

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 10 DECEMBER 2002

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

- 1) **41 CEYLON PLACE. First floor extension at side to provide a maisonette. EB/2002/0610, MAP.I12. DEVONSHIRE**
- 2) **26A SUSANS ROAD. RETROSPECTIVE APPLICATION FOR RETENTION OF Extractor system on rear flat roof. EB/2002/0660, MAP H12. DEVONSHIRE**
- 3) **101 PEVENSEY ROAD. RELAXATION OF CONDITION 5 OF PLANNING PERMISSION EB/1975/0371 TO ALLOW six holiday flats to BE USED AS six residential self-contained flats. EB/2002/0613, MAP I12. DEVONSHIRE**
- 4) **4 FIRLE ROAD. Change of use from residential to office/storage. EB/2002/0658, MAP J12. DEVONSHIRE**
- 5) **LAND ADJACENT TO 88-104 CRAWLEY CRESCENT. Provision of nine parking bays (including one disabled bay) within existing highway verge. EB/2002/0639(LA), MAP M.3 HAMPDEN PARK**
- 6) **1 ROTHERFIELD AVENUE. Single-storey extension at side and rear and change of use from offices (B1) to nursery and offices (D1/B1). EB/2002/0650, MAP.Q3 LANGNEY**
- 7) **21 HELVELLYN DRIVE. Two-storey extension and conservatory. EB/2002/0608, MAP R4. LANGNEY**
- 8) **19 JEVINGTON GARDENS (AMENDED PLANS + AMENDED DESCRIPTION). Conversion of existing hostel into two studio apartments, one one-bedroom flat, two two-bedroom flats, two three-bedroom flats and one three-bedroom maisonette with extension at rear on basement, ground, first and second floors. EB/2002/0403, MAP F.13. MEADS**
- 9) **21-23 CORNFIELD ROAD. Single storey extension covering 230 square metres to side of existing rear wing and new landscaped area to be used as a beer garden to rear. EB/2002/0537, MAP G12. MEADS**
- 10) **10/12 CARLISLE ROAD. Erection of A PART two-storey, PART SINGLE-STOREY extension and conservatory at rear of rest home to provide additional bedroom accommodation including day rooms and dining facilities. EB/2002/0627, MAP E12. MEADS**
- 11) **DEVONSHIRE BATHS, CARLISLE ROAD AND FORMER COMMODORE HOTEL SITE, GRAND PARADE. AMENDMENT TO APPROVED SCHEME FOR THE ERECTION OF A MULTI4 9;STOREY DEVELOPMENT OF FLATS IN TWO BLOCKS WITH BASEMENT CAR PARKING. EB/93/0236, MAP G.13 MEADS**
- 12) **LAND AT REAR OF 2-8 UPWICK ROAD. Erection of a detached dwellinghouse. EB/2002/0199, MAP E7. OLD TOWN**
- 13) **1 CUCKMERE WALK. TWO STOREY EXTENSION AT SIDE. EB/2002/0371, MAP K2.**

RATTON

14) LAND ADJACENT TO 11 MEADOWLANDS AVENUE. Erection of a 1.8 metre high close boarded fence along boundary with Chelworth Road. EB/2002/0587, MAP.K2 RATTON

15) DUNCAN HOUSE, DISTRICT GENERAL HOSPITAL, KINGS DRIVE. Change of use of part of ground floor from residential to offices. EB/2002/0645, MAP.I6 RATTON

16) THE EASTBOURNE GARDEN COMPANY, 197 WILLINGDON ROAD. Erection of canopy, to provide covered sales area to replace and extend existing canopy. EB/2002/0609, MAP I2. RATTON

17) 14 PARKWAY. TWO-STOREY SIDE EXTENSION (AMENDMENT TO PREVIOUSLY

APPROVED SCHEME EB/2001/0213) EB/2002/0668, MAP H2. RATTON

18) LAND NORTH OF PEVENSEY BAY ROAD ADJACENT TO BOROUGH BOUNDARY (MOUNTNEY LEVEL). Provision of a 15 metre high telecommunications TREE mast supporting three antennae and two dishes together with ancillary equipment. EB/2002/0672(DET), MAP. U10. ST ANTHONYS

19) LAND WITHIN THE CURTILAGE OF 1 WINDERMERE CRESCENT. Erection of a detached one-storey bungalow with garaging, parking and access works. EB/2002/0662, MAP L11. ST. ANTHONYS

20) 75 NORTHBOURNE ROAD. SINGLE STOREY EXTENSION TO REAR OF PROPERTY. EB/2002/0604 (LA). MAP M10. ST. ANTHONY'S

21) 1 WALKER CLOSE. Single storey side extension and conservatory to form annexe. EB/2002/0653, MAP. SOVEREIGN

22) 2/3 TERMINUS BUILDINGS, UPPERTON ROAD. Change of use from Class A2 (Financial and Professional) to Class A3 (Food and Drink) use. (Amended scheme) EB/2002/0188, MAP G11. UPPERTON

23) 3 TERMINUS BUILDINGS, UPPERTON ROAD. Change of use from Class A2 (financial & professional) to Class A3 (food & drink). EB/2002/0614, MAP G11. UPPERTON

24) 24 CAREW ROAD. Erection of four storey building comprising twelve two-bedroom flats and two three-bedroom penthouses with basement car park accessed from Mill Gap Road. EB/2002/0572, MAP H9. UPPERTON

25) THE OLD VICARAGE RESIDENTIAL CARE HOME, 20 ST ANNES ROAD. Demolition of existing residential care home and erection of three-storey block of twelve two-bedroom FLATS, with basement car parking. EB/2002/0405(OL), MAP H8. UPPERTON

26) BRIAR COURT, 33 LEWES ROAD. FORMATION OF VEHICULAR ACCESS TO SERVE PARKING AREA. EB/2002/0683. MAP I9. UPPERTON

27) 19 DITTONS ROAD. Two-storey extension to rear. EB/2002/0636, MAP F10. UPPERTON

T. C. E. Cookson

Head of Planning

29 November 2002

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 10 DECEMBER 2002

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 (Adopted Plan – 1998)
13. Eastbourne Borough Plan (Revised Deposit Draft 2001-2011)
14. Eastbourne Townscape Guide 1994
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. 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, Regeneration and Amenities Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 10 DECEMBER 2002

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) 41 CEYLON PLACE. First floor extension at side to provide a maisonette. EB/2002/0610, MAP.I12. DEVONSHIRE

SITE LOCATION

This four storey end of terrace building is situated on the south east corner of Ceylon Place and Bourne Street, in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

Planning permission was granted in 1996 for a change of use from a guest house to a single private dwelling. A further permission was granted in 2001 for the conversion to five flats and two maisonettes, and this is currently being implemented. (EB/2001/0080 – [background paper](#))

CURRENT APPLICATION

Permission is now sought to provide a first floor extension over the rear wing of the property to convert one of the previously approved flats into a maisonette. The rear wing was constructed in 1979 as owners living accommodation attached to the guest house, and comprises a flat roof single storey extension, which projects almost one metre in front of the Ceylon Place frontage, and is rendered to match the remainder of the building. It is proposed to construct a first floor by means of an asymmetrical roof, built off a 2.3m high wall at the rear, rising to a ridge of 7.5m before sloping down to the front behind a parapet wall. The roof would be finished in slate with two lead faced dormers in the front, whilst at the rear the wall has been pulled away from the boundary with the adjoining property by 1.5m and is to be painted white to reflect more light.

The roof would be finished at the side by a rendered and painted gable wall with a small parapet.

The current scheme has been submitted after a number of amendments were negotiated by officers.

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan

CT1 - New development to harmonise with existing

HO19 - Criteria for extensions

Revised Deposit Draft

UHT1 - Design of new development

UHT16 - Protection of conservation areas

HO20 - Residential amenity

CONSULTATIONS

At their meeting on 22 October 2002, the Conservation Area Advisory Group raised objections to the design of the original scheme and requested that amendments should be made to improve its appearance.

The Assistant Historic Buildings Adviser is satisfied with the impact of the revised scheme, and considers that the use of dormers on a sloping roof has softened the impact on the differing floor heights between the extension and the main building and preserves the visual strength of the original render quoins.

One letter of objection has been received from the proprietor of the adjoining hotel at 13 Bourne Street, who considers that the proposed extension would greatly overshadow the rooms at the rear of her premises. (Letter dated 15 October 2002 – [background paper](#))

APPRAISAL

The main issues to take into account in determining this application are the impact on the residential amenities of the adjoining property and the impact on the visual amenities of the conservation area.

