISAL

The main issues to consider in the determination of the application are the impact of the proposed development on the established retail park, the existing car parking arrangement and the general street scene along Lottbridge Drive.

As indicated in the "Planning History" section of this report, earlier in the year, the application site received the grant of planning permission for the erection of a stand alone Class A1 retail unit. However, the current proposal is for a Class A3 (food and drink) use. The proposed use will perform an ancillary role to the main shopping function of the Retail Park, including the generation of linked trips, in a similar way as the existing McDonald (drive through) restaurant situated some 40 metres to the south. On such a basis, the proposed development is not considered to be contrary to Policy SH4, which seeks to protect the town centre against large-scale retail proposals rather than small-scale restaurant proposals, such as the current application.

The highway related issues, centred on the number of car parking spaces, have been fully considered as shown by the various responses given in the "Consultations Section" of this report. The site of the proposed Pizza Hut restaurant will result in the loss of 35 parking spaces located between the Tempo/former Scottish Power retail units and Lottbridge Drive, immediately adjacent the Tesco petrol filling station. However, as acknowledged by the Highway Authority, there is sufficient parking provision elsewhere within the Admiral Retail Park to ensure that car borne visitors can find a space. Likewise, the additional Class A3 unit should not have an adverse impact on the highway network.

With regard to the design and standing of the stand alone unit, it is proposed to erect a grey and cream coloured clad, with a 9 metre (highest point) light red painted central wall, structure, with a footprint measuring some 21 metres by 19 metres. The seating area to the eastern, that is, Tesco petrol filling station, side of the building will have glazed elevations under a waved roof, whilst the kitchen, staff and services are to be situated

under a shallow mono-pitch roof, sloping towards the central wall. This wall will act as an advertising feature to the restaurant, with the submitted drawings showing a Pizza Hut cloud sign fixed to each side. Such signage would have to be subject to an appropriate application for express advertisement consent in due course.

Given the scale and massing of the existing retail warehouses to the rear, that is to the west, of the application site, together with the variety of other buildings, including the adjoining petrol filling station and nearby McDonald restaurant, in the vicinity of the proposed development is unlikely to have an adverse impact upon the existing street scene, which at this part of Lottbridge Drove benefits from established shrub planting along the site frontage, which is to remain,

The stand alone restaurant and alterations to the car parking layout will alter the way in which this part of the Admiral Retail Park is used. However, close examination of the identified issues, especially in respect of retail and car parking impact, indicates that the proposed scheme, as with the previous Carphone Warehouse unit, should not have an adverse impact, either on the retail park in which it is situated or surrounding area.

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

1. D1.1 Commencement of development within 5 years
2. A11 Retention of shrubs along the site frontage
3. B8.1 Proper construction of car parking spaces
4. A2 Submission of samples of facing materials
5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.
6. Any facilities for the storage of oils, fuels or chemicals shall be on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.
7. Before the development, hereby approved, is commenced, arrangements to avoid any adverse impact on remediation measures previously carried out on the site in respect of land contamination

shall be submitted to and approved in writing by the Head of Planning, and subsequently carried out.

25) LAND AT ENTRANCE OF EASTBOURNE BOROUGH FOOTBALL CLUB PRIORY LANE. ONE FREE STANDING NON-ILLUMINATED FIXTURE BOARD. EB/2001/0564(ADV), MAP S8. ST. ANTHONYS

SITE LOCATION

The application site comprises a small piece of land set behind an established hedge situated to the right of the entrance to the Langney Sports Club car park.

PLANNING HISTORY

In 1979 planning permission was granted for the change of use from grazing land to playing fields, with the erection of a two-storey building for use as a club house and other associated buildings (EB/79/0216 - Background paper). Since that time various planning applications have been submitted for the erection of several other buildings, including spectators' stands, indoor bowls and changing facilities.

In June of this year an advertisement application for the erection of two free standing non-illuminated fixture boards, one either side of the Club's vehicular entrance, was refused consent (EB/2001/0221(ADV) - Background paper) for the following reason:

In the opinion of the Local Planning Authority the proposed signage will, by virtue of its size, form and prominent position on an undeveloped frontage, adversely affect both the visual amenities and highway safety of the locality. As such, the proposed signage is contrary to Policy CT9 of the adopted Eastbourne Borough Plan

(Decision Notice dated 14 June 2001 - Background paper)

CURRENT APPLICATION

The application seeks express advertisement consent for the erection of a free standing non-illuminated fixture board, measuring some 1.2 metres high and 2.4 metres wide, set on three 1.8 metre high supports, giving an overall height of 3.0 metres. The support post would be concealed, when viewed from Priory Road, by the existing hedge. The reason for the proposed board is to display forthcoming fixtures between the Home and Away Football Teams, together with the date of the match.

LOCAL PLAN

The following policy, contained in the adopted Borough Plan, is considered to be relevant in the determination of the application.

Policy CT9 - Advertisements to be sensitive to location

CONSULTATIONS

The Principal Highway Engineer (Planning), on behalf of the Highway Authority, advises that there are no objections to the proposal (Internal memo dated 17 October 2001 - Background paper).

REPRESENTATIONS

Two notices were displayed on either side of Priory Road, at the front of the site. In addition, notification letters were sent to the eight local residents who had made representations in respect of the recent advertisement application, referred to in the "Planning History" section of this report.

At the time this report was prepared (29 October) six letters of objection had been received. The concerns of the local residents can be summarised as follows:

- The board still over looks my kitchen and dining room
- This is a residential area, NOT an industrial estate
- The sign would set a precedent - for the Bowls Club, the Archery Club, etc.
- The board will be an eyesore and affect a very pleasant outlook
- Why do they need fixture boards?
- The advertisement board is an unnecessary intrusion
- There are plenty of other ways of advertising events
- We have a right to live our lives peacefully and not have to constantly worry what this club will do next
- The proposed board should be sited inside the boundary of the Club

(Letters dated 4 - 18 October 2001 - Background papers).

One of the objectors wrote to the Member of Parliament in respect of the application for a fixture board outside the football ground. Nigel Waterson MP has written a letter to the Director of Planning & Strategy in which it is stated:

"I am sure the Planning Committee will want to consider this application on its merits. I would just like, however, make the point that there are a number of local residents in that area who have seen the club develop and grow over a number of years, to their own personal detriment. Of course, a balance must be struck between the needs of the club and its supporters, and those of the local residents. I think it is important that this is borne firmly in mind by the Committee when they come to deliberate on this and related issues"

(Letter dated 6 October 2001 - Background paper).

HUMAN AND CONVENTION RIGHTS

It is unlikely that the sign will adversely impinge upon the above noted Rights of local residents, including the peaceful enjoyment of their properties.

APPRAISAL

The only issues that can be considered in the determination of the proposed signage, as is the case with any advertisement application, are the effect the proposal will have upon both the visual amenities and highway safety of the area. Other issues such as need,

precedent or alternative forms of advertising cannot be considered in the determination of the proposed sign.

As indicated in the "Representations" section of this report, various concerns have been expressed about the appearance and position of the proposed sign, which is proposed to be erected to the rear of the established hedge, that is, within the boundary of the club. This revised position results in the proposed sign being situated some 24 metres back from the public highway/pavement and is more than 35 metres from the side garden of the nearest bungalow in Keats Close. Given these distances, together with the existing context of established hedge, grassed verges and groups of young trees on either side of Priory Lane, I consider that the sign will not harm the established street scene nor adversely affect the visual amenity of the area in which it is to be sited.

With regard to highway safety, the Highway Authority has confirmed that, unlike the previous proposal for two signs, one either side of Priory Lane, there are no highway related objections to this application.

RECOMMEND: Express consent be granted:

UPPERTON WARD

26) SOUTHFIELDS CORNER, 1 DITTONS ROAD. ERECTION OF CONSERVATORY AT FIRST FLOOR LEVEL, ABOVE/AT SIDE OF EXISTING DWELLING. EB/2001/0550, MAP G10. UPPERTON

SITE LOCATION

This detached property is located on the corner of Dittons Road and Southfields Road. Though formerly two flats, the property is now in use as a single private dwelling.

PLANNING HISTORY

Planning permission was granted in 1992 for the erection of a conservatory at the side, at ground floor level, fronting Southfields Road. A landscaping condition was attached to the permission. (EB/92/0429 - background paper).

CURRENT APPLICATION

It is proposed to erect a conservatory on the Southfields Road elevation, at first floor level. There is an existing brick built structure at ground floor level, which incorporates a staircase to first floor level, with a small timber framed porch above. The conservatory would extend across the full extent of the external staircase/brick built structure. The existing timber framed porch would be removed.

PLANNING POLICY

The following Borough Plan policies are considered relevant to the application:

HO19 – Criteria for extensions.

CT1 – New development to harmonise with existing.

CONSULTATIONS

None undertaken.

REPRESENTATIONS

No representations have been received as a result of a site notice placed to the front of the application site, and notifications sent to neighbouring and nearby residential occupiers.

HUMAN RIGHTS ACT 1998

It is not considered that the proposal would infringe the rights conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

APPRAISAL

There is an existing conservatory on this property, also on the Southfields Road elevation. However, this is relatively well screened by vegetation planted as a result of the landscaping condition attached to the planning permission. The current proposal would be in an elevated position, with the base being 3m, and the ridge 6.2m from ground level, respectively. The conservatory would also protrude 2.6m from the first floor walls of the building (1.2m more than the existing timber porch).