I consider that only one window on the adjoining property (the Rosedale Private Hotel) would be affected by the proposal, and this is located on the rear elevation at first floor level. I am mindful that the outlook from this window is principally towards the flank wall (brick) of the Saxon Hotel in Ceylon Place, over an assortment of flat roofs which enclose the full depth of the rear garden of the objectors property and the application site. The wall of the proposed extension was pulled away from the boundary specifically to reduce any adverse impact on the neighbouring property, and is to be painted white to reflect back any available light; I am also mindful that the extension would have no direct impact on sunlight as it would be located to the north of the adjoining property.

The existing extension is already completely out of keeping with the original building, and I consider that the scheme in its current form would not cause any harm to the visual amenities of the conservation area, whilst some of the detailing on the building would go some way to improving its appearance.

HUMAN RIGHTS IMPLICATIONS

For the reasons stated above, it is considered that whilst there would be some impact on the adjoining property, it would not be so severe as to warrant to refusal.

CONCLUSION

In conclusion, it is considered that the proposal is acceptable and complies with Borough Plan policies.

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

1. D1.1 Commencement of development within five years.
2. A5 No windows or other openings in the rear (south) elevation.
3. That the rear (south) elevation shall be painted white before the maisonette is first occupied, and shall be permanently maintained thereafter to the satisfaction of the Head of Planning.
4. The development hereby authorised shall be carried out in accordance with revised plan no. ****
received on ****

2) 26A SUSANS ROAD. RETROSPECTIVE APPLICATION FOR RETENTION OF Extractor system on rear flat roof. EB/2002/0660, MAP H12. DEVONSHIRE

SITE LOCATION

The application property is situated mid-way along the south-west side of Susans Road, between the junctions with Langney Road and Tideswell Road. The extractor system has been installed on the flat roof of a single-storey at the rear of 26A Susans Road and is visible from the Iceland customer car park.

PLANNING HISTORY

Planning permission was granted in 1982 for a single-storey extension (EB/1982/0246 - Background paper). In October 1989 26A Susans Road was registered as a House in Multiple Occupancy.

CURRENT APPLICATION

Planning permission is sought to retain a metallic ventilation flue, positioned horizontally across the roof of the single-storey extension. The extractor system has recently been installed in connection with the renovation of a vacant restaurant. The applicant has submitted photographs, in lieu of drawings, to show the flue and its position. The photos will be displayed at the Committee Meeting.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance to the current proposal.

Policy CT1 - New development to harmonise with existing

Policy IC10 - Standards for new commercial development

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - New development to harmonise with existing

Policy HO20 - Residential amenity

Policy BI7 - Design Criteria

CONSULTATIONS

The Head of Environmental Health was consulted about the application on 5 November 2002. Any response will be reported to Members verbally.

Letters of notification were sent to surrounding residential properties and a notice displayed near the site. In response, at the time this report was prepared (28 November) one letter of objection had been received, which states:

"As owner of 26 Susans Road I wish to object on behalf of my tenants to the proposal to install an extractor system. This unit is NOT entirely on a flat roof at all and it obscures the window of room 9 at 26 Susans Road which is used as a bed sitting room".

(Letter dated 6 November 2002 - Background paper).

APPRAISAL

The main issue to consider in the determination of the application is the impact of the extractor system on the visual and residential amenities of the area.

As indicated elsewhere in this report, the extractor system, to be used in connection with the renovation of a vacant restaurant, has already been installed. Photographs submitted with the application show a single-storey extension, at the rear of 26A Susans Road, together with views of the surrounding area, which is characterised by a mix of commercial and residential uses, mainly at ground floor level and above, respectively.

The ventilation system is situated on the flat roof of a single-storey extension, with part of the flue positioned less than one metre from the window of 26 Susans Road, a House in Multiple Occupation. Such a close proximity would have a significant adverse impact on the outlook for any resident of the room, together with nearby neighbours. Further, the horizontally positioned flue, of angular design, measuring some 800 mm high and wide, and about 7 metres long, crossing the full length of the extension, is considered to be an incongruous feature that is out of keeping with the surrounding built environment, including existing commercial development.

With regard to the above, the ventilation system, as installed, is considered to have an adverse impact upon both the visual and residential amenities of the area.

HUMAN RIGHTS IMPLICATIONS

Given the size and position of the ventilation flue, it is likely that the above noted Rights of local residents would be adversely affected.

RECOMMEND: Permission be refused for the following reason

That the extractor system, in the installed position, would comprise an alien and intrusive form of development, which would have an adverse impact upon the visual and residential amenities of the surrounding area. As such, the proposed development is contrary to Policies CT1 and IC10 of the adopted Borough Plan (Policies UHT1 BI7 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

3) 101 PEVENSEY ROAD. RELAXATION OF CONDITION 5 OF PLANNING PERMISSION EB/1975/0371 TO ALLOW six holiday flats to BE USED AS six residential self-contained flats. EB/2002/0613, MAP I12. DEVONSHIRE

SITE LOCATION

The two-storey, with rooms in the roof, semi-detached property adjoins the British Legion Club on the south-eastern side of Pevensey Road. The property is situated in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

Planning permission was granted in 1975 for the change of use from a maisonette on ground floor and first floors and one flat on each of the first and second floors to five holiday flatlets and a warden's flat

(EB/1975/0371 - Background paper).

CURRENT APPLICATION

Planning permission is sought for the relaxation of condition 5 attached to planning permission EB/1975/0371 to allow six holiday flatlets to be used as six permanent residential self-contained flats. The applicant has confirmed, inter alia, that:

- The existing flats are fully self-contained
- Each flat has its own door buzzer and dustbin
- The present flatlets use on street parking and bicycle storage will be provided
- There is a rear garden area/patio for resident's use

Application Statement (dated 24 September 2002 - Background paper).

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance to the current proposal.

Policy TO9 - Other tourist accommodation outside protected areas

Policy HO10 - Impact and design of residential conversions and changes of use

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy TO3 - Tourist accommodation outside the tourist accommodation area

Policy HO10 - Conversions and changes of use

Policy HO20 - Residential amenity

Policy HT11 - Car parking standards

CONSULTATIONS

The Highway Authority does not wish to restrict the grant of consent as the proposed flats would not probably create a greater demand for on-street parking than the current use (Memo dated 21 October 2002 - Background paper).

The Council's House in Multiple Occupancy Co-ordinator advises that the property is required to meet the Council's Minimum Standards, which includes an adequate means of escape (Memo dated 30 October 2002 - Background paper).

REPRESENTATIONS

Letters of notification were sent to surrounding residential and community properties. In response, at the time this report was prepared (28 November), one letter of representation had been received, which raises the following concerns:

- It could get noisy in the late evening
- Parking in Pevensey Road will be made more difficult
- It would be a shame to lose the existing garden trees

(Letter received 4 November 2002 - Background paper).

APPRAISAL

The main issues to consider in the determination of the application are: the loss of tourist accommodation, the car parking arrangements and the effect of the proposed change of use on residential amenity.

The application premises are situated outside of the tourist accommodation areas as shown on the Proposals Map of both the adopted and draft replacement Borough Plans. As such, there is no policy-related objection to the loss of the holiday flats in this part of the town.

The existing holiday flats do not provide off-street car parking but rely on visitors using the public highway for parking. The Highway Authority considers that the proposed flats would not probably create a greater demand for on-street parking than the current use. As such, the proposed parking arrangement is acceptable.

Concern has been expressed by a local resident that the residential use of the application property could result in additional noise. However, this would largely depend upon the behaviour of future residents and their visitors, a matter which is outside the control of land-use planning. In addition, the proposed change of use would have to comply with the Council's minimum standards for flatted accommodation.

HUMAN RIGHTS IMPLICATIONS

The residential, rather than tourist, use of the property is unlikely to adversely affect the above noted Rights of surrounding residents.

RECOMMEND: Permission be granted subject to the following condition

D1.1 Commencement of development within 5 years

4) 4 FIRLE ROAD. Change of use from residential to office/storage. EB/2002/0658, MAP J12. DEVONSHIRE

SITE LOCATION

This two-storey property adjoins the "Plumbers Mate" bathroom and plumbing supplies shop on one side and a single dwelling (No. 6) on the other. The building, which is currently vacant and in a poor state of repair, was in use as a shop some years ago, but was last used as a dwelling.