As such the proposal would, in my opinion, be a prominent feature in the street scene. This prominence is further increased by the fact that the application property is located on a corner plot, which means the proposal would be very visible at various distances in Southfields Road, especially to the north-western end.

It is particularly important in these circumstances, in my view, that the design and materials of extensions respect those used on the main building. Unfortunately, the UPVC materials to be used, and the fully glazed design do not complement the style of the existing dwelling. As such, the proposal would not comply with criteria E) and F) of Policy HO19. I consider that a more traditional form of first floor extension, using traditional materials, such as hanging tiles, would be more appropriate in this case.

Though the property is not within a Conservation Area, it, and the surrounding area is of a certain character. I consider that the proposal would be so visible in the streetscene as to significantly detract from this character, and therefore I am unable to support the proposal.

RECOMMEND: Permission be refused on the following grounds:-

The proposed conservatory, by reason of its elevated position, design and materials would be an incongruous and alien feature within the streetscene, and as such would significantly detract from the visual character and amenities of the area. As such, the proposal is

considered to be contrary to Policy HO19 of the Eastbourne Borough Plan 1998, which states (in part):

Extensions or additions to houses will normally be required to meet acceptable standards in relation to the following:

- E. scale, materials, and architectural details;**
- F. sympathetic design in relation to the original house.**

Planning applications which fail to comply with such standards will be refused.

27) 9 SELWYN ROAD. EXCAVATION OF FRONT GARDEN TO FORM PARKING AREA, INVOLVING THE REMOVAL OF PART OF FRONT BOUNDARY WALL AND ADJACENT TREE. EB/2001/0565, MAP G.9. UPPERTON

This detached dwelling is situated on the west side of Selwyn Road, halfway between the junctions with Torfield Road and Mill Gap Road.

PLANNING HISTORY

In May 2001 an enquiry was received from the applicant's agent regarding the need for planning permission for a parking area. A site inspection established that the extent of the works would require planning permission, and that it would result in the loss of a fine mature Dutch Elm. A tree preservation order was made on 16 May 2001.

An application to reduce the tree by 25% was refused on 27 September 2001, on the grounds that the works proposed would be excessive and severely detrimental to the visual amenity the tree provides to the locality.

CURRENT APPLICATION

It is proposed to create a parking area 6m wide by 9.5m deep at the side of the property, which would involve the excavation of a substantial bank approximately 1.7m high containing the tree identified above. An area 2-3m beyond the parking area would be graded down to pavement level, with a small section of retaining wall provided, to protect the sycamore tree in the adjoining property. A new vehicular access would be required, which would require the removal of 6m of the existing greensand boundary wall (approximately half the entire length) which is approximately 1.7m high. A pair of timber gates would be provided.

The existing vehicular access would be closed off by means of a matching wall; there would be no vehicular access to the existing garage, as the manoeuvre would be too restricted.

In support of the application, the agent states that because of the restricted nature of the entrance it is not possible to get cars off the road and the garage is not large enough to take a modern vehicle; he does on to say that cars in the street are persistently vandalised and secure off street parking is needed. In addition, he states that the tree

appears to be pushing over a retaining wall, is potentially dangerous and causes considerable overshadowing.

(Letter dated 14 September 2001 – background paper).

POLICIES

Policies CT3 (Protection of TPO Trees) and NE21 (Protection of Trees) are relevant to this application.

CONSULTATIONS

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

The Principal Highways Engineer states that the proposal does not meet current visibility standards, and that the wall and brick piers should be reduced to 600mm for 2m either side of the proposed entrance; in addition, any gates should not open out over the highway.

The Downland, Trees and Woodland Manager states that the mature elm marked for removal has historically been lopped but has regrown to form a large balanced crown; there is no evidence of decay or structural faults and therefore has a significant life expectancy. The loss of the tree to facilitate the new parking area would have an impact on visual amenity and it can be seen from both directions in Selwyn Road. The tree is worthy of the preservation order, but its retention would require the site to be left as existing.

APPRAISAL

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

The greatest impact would be from the loss of the fine Dutch Elm, which makes a huge contribution to the visual amenities of the area. The agent has stated that his client would be willing to replace the tree, however, it is difficult to see where this could be sited, given the limited space that would remain and that it would be overshadowed by the adjacent sycamore tree (in the curtilage of 11 Selwyn Road); it is likely that only a small ornamental tree would be viable.

The area is characterised by substantial boundary walls and extensive hedging and tree coverage. The proposal would have a significant detrimental impact on the character and visual amenities of the area. In my opinion, no overriding evidence has been submitted to permit the removal of the tree.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

The proposal would have an unacceptable detrimental impact on the visual amenities of the area.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed development would result in the loss of a mature Elm tree (the subject of a tree preservation order) which would be severely detrimental to the visual amenities of the area.

T. C. E. Cookson
Head of Planning

30 October 2001