PLANNING HISTORY

Permission for the change of use from a shop to a single private dwelling was granted in 1979 (ref. EB/79/107).

CURRENT APPLICATION

It is proposed to change the use to offices/storage in connection with the existing "Plumbers Mate" shop.

PLANNING POLICY

The following policy in the Revised Deposit Draft Borough Plan is relevant to the proposal:-

HO3 - Retaining residential use.

CONSULTATIONS

Neighbouring residents were notified of the application and the proposal was advertised by means of a site notice. In response, two replies have been received, both letters of objection, from the occupiers of 6 Firle Road and 21 Sheen Road, stating the following grounds for objection:

- There will be further disturbance by extra traffic and noise of unloading, often outside their house;
- Delivery lorries unloading outside cause loss of light to the living room;
- More road congestion
- Loss of security, as the property would not be occupied at night;
- Use of the premises for storage would cause disturbance through the party wall;
- Encroachment of a commercial use into a residential area

(Letters received on 22 November 2002 ([background papers](#))).

APPRAISAL

The main issues to consider in determining this application are whether the proposed use and any activity associated with it would adversely affect neighbouring residents and whether the loss of a residential unit is acceptable in these circumstances, having regard to the relevant policy in the Revised Deposit Draft Borough Plan.

The two letters from local residents refer to present traffic and parking problems in Firle Road. These are generated partly by nearby commercial uses (including “Plumbers Mate”), the doctors’ surgery opposite the site and existing residential uses, few of which have off-road parking. Firle Road is also used by through traffic travelling between Seaside and Whitley Road, which no doubt exacerbates the problem.

However, the application property is relatively small and will provide office space with some storage, employing only one member of staff who is to be transferred from the existing business next door. No additional traffic will therefore be generated by staff and the premises will not be open to the public.

The proposed use of the premises for office use with storage of files and other records with a small amount of other ancillary storage will be unlikely to give rise to any disturbance through the party wall to the occupier of No. 6 and there will be no additional deliveries as a result of the proposal.

The building is at present in a derelict state and would require a considerable amount of investment to bring it back into a habitable condition. On the balance of probability this is unlikely to happen and therefore the building would remain vacant and in an ever-worsening state of disrepair. The proposed alternative use to

provide additional administrative space with some storage for an existing local business is considered to be appropriate in this case. Having regard to these circumstances, the proposed use is considered to be an acceptable exception to Policy HO3 of the Draft Plan.

HUMAN RIGHTS IMPLICATIONS

For the above reasons the proposal would not have any adverse effect on the rights of neighbouring and nearby residents to enjoy their properties or on any other rights conferred by the above legislation.

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

D1.1 Commencement of development within five years.

HAMPDEN PARK WARD

5) LAND ADJACENT TO 88-104 CRAWLEY CRESCENT. Provision of nine parking bays (including one disabled bay) within existing highway verge. EB/2002/0639(LA), MAP M.3 HAMPDEN PARK

SITE LOCATION

The application site comprises an existing parking area and highway verge situated within a residential cul-de-sac on the western side of Crawley Crescent, some 45 metres away from the junction with Pulborough Avenue.

CURRENT APPLICATION

This application is submitted by the Borough Council in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and relates to the formation of a new parking area, within an existing highway verge/amenity grassed area in front of the residential properties at 86-104 Crawley Crescent.

It is proposed to provide 9 parking spaces in an “L” shaped arrangement (including 1 disabled parking space) in front of 100/102 Crawley Crescent. As part of the development an area of grass verge is to be retained and enclosed with 5 bollards.

PLANNING POLICY

The following policies are considered relevant to this planning application:

Adopted Borough Plan (1998)

Policy CT1 – New Development to Harmonise with Existing

Revised Deposit Draft (2001-2011)

CONSULTATIONS

Letters were sent to occupiers of surrounding residential properties. At the time of writing this report, no representations have been received.

The Council's Principal Highway Engineer has confirmed that the Highway Authority does not wish to restrict the grant of consent for the proposed development, subject to the parking area being in accordance with the Highway Authority's requirements. (Internal memorandum dated 29 October 2002 – [background paper](#))

APPRAISAL

As part of the application site is already in use as a parking area, there is no objection in principle to the proposed development. Whilst it is acknowledged that the provision of 9 parking bays will result in the loss of some highway verge, an area of grass is to be retained as part of the development. It is also considered that the proposal makes the best use of available land, providing 9 parking spaces (including 1 disabled parking bay) to serve 10 dwellings in the cul-de-sac.

Finally, it is considered that the proposed parking area will have no adverse effect on highway safety and will not be harmful to the visual amenities of the locality.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development will have no impact on the rights of surrounding residents to the peaceful enjoyment of possessions and protection of property.

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

D1.1 Commencement of development within five years.

LANGNEY WARD

6) 1 ROTHERFIELD AVENUE. Single-storey extension at side and rear and change of use from offices (B1) to nursery and offices (D1/B1). EB/2002/0650, MAP.Q3 LANGNEY

SITE LOCATION

This single storey office building is situated on the south side of Rotherfield Avenue, on the corner with Larkspur Drive. The Willingdon and West Langney Sewer runs along the back of the site.

PLANNING HISTORY

Permission was granted for the construction of the building in 1994, as an office for the Raglan Housing Association to service its local housing stock. As it is located on the edge of an entirely residential area, it was designed to resemble a dwelling, although it occupies a very substantial plot set slightly away from the remainder of the estate. (EB/97/0597 – [background paper](#))

CURRENT APPLICATION

Planning permission is now sought to change the use of the building to a children's nursery with a small amount of office space. This would involve the construction of an extension to the side and rear of the existing building, which would effectively double the floorspace. The extension at the side would be a continuation of the existing building line including the steeply hipped and pitched roof and using matching materials. The rear extension, which would occupy the full width of the building, would also be constructed of matching brick, but under a green metal wavy roof culminating in a canopy on the south elevation.

Externally, an additional ramp would be constructed at the front to a separate entrance for the nursery, and the whole of the frontage would be laid to paving. To the west of the building the car park would be extended to provide an additional four spaces, together with the widening of the entrance. To the east of the building an enclosed outside play area would be provided within a close boarded fence, including both grassed and hard surfacing. A secure cycle park is proposed in the rear garden; this part of the garden is proposed to be used by staff as much of it is too steep to be used by children.

I understand that the nursery would accommodate a maximum of 60 children. The office space might be used by the housing association or Playlink (which currently serves the area from Stone Cross), but the final user has not yet been decided; it is likely that the office use would be linked to the local community.

A supporting letter has been submitted by The Meadows Nursery School which contains the following information:

- The proposed nursery school is in an Eastbourne Sure Start area which is an ambitious 10 year government funded plan that aims to improve the quality of life for children age 0-4 years and their families living in Devonshire, Shinewater and Willingdon Trees. The lead body on this initiative is Eastbourne Downs Primary Care Trust and the sponsoring body is Healthy Eastbourne Board. As part of the wider initiative the Government Quality Protects programme aims to transform and improve the outcomes for all children in need and their families. Specific reference to the Eastbourne Sure Start programme is contained in the East Sussex Quality Projects: management Action Plan 2002-3.
- Eastbourne is ranked among the 20% most disadvantaged districts in the region by the Index of Multiple Deprivation. Much of this deprivation is concentrated in the town centre, however residents on the outlying estates of Shinewater and Willingdon Trees also face similar problems of poverty, crime and social exclusion, exacerbated by physical isolation. The two most disadvantaged areas are Devonshire and Langney wards.
- Langney is Eastbourne's poorest ward and one of the top 21% poorest in England. The Child Poverty Index shows that it is amongst the 3% of poorest wards in the South East and amongst the 10% poorest in the UK.
- Sure Start have carried out extensive research in Shinewater, and have established that childcare in the area is far too expensive, with many parents prohibited from returning to work or training. A large day nursery in the area is considered by parents to be expensive, and operates on a session basis. A more flexible and affordable facility would encourage more parents to return to work or college. Currently a significant number of children do not receive any early education until they attend the primary school nursery class.
- The Meadows Nursery has a proven track record in providing quality, affordable and flexible community based childcare and is keen to work closely with Eastbourne Sure Start programme.

(Letter dated 22 November 2002 – background paper)

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan

Policy US7 - Compensatory drainage provision

Policy US20 - Criteria for children's nurseries

Policy CT1 - New development to harmonise with existing

Policy HT7 - Car and cycle parking standards

Policy CT - Protection of archaeological sites

Revised Deposit Draft

Policy US3 - Flood protection and surface water disposal

Policy LCF19 - Community facilities

Policy UHT1 - Design of new development

Policy TR11 - Car parking

Policy UHT21 - Archaeological sites

CONSULTATIONS

The Assistant County Archaeologist does not believe that the proposal would result in archaeological remains being disturbed, and does not have any recommendations to make in this instance. (Letter dated 30 October 2002 – [background paper](#))

The Environment Agency has no objections to the proposal in principle, subject to a number of conditions being imposed, and a contribution towards compensatory flood storage. (Letter dated 13 November 2002 – [background paper](#))

No representations have been received as a result of wide neighbour notification and a notice posted on site.

The Principal Highways Engineer has no objections in principle to the scheme, however, at the time of writing this report the plans showing requested amendments to the parking layout and access had not been submitted, and therefore his final comments will be reported verbally at your meeting. It is likely that the Highways section will seek a financial contribution towards the provision of double yellow lines along Larkspur Drive and Rotherfield Avenue.

APPRAISAL

The main issues to take into account in determining this application are the impact on visual and residential amenity and the impact on highway safety.

Visual amenity – the side extension retains the outward appearance of a domestic dwelling when viewed from Rotherfield Avenue and Larkspur Drive. The rear extension is much more modern, but would be viewed from Eastbourne Park

where it could be argued that it would be seen in context with the adjacent Causeway school building; I can also confirm that the DFES expect “innovative design” as part of their funding process.

The existing building currently looks uninviting, as it is clearly barricaded against vandalism, and has an outward appearance of being abandoned. The use of the building as a nursery with gardens and landscaping would do much to improve the general appearance.

Residential amenity – the nearest residential properties are 30m away, and given the location of the site on the corner of two extremely busy roads (Rotherfield Avenue is a local distributor and Larkspur Drive is a feeder) and the proximity of the Causeway School, I consider the impact of the proposal in terms of noise and disturbance would be acceptable in this location. I am mindful that the entrance to the car park is located adjacent to 3 Rotherfield Avenue, however, the vehicular movements associated with the use proposed tend to be concentrated around certain times of the day; I consider, therefore, that the proposed increase of four parking spaces would not result in an unacceptable impact on that property.

Highway safety – as stated in the previous paragraph, the site is located on a very busy corner. The entrance to the car park is already sited as far away as possible from the junction, and the applicant has agreed to set the pedestrian access back as far as is practicable, in order to discourage parking close to the junction. The proposal would generate a parking requirement of 15 spaces, however, only 13 are achievable; given the location of the premises in close proximity to the local community which it is intended to serve, I consider that a minor shortfall of two spaces is acceptable in this instance. The provision of double yellow lines as recommended by the Principal Highways Engineer together with the resiting of the pedestrian access and the provision of boundary landscaping/fencing would mitigate to a considerable degree the impact on highway safety, and is acceptable in my opinion.

In conclusion, I consider that the provision of a nursery is a suitable use of the premises and would be a welcome addition to the local community, where there is an acknowledged need for childcare. The impact on visual and residential amenity and highway safety is acceptable and complies with approved policies.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would have little impact on the rights of nearby residents to the peaceful enjoyment of possessions and protection of property.

CONCLUSION

For the reasons given above it is considered that the application is worthy of support, subject to the prior conclusion of a section 106 agreement.

RECOMMEND: Permission be granted subject to the prior conclusion of a Section 106 legal agreement to secure a financial contribution towards flood storage compensation and the provision of double yellow lines on the highway, and to the following conditions:-

1. D1.1 Commencement of development within five years.
2. A2 Submission of samples of facing materials.
3. A9.3 Submission and approval of landscaping scheme.
4. C5.3 Hours of operation.

5. D6.2 Submission of details of storage and collection of refuse.

6. That the development hereby approved shall be carried out in accordance with revised plan no. received on, and the provision of the additional parking spaces, widening of the vehicular access and the resiting of the pedestrian access shall be carried out to the satisfaction of the Head of Planning before the uses commences.

7. Prior to being discharged into any watercourses, surface water sewer 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 to the site being drained.

8. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

7) 21 HELVELLYN DRIVE. Two-storey extension and conservatory. EB/2002/0608, MAP R4. LANGNEY

SITE LOCATION

The application site is a detached dwelling at the end of this quiet cul-de-sac. To the left of the dwelling (south) there is a driveway leading to a garage, which is set back from the front of the dwelling by approximately 6 metres. The adjoining property to the southeast is set at an angle towards the application site.

PLANNING HISTORY

Outline planning permission was granted in 1987 (EB/86/0647) for a mixed residential development of three and four/five-bedroom dwellings at a density of 12 dwellings per acre.

Approval of reserved matters was granted in 1988 (EB/88/0262) for the erection of 71 two-storey houses with garages, together with ancillary roads and services.

CURRENT APPLICATION

This application seeks permission for a first floor extension above the existing garage and 2-storey element to the rear as well as a conservatory. This would create a conservatory and an additional utility room at ground floor level and a master bedroom with en-suite bathroom at first floor level.

PLANNING POLICY

Adopted Borough Plan (1998)

_CT1 - New development to harmonise with existing

HO19 - Criteria for extensions

Revised Deposit Draft (2001-2011)

_UHT1 - Design of new development

HO20 - Residential Amenity

CONSULTATIONS

_Two letters of objection have been received from the adjoining properties at 19 Helvellyn Drive and 12 Borrowdale Close.

_The occupants of 19 Helvellyn Drive feel that a two-storey building so close to their property would overshadow their windows and severely impact upon their privacy. They fear that their sitting room, their master bedroom and the en-suite windows will be affected. They further state that the extension would not be in keeping with the surrounding area.

The occupants at 12 Borrowdale are concerned that the two-storey extension would be much closer to their property than the existing building and that it could create a sense of claustrophobia from their garden, dining room and rear bedroom window.

They further request, that if planning permission was granted, the window of the upstairs extension to be glazed with frosted glass in order to maintain their privacy.

No further representations in response to the amended plans have been received at the time of writing this report.

APPRAISAL

_Plans were first submitted showing the two-storey element projecting 2.3 metres further than the existing front garage wall. Given the close proximity of the adjoining property and the neighbours' front dormer window, this was deemed unacceptable.

Following negotiations amended plan have been submitted. These plans now show the two-storey extension in line with the existing garage wall apart from an open porch and a dormer window at first floor level. The roof of the dormer window projects by 0.90 m.

It is acknowledged that the two properties are closely set in an angle towards each other. However, the garage is set back from the front of the building by 6 metres and in line with the neighbours' front elevation.

The proposal would mainly impact on their side wall. It is not considered that the amended proposal would have a significant detrimental effect on neighbours' amenity in terms of overlooking or overshadowing, especially with regard to the windows in question which are all in the front elevation. The side elevation shows no windows to habitable rooms.

_To the rear the two storey extension projects 3.5 metres further than the existing rear windows at first floor level. The en-suite bathroom window will be at a distance of 14 metres from 12 Borrowdale and obscured glass would solve the issue of overlooking. In addition, it is considered that the proposed extension would not appear too dominant when viewed from this neighbour's garden.

In design terms the proposal appears to have successfully blended in the proposed extension. It appears to be a suitable addition and subservient part of the host dwelling with a roof line one metre below the ridge of the existing dwelling.

HUMAN RIGHTS IMPLICATIONS

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

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

1. D1.1 Commencement of development within five years.
2. A3 Use of matching materials
3. A4.2 Semi-obscure glazing in south west elevation.

4. That tilehanging be used for the sides of the proposed dormer window at first floor level.

MEADS WARD

8) 19 JEVINGTON GARDENS (AMENDED PLANS + AMENDED DESCRIPTION). Conversion of existing hostel into two studio apartments, one one-bedroom flat, two two-bedroom flats, two three-bedroom flats and one three-bedroom maisonette with extension at rear on basement, ground, first and second floors. EB/2002/0403, MAP F.13. MEADS

SITE LOCATION

This end of terrace property with accommodation on five floors is situated on the northern side of Jevington Gardens. The existing premises comprise two self contained one-bedroom flats at basement level. The ground floor accommodation comprises kitchen, living room, dining room, wc and shower. The first, second and third floors comprise a total of 15 bedrooms and a bathroom.

PLANNING HISTORY

In June 1992 an enforcement notice was issued against the unauthorised change of use of 19 Jevington Gardens from a hotel/guest house to bedsitting room units. An appeal was lodged against the Notice but was subsequently withdrawn.

In 1995 the Council accepted the use as a hostel as it conformed with the adopted hostel standards.

In May 2000 planning permission was granted for the conversion of the property into five self-contained flats. It was proposed that the accommodation would comprise the following:

Basement – three bedroom flat (with dining room, kitchen, lounge and bathroom)

Ground floor – one bedroom flat (with lounge, bathroom and kitchen)

First floor – two bedroom flat (with lounge, kitchen and bathroom)

Second floor – two bedroom flat (with lounge, kitchen and bathroom)

Third floor – one bedroom flat (with lounge kitchen and bathroom).

The basement flat was to have its own entrance at the side of the property, whilst access to the other four flats was to be via a shared entrance hall at ground floor level. (EB/2000/0186 – [background paper](#))

Thereafter in March 2001 a retrospective application under Section 73A of the Town and Country Planning Act 1990 was submitted to the Council for the retention of the Managers flat, another self-contained flat in the basement and for the use of the ground, first, second and third floors as a hostel.

This application was submitted following an inspection of the property by Council Officers in January 2001, when it was found that whilst for the most part the premises were in use as a hostel, a self-contained flat had been provided at basement level and this was technically a breach of the approved hostel scheme. The retrospective application was therefore submitted to regularise the situation and permission was granted subject to conditions which accorded with the requirements of the enforcement notice (EB/2001/0066 – [background paper](#)).

CURRENT APPLICATION

In July of this year, a planning application for the conversion of and extension to 19 Jevington Gardens to provide nine self-contained flats was submitted to the Council.

As a result of concerns expressed by the Case Officer, regarding the proposed number of units, the internal layout and the unacceptable provision of partition walls dividing bay windows, the application was amended.

The revised plans were submitted in August and proposed to convert the property into the following eight units of accommodation:

Basement – 2No. three bedroom self-contained flats.

Ground Floor – 1No. studio apartment and 1No. two bedroom self-contained flat.

First Floor – 1No. studio apartment and 1No. two bedroom self-contained flat.

Second Floor – 1No. studio apartment.

Second/Third Floor – 1No. self-contained maisonette.

As part of the amended scheme, the unacceptable partition walls dividing the bay windows were deleted. It was also proposed to demolish a single storey rear extension at basement level and erect a replacement four storey extension with a maximum depth of 5.7 metres which would extend the full width of the property. The extension was to have bay windows on each floor and was to be constructed of brick and cream painted render, with a slate grey roof to match the existing property.

As a result of concerns expressed by Officers and occupiers of the adjoining flats at 21 Jevington Gardens regarding the size and siting of the proposed extension, the application was amended for a second time and it is now proposed to provide the following accommodation:

Basement (Lower Ground Floor) – 2No. three bedroom self-contained flats with lounge, kitchen and bathroom.

Ground Floor – 1No. studio apartment with shared living/bedroom area, kitchenette and bathroom; 1No. two bedroom self-contained flat with lounge, kitchenette and bathroom.

First Floor – 1No. studio apartment with shared living/bedroom area, kitchenette and bathroom; 1No. one bedroom self-contained flat with lounge, kitchen and bathroom.

Second Floor – 1No. two bedroom self-contained flat with lounge, kitchen and bathroom.

Second/Third Floor – 1No. self-contained maisonette comprising kitchen and living room on second floor and three bedrooms and bathroom on the third floor.

As part of this amended scheme, the proposed extension has been reduced in size and redesigned. It is proposed to extend the existing flat roofed extension at lower ground floor level to a maximum depth of 9.2 metres from the rear main wall of the property. In addition it is proposed to erect an extension on the ground, first and second floors with a maximum depth of 5.6 metres. The extension is to be sited some 1.8 metres from the boundary with the adjoining property at 21 Jevington Gardens at which point, it will only extend to a depth of 3.85 metres from the rear main wall.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map (1998) identifies the application site as being within an

Intermediate Tourist Accommodation Area and the following policies are considered relevant to this planning application:

- Policy HO7 - Criteria for Residential Conversions
- Policy HO9 - Location of Residential Conversions
- Policy HO13 - Retention of Houses in Multiple Occupation

The Proposals Map of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011) identifies the application site as being within a Tourist Accommodation Area and an Area of High Townscape Value. The following policies are considered relevant to this application:

- Policy UHT1 - Design of New Development
- Policy UHT17 - Protection of Areas of High Townscape Value
- Policy HO15 - Houses in Multiple Occupation
- Policy HO20 - Residential Amenity

CONSULTATIONS

A site notice was displayed at the front of the site and letters were sent to occupiers of surrounding properties.

In respect of both the originally submitted drawings and the first amended scheme, three letters were received from the Secretary acting on behalf of the residents of 21 Jevington Gardens and the comments made can be summarised as follows:

- have no objection in principle to proposed conversion from hostel to private residences
- application forms state no modifications are required with existing sewerage arrangements. This is not the case, there is a water pipe leading directly from 19 Jevington Gardens into the drain at the foot of No.21
- strongly object to proposed extension up to third floor level which would have clear implications for owner occupiers of adjacent flats. They would be deprived of sunlight, will suffer from overshadowing and will lose a view
- trees in the garden of 19 Jevington Gardens would be affected by the proposed extension.

(Letters dated 17 and 18 July and 7 September 2002 – background papers)

Any further representations received in respect of the latest amendment will be reported verbally at the meeting.

The Council's Housing Strategy and Development Manager has confirmed that whilst the sale price of the proposed units will be beyond the affordability of the majority of local people in housing need, the smaller units may be acceptable to some of the 8% of newly forming households with incomes above the national average. The Council's recent housing needs survey indicates that we need smaller units to meet the anticipated increase in demand from single person households, especially those on low incomes. 78% of this group will be unable to access unsubsidised home ownership. Houses in Multiple Occupation therefore play a significant role in meeting this need and the proposed loss of such units may result in the homelessness of current occupants who will find it difficult to secure alternative affordable housing. (Internal memorandum dated 17 July 2002 – background paper)

The Council's Downland Trees and Woodland Manager has confirmed that the only area where there are existing trees and shrubs is the small, rear garden backing on to the communal green space. Whilst it is acknowledged that within the area there is a poorly formed self-sown Elder, two small groups of self-sown semi-mature Sycamore and a Lilac and that there is also a semi-mature Lime tree located adjacent to the rear boundary wall in the communal area, it is considered that the proposal would have a minimal effect on these trees. However it is recommended that the applicant should submit a planting/landscaping scheme for the site that better reflects the new usage. (Internal memorandum dated 16 September 2002 – [background paper](#))

APPRAISAL

It is acknowledged that the proposed conversion of and extension to the premises from a hostel and two self-contained flats to provide eight self-contained units of residential accommodation is contrary to Policy HO13 of the adopted Eastbourne Borough Plan, which recognises the role that Houses in Multiple Occupation play in providing cheap rented accommodation for low income, single people in the town and therefore aims to ensure its retention. However the proposed conversion will result in the provision of eight different sized flats, all of which represent a good standard of accommodation and I consider that the benefits of the proposal outweigh the policy requirements.

Full consideration has been given to the effects of the development on the occupiers of the adjoining flats at 21 Jevington Gardens and amendments have been made in light of the concerns raised. The proposed extension has been reduced in size and re-sited away from the boundary with the adjoining property, in order to minimise the effects of the development on the occupiers of the adjoining flats and at the time of writing this report, no objections to the amendments had been received. I therefore consider that having regard to the amendments made and bearing in mind the very open aspect of the extensive open grounds at the rear of the property, I do not consider that the proposed rear extension will have a detrimental effect on the amenities of adjoining occupiers.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not have any impact on the rights of adjoining and nearby residents to the peaceful enjoyment of possessions and protection of property.

For the above reasons I consider that the proposed development is acceptable.

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

1. D1.1 Commencement of development within five years.
2. A3 Use of matching materials.
3. A9.2 Submission and approval of landscaping scheme.
4. That the development hereby approved shall only be carried out in accordance with the amended drawings nos. 68600/01, /02, /03, and /04 received on 1 November 2002.
5. That prior to the first occupation of the accommodation hereby approved, full details of the provision for the storage of refuse to serve the accommodation, shall be submitted to and approved by the Head of Planning.
6. C5.3 Hours of operation.
7. That full details of the access proposed to serve the flat at the front of the property at lower ground floor level shall be submitted to and approved by the Head of Planning, prior to commencement of the development.
- 9) **21-23 CORNFIELD ROAD. Single storey extension covering 230 square metres to side of existing rear wing and new landscaped area to be used as a beer garden to rear. EB/2002/0537, MAP G12.**

MEADS

SITE LOCATION

The application site relates to the Wetherspoons Pub along Cornfield Road. The rear is enclosed by a 3 metre high rendered wall to both sides and a close boarded fence towards the rear. The rear area adjoins a pharmacy and an office building in Bolton Road and the south corner of the rear area borders onto the existing private car park with an existing wall of 1.5 metre height.

PLANNING HISTORY

Planning Permission was refused in 1996 (EB/95/0473) for the change of use of ground floor from retail to ale, wine and food bar, together with external alterations to front and rear elevations, and the change of use of the first floor from retail (ancillary offices) to two self-contained flats.

Planning Permission was granted in 1996 (EB/96/090; subject to nine conditions) for the change of use from retail to ale, wine and food bar, together with external alterations to front and rear alterations.

Planning Permission was granted in 1998 (EB/98/0394) for the partial demolition of rear section of building and internal alterations to existing front section. New single-storey extension constructed to rear. Premises converted to a traditional ale, wine and food bar. External alterations, new shop front, conversion of first floor into two managers' flats.

CURRENT APPLICATION

This application seeks permission for a single storey rear extension sited to the side of the existing rear wing of the Public House and an outside landscaped sitting area. The boundary of the Town Centre and Seafront Conservation Area runs through this site. The proposed rear extension and landscaped area, facing onto Bolton Road, are within the conservation area. The frontage of this building is not within the conservation area, but is visible from it.

PLANNING POLICY

Adopted Borough Plan (1998)

- _CT1 - New development to harmonise with existing
- CT11 - Standards of new developments in Conservation Areas.

Revised Deposit Draft (2001-2011)

- _UHT1 - Design of New Development
- UHT16 - Protection of Conservation Areas

CONSULTATIONS

Environment Agency: The agency has no objection in principle. (Letter dated 18 September 2002 – background paper.)

The Assistant Environmental Health Officer mentions the following points:

- There are some residential properties or potential residential sites around the proposed areas.
- He recommends a condition of no amplified music in the area.
- He recommends that a condition be placed on the opening hours of the beer garden.
- Possible problems with customers entering and leaving from the rear (back entrance).

(Internal Memo dated 24 October 2002 – Background paper.)

The Assistant Historic Buildings Advisor states that this application is for alterations to the rear of the building only, within the conservation area. She has no objection in principle to the proposed rear extension to the building. However, because it will be more visible in views from Bolton Road than the original rear extension, she has requested that the front of the flat roof be parapeted and also that the skylight should be in timber, not uPVC.

There are no objections in principle with regard to the outdoor drinking area, subject to satisfactory detailing. (Internal Memo dated 4 October 2002 – background paper.)

The Highway Authority does not wish to restrict grant of consent to this application. (Internal Memo dated 8 October 2002 – background paper.)

Sussex Police comment as follows: ‘These proposals do not raise concerns of additional crime and disorder and I do not offer any reason to oppose the application. The applicant has a wealth of experience in public house design and I believe these proposals demonstrate that expertise.

Eastbourne Police Station: No comments have been received.

REPRESENTATIONS

Following extensive neighbour consultations and a site notice one representation was received from the Trustees for CFI Charitable Trust. Their main concern is the wall that separates the car park of their property from the proposed landscaped area to the rear of Wetherspoons. The Trustees request that the raising of the height of this wall should be made a stipulation if planning permission is granted.

The other main cause for concern is the possible increase in noise disturbance during the day as a result of the use of the area to the rear as a beer garden. Although most of any noise would occur in the evenings, they are concerned about any increase during the lunch period, particularly as one of their offices is very close to the proposed area.

APPRAISAL

The proposed extension, which creates an additional 230 square metres, is a substantial addition to this Public House. Nevertheless, it is considered that the extension and outdoor drinking area will have no adverse impact to any degree on the amenity enjoyed by neighbouring properties. There are also several other small beer gardens in the vicinity.

The boundary walls in the current car park area will be retained and refurbished. The proposed rear fence is to be close-boarded timber fencing to match the existing. All the details requested by the Historic Buildings

Adviser have been complied with as stated in the agent's letter of 21 October 2002. The raising of the height of the wall bordering onto the adjoining private car park is however viewed to be a necessary measure. This would protect the interests of occupants of adjoining properties.

The proposal would result in the loss of approximately 10 car parking spaces, which is considered not to be a material planning consideration.

No visual harm would result to the street scene, the existing building or the neighbouring buildings.

HUMAN RIGHTS IMPLICATIONS

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

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

1. D1.1 Commencement of development within five years.
2. That the use hereby authorised shall only take place until

the hours of 11 p.m.
3. That the rear access shall only be used for deliveries and as an emergency exit.
4. That the boundary wall adjoining the office car park (south elevation) is to be raised by 0.50 metres to reach 2 metres in height.

10) 10/12 CARLISLE ROAD. Erection of A PART two-storey, PART SINGLE-STOREY extension and conservatory at rear of rest home to provide additional bedroom accommodation including day rooms and dining facilities. EB/2002/0627, MAP E12. MEADS

SITE LOCATION

This property, known as Ingham House residential care home, is located on the north side of Carlisle Road, between its junctions with Granville Road and Grassington Road. The premises comprise a pair of linked detached three-storey properties dating from the late Victorian period.

The site lies within the College Conservation Area.

PLANNING HISTORY

Originally in residential use until the early 1980s, the premises were then used as a hotel until 1988 when permission was granted for the change of use to a residential care home (EB/88/418).

Permission for the erection of a two-storey extension at the rear to provide a five bedroom dwelling to serve as owners' accommodation was refused in 1988 but a subsequent appeal was allowed (EB/88/11). The permission was not implemented.

In 1989 permission was granted for the erection of a single-storey dining room and kitchen extension at the rear and this extension has been built (EB/89/32 - [background paper](#)).

Permission was granted in 1993 for the erection of a part two-storey, part single-storey extension at the rear to provide 11 additional bedrooms together with communal and other facilities (EB/93/0497). This permission has not been implemented and the consent has expired.

In respect of the adjacent property, no. 8 Carlisle Road, permission for the demolition and rebuilding of a stable block at the rear to form a courtyard development of five cottages with garaging and parking was granted at your meeting held on 18 June 2002 (EB/2002/0167).

CURRENT APPLICATION

The current application relates to the erection of a similar extension to the 1993 proposal, involving the construction of a two-storey extension to the rear of No. 12, to provide 15 additional bedrooms. The extension projects some 18.7m. to the rear of the existing building by an average width of about 10m. The proposal also includes single-storey extensions at the rear of the existing building on either side of the two-storey extension to provide an enlarged dining room, measuring 7.2m by 5.0m., and a lounge, 6.1m. by 5.9m., with an adjacent conservatory, 6.5m by 5.9m.

The design of the extension follows a traditional theme, including pitched roof, with all external materials to match the existing building.

The proposal is largely a revision of the 1993 scheme, amended to ensure compliance with the latest legislation in respect of standards in care homes.

PLANNING POLICY

Adopted Borough Plan

CT1 - New development to harmonise with existing

Revised Deposit Draft Plan

UHT1 - Design of new development

HO20 - Residential amenity

CONSULTATIONS

The occupiers of neighbouring properties were notified and the proposal was advertised in the local press and by site notice as development in a conservation area. In response one reply has been received, from the occupier of a flat at 16 Grassington Road expressing concern about the further development of this area and the intrusion of this development on neighbours. Concern is also expressed about the further drain on local GP's and hospitals (letter dated 17 October 2002 – background paper).

The Council's Historic Buildings Advisor comments that the extension will not be visible from Carlisle Road but may be glimpsed from Grassington Road across the garden of the corner plot. With regard to design, he considers that the silhouette and form of the extension are typical of the Meads style and that its size is not so large as to overwhelm the plot. Materials and details are considered to be acceptable (internal memo dated 2002 – background paper).

At the meeting of the Conservation Area Advisory Group on 22 October 2002 Members raised no objections to the proposal.

APPRAISAL

The main considerations in this case are the visual impact of the proposal on the conservation area and its effect on the amenities of neighbouring residents.

The existing residential care home has an exceptionally large and spacious rear garden set against the backdrop of substantial Victorian villas in Carlisle Road, Granville Road and Grassington Road. The proposal would be partially visible from Grassington Road over the garden of no. 8 Carlisle Road, but would be completely screened by the development approved earlier this year to the rear of this adjacent property (referred to in the "Planning History" section of the report).

Even without the development at no. 8, the proposed extension would not be readily apparent and I am satisfied that its design and form, together with the use of traditional materials, is in keeping with the style of the existing buildings and their setting. It will therefore preserve the character of the College Conservation Area.

Furthermore, the height and form of the extension are not considered to be excessive in relation to the substantially greater height and mass of the existing buildings.

With regard to amenity and the effect on the occupiers adjacent properties, I consider that the distance from the proposed extension to these surrounding properties is sufficient to overcome any significant impact though loss of light or overshadowing. The generous area of amenity space remaining will be more than adequate to serve the enlarged residential care home and to act as a buffer with adjoining properties. In this spacious setting the extension will not appear overbearing when viewed from neighbouring premises.

In respect of potential overlooking of neighbouring properties and their gardens, the orientation of the extension has been carefully designed so that the majority of bedroom windows at first floor level overlook the garden of the application property rather than adjoining properties.

Having regard to these considerations I am of the opinion that the extension would have little effect upon neighbouring occupiers and its impact on the character of this part of the College Conservation Area would not be significant.

Despite the additional number of bedrooms proposed it is considered that the proposal will generate little extra parking demand and therefore the existing on-site parking is considered adequate.

I am satisfied that the proposal does not conflict with any of the identified policies in either the Adopted or Revised Deposit Draft Borough Plans.

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.

11) DEVONSHIRE BATHS, CARLISLE ROAD AND FORMER COMMODORE HOTEL SITE,

GRAND PARADE. AMENDMENT TO APPROVED SCHEME FOR THE ERECTION OF A MULTI4 9;STOREY DEVELOPMENT OF FLATS IN TWO BLOCKS WITH BASEMENT CAR PARKING. EB/93/0236, MAP G.13 MEADS

Members will be aware of the location of this site in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

Permission was first granted in 1988 for the redevelopment of the combined site by a ten storey development containing shops, offices, flats, a swimming complex and basement parking.

The owners of the site went into receivership, and Llewellyns purchased the site in 1992. Permission was granted in 1994 for its redevelopment by the erection of two blocks containing a total of 89 flats with three levels of basement parking (the maximum number of storeys being nine). Block 1 is located at the seafront end of the site and Block 2 faces onto Compton Street. Conservation area consent was granted at the same time. (EB/93/0236 and EB/93/0245).

The Commodore Hotel was demolished after the end of the holiday season in 1997, as its condition had deteriorated to such an extent that demolition was considered to be the best option.

A renewal of the permission granted under EB/93/0236 was approved in January 1999 (EB/98/0469) and a further renewal until 20 January 2003 was granted in November 2000 (EB/2000/0566).

A temporary five year permission for a vehicular access and ramp to the basement car park from Lascelles Terrace to serve Block 1 during construction of Block 2 was granted in June 2001 (EB/2001/0214).

CURRENT PROPOSAL

The current proposal is not a fresh application but a request to amend certain aspects of the scheme. Some of these are of a relatively minor nature and will be dealt with under delegated powers, but there are two proposed changes which are more significant and warrant consideration by Members. These are as follows:-

- The omission of the rearmost wing of Block 1 , which projected behind the rear of existing properties in Carlisle Road, resulting in a reduction in the number of flats to be built by 16 from 89 to 73

- The construction of only one level of basement parking instead of the three originally approved, resulting in a reduction of on-site parking provision from 121 to 77 car parking spaces, although this is likely to reduce to 73 in order to provide a link between the two halves of the basement car park. The parking provision includes nine spaces for the disabled.

The submitted drawings also show a permanent access from Lascelles Terrace in addition to the approved access from Compton Street, but it is considered that this change is too fundamental to be considered as a minor amendment and will require a fresh application for this element of the scheme at a future date, to enable full consultation with local residents.

As a result, the proposed basement car park will require amendment to enable all the proposed spaces to be accessed from Compton Street, hence the further reduction from 77 to 73 spaces.

POLICIES

The following policies are relevant to this amendment:

Adopted Borough Plan

HT7 - Car and cycle parking standards

Revised Deposit Draft Plan

TR11 - **Car parking**

CONSULTATIONS

The Council's Principal Highway Engineer (Planning) comments that the County Council's Parking Standards are calculated as one space per unit plus one space per three units for visitors, which would give a total requirement of 97 spaces. However, he states that the County Council's standards are based on a zonal approach and that this site lies within zone 3, which allows for a reduction in spaces of between 25% and 50%, ie. between 48 and 72 spaces. He confirms therefore that the proposed provision of 73 spaces (once the car park link is introduced) is acceptable and that the Highway Authority would not wish to restrict the grant of consent (internal memo dated 29 November 2002 – [background paper](#)).

APPRAISAL

Reduction in number of flats

Apart from the loss of a small part of the rear wing of Block 1, the scheme remains as originally approved in respect of footprint, design and external appearance. This relatively minor change results in a reduction in the number of flats, as detailed above, but does not significantly alter the fundamental concept of the development. It will not therefore have any material effect on the overall impact of the development on the character of the Conservation Area.

Reduction in parking provision

The relevant policy (TR11) in the Revised Deposit Draft Borough Plan states that new development should comply with maximum car parking standards rather than the previous reliance on the approved minimum standards. The new standards state that provision should reflect local public transport, cycle and pedestrian accessibility and local circumstances.

The site is located within easy walking distance of the town centre and is adjacent to the sea front and other amenities. This location is therefore one where an appropriate reduction in parking provision would be acceptable and the Highway Authority confirm that the revised number of parking spaces complies with their latest standards.

RECOMMEND: That the principle of the two revisions detailed above be agreed as amendments to the development approved under reference EB/93/236, subject to subsequent approval of details.

OLD TOWN WARD

12) LAND AT REAR OF 2-8 UPWICK ROAD. Erection of a detached dwellinghouse. EB/2002/0199, MAP E7. OLD TOWN

SITE LOCATION

The application site comprises the northern part of a rectangular piece of land, mainly occupied by two rows of 23 lock-up garages. The garages are accessed from Upwick Road, situated to the south. The surrounding area is characterised by rows of two-storey detached and semi-detached dwellinghouses and flats.

PLANNING HISTORY

In 1964 planning permission was granted for the erection of 45 concrete lock-up garages with access from Upwick Road (EB/1964/0011 - Background paper). Subsequently only 23 of the approved garages have been built. The remainder of the land is undeveloped, with part recently used to grow vegetables.

CURRENT APPLICATION

Planning permission is sought for the erection of a detached 2-storey dwelling with four bedrooms, together with an attached single garage, on land nearest Dacre Road. The proposed house is to be accessed, for both vehicles and pedestrians, using the existing trackway off Upwick Road and between the two rows of garages.

In a letter submitted prior to the current application, the agent states, inter alia, that:

"At present there are 23 lock-up garages on the site served via a single access off Upwick Road. The access is apparently 2.6 metres wide. The garages only occupying approximately two-thirds of the site and our client wishes to provide a dwelling on the remaining piece of land, the allotment gardens indicated are no longer worked".

(Pre-application letter dated 24 January 2002 - Background paper)

Following concerns raised by local residents (details given in the "Consultations" section of this report) the application was amended so as to "hand" the proposed dwelling in order to give a greater distance between the proposed house and the rear of 25 - 29 Dacre Road. In addition, information has been submitted which indicates site levels in both directions relative to existing dwellings in Longland Road, Dillingburgh Road and Dacre Road.

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 CT2 - Height of new development to be similar to existing

Policy HT 7 - Car and cycle parking standards

Policy HO18 - Design criteria for new residential development

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy UHT2 - Height of buildings

Policy TR11 - Car parking

Policy HO2 - Predominantly residential areas

Policy HO7 - Redevelopment

CONSULTATIONS

Southern Water has no objection to the discharge of foul sewage from the development to the public sewer and have advised that with regard to surface water disposal the Council's Building Control officers should be asked to comment on the adequacy of the proposed soakaways.

(Letter dated 10 May 2002 - Background paper).

The Principal Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict grant of consent subject to the following:

"The standard for parking spaces for this type of development requires two spaces plus one space for visitors: the applicant proposes only one space. As the application is submitted, this deficiency would not be critical but, should the site be re-developed in a similar way. Lack of sufficient parking spaces could create problems with parking in the adjoining roads".

(Memo dated 20 May 2002 - Background Paper)

In respect of the **amended** scheme, the Highway Authority does not wish to restrict the grant of consent (Memo dated 7 October 2002 - Background paper).

A notice was displayed for the **original** proposal near the entrance to the application site. In addition, letters of notification were sent to the occupiers of residential properties surrounding the existing garage court and allotments. In response, 31 letters of objection had been received. The contents of which can be summarised as follows:

- The proposed house is only one metre from my boundary (Dacre Road). This will cause overshadowing, overlooking and loss of privacy
- Such a large property would shut out light and winter sunshine to our garden and is out of keeping with the area
- The land in the middle of the a residential area has for about 70 years added an air of space to the surrounding properties
- There will be a loss of privacy by building on this cramped plot
- Neither the appearance nor size of this building is in character with its 1930's semi-detached neighbours, this is an "Executive" sized detached property
- The proposed property has been shoe-horned into the far end of the plot
- Access to the site is 2.55 metres and is only suitable for small vehicles.
- There is no footpath for pedestrian use
- No large emergency or refuse collection vehicle could gain access
- A different type of vehicle will be generated such as service vehicles
- We understand that the owner anticipates further development, replacing the garages with several other similar dwellings
- Many surrounding householders rely on the garages to keep their cars off the road in an area, which is already

highly congested for parking

- The proposed dwelling would be built on a green piece of land which could be better utilised as allotments
- It is a haven for wild life - foxes, sparrow hawks, hedgehogs and bats
- Post development noise is likely to be an issue for the surrounding dwellings due to the enclosed space
- The elderly drainage is only just able to cope at present
- Visually the proposed property is not in keeping with the established properties
- Many more houses are likely to follow if permission is granted
- The 4-bedroom dwelling is out of proportion and incongruous to its site and the surrounding built environment

(Letters dated 25 April - 29 May 2002 - Background papers).

With regard to the **amended** scheme, twelve letters of objection have been received. Many of the writers wish to reiterate their previous comments in respect of the original proposal, but some make additional comments, which can be summarised as follows:

- The access road has not altered
- The position of the new dwelling is out of keeping with the area
- Dacre Road properties are still the most affected
- Permission for one dwelling would set a precedent for additional dwellings
- The amendments make no material difference to any of the objections
- The loss of garages would result in more on-street parking and reduced safety

(Letters dated 4 - 22 October - Background papers).

APPRAISAL

The main issues to consider in the determination of the application are: the site's planning history; the use of previously developed land; the design, size and position of the proposed dwelling; the relationship of the proposal with the character and appearance of the existing built environment; access and car parking arrangements, and any impact on residential amenity.

As indicated in the "Planning History" section of this report, in 1964 planning permission was granted for the erection of 45 garages, of which 23 were built, in two rows, backing onto the rear gardens of properties fronting Dillingburgh Road and Longland Road. As the identified permission was only part-implemented, it would be possible for the remaining 22 garages to be erected as approved. The existing and possible garages are accessed off Upwick Road, by way of a narrow track with a minimum width of some 2.6 metres, without a pavement.

The application site occupies part of the above identified land, previously used as allotment gardens, on which some of the 22 garages, approved in 1964, could still be built. As the surrounding area is predominantly residential in nature the land, the subject of the application, could be utilised for residential purposes providing the new homes comply with the relevant policies of the Borough Plan.

A two-storey detached, four-bedroom dwellinghouse, with single garage, is proposed at the northern end of the

existing garage court, adjacent to the rear gardens of properties fronting Dacre Road. The proposed dwelling is of a similar design to a house erected in Kings Drive, some two years ago, immediately adjacent to the Thomas A Becket Infant and Junior Schools. However, the existing dwellings, which surround the application site, are in the main semi-detached or flats within detached properties. The position of the proposed dwellinghouse, even after being handed, is on three-sides, within 8 metres of the surrounding rear gardens. As such, there would be significant over-shadowing and over-looking, with consequent loss of privacy, of the adjoining private gardens.

Planning Policy Guidance No 3 "Housing" states that "New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality". The application site and nearby gardens have a spacious and uncluttered ambience. However, the erection of a dwelling would introduce a discordant form of development, which would result in a significant loss of the open character and appearance of the existing grassed land and surrounding area.

With regard to vehicular access and parking arrangements to serve the proposed dwelling, the Highway Authority considers that sufficient car parking should be provided. However, should the remainder of the garage court be developed in a similar way there could be a shortfall in parking provision.

Further, whilst the erection of one dwelling would prevent the erection of several of the previously approved garages, thereby reducing the potential for traffic generation by the site, the number and nature of traffic movements associated with a residential unit would be considerably different than those from a lock-up garage. The narrow track, off Upwick Road, used to access the site, does not have a pavement, and its width, length and alignment would likely to result in conflict and danger for users.

In respect of residential amenity, many residents of Dacre, Dillingburgh, Longland and Upwick Roads have expressed concern that the proposed development would, by reason of an increase in disturbance, loss of privacy, overlooking and overshadowing, reduce the established amenity of the area. I consider that the amenity related concerns identified by local residents are so significant as to adversely harm the residential amenity of the area surrounding the application site.

With regard to the above, the proposed development, comprising a four-bedroom detached dwellinghouse and garage, would appear to be a visually intrusive and incongruous feature within the established development layout for the area, which would result, by reason of over-looking, over-shadowing, disturbance and loss of privacy, in harm to the residential amenity currently enjoyed by residents of neighbouring properties. As such, the proposed development is not considered to harmonise with the appearance and character of the surrounding residential development.

HUMAN RIGHTS IMPLICATIONS

The proposed development is likely to adversely infringe upon the above noted Rights of local residents.

RECOMMEND: Permission be refused for the following reason

The proposed residential unit comprises an undesirable form of backland development which would be incompatible with the appearance and character of the existing development in the vicinity; would cause serious harm to the amenities and privacy enjoyed by occupiers of surrounding residential properties, and would likely to result in conflict between residential and other forms of traffic, prejudicial to safety, amenity and convenience, attracted to the site. As such, the proposed development is contrary to Policies CT1 and HO18 of the adopted Borough Plan (Policy UHT1 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

RATTON WARD

13) 1 CUCKMERE WALK. TWO STOREY EXTENSION AT SIDE. EB/2002/0371, MAP K2.

RATTON

This two-storey detached dwelling is situated on the north side of Cuckmere Walk, on the corner of Willingdon Park Drive.

PLANNING HISTORY

A detached garage was erected at the end of the garden in 1957.

CURRENT APPLICATION

Permission is sought to erect a two storey extension at the side of the property, measuring 4.3m wide and 5.2m deep (the full depth of the property), under a pitched roof which would be a continuation of the existing ridge line. All materials would match those on the original dwelling.

The scheme as originally proposed also included a two storey projection to the front of the extension (forming an L shaped dwelling), but following the concerns of officers this has been deleted from the scheme.

In a supporting letter the agent states the following:

“The scheme provides for a two storey extension to the rear of the existing dwelling which lines up with the front and rear building lines. This proposal is almost identical to an extension that this practise gained Approval for at 28 Dene Drive. In that case the floor level of no.28 Dene Drive is almost 1.5m above the adjacent property (41 Willingdon Park Drive). The floor level of our application site is the same as the adjoining property (64 Willingdon Park Drive).”

(Letter dated 18 November 2002 – background paper)

Photographs of both properties were supplied with the letter.

POLICIES

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT1 - New development to harmonise with existing

Policy HO19 - Criteria for extensions

Borough Plan - Revised Deposit Draft

Policy UHT1 - Design of new development

Policy HO20 - Residential amenity

CONSULTATIONS

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

APPRAISAL

The main issues to take into consideration in determining this application are the impact of the proposal on the visual amenities of the area, and the amenities of adjoining residents.

The design of the extension has been amended to overcome concerns in respect of its visual impact on the

streetscene, and is now acceptable in my opinion.

Turning to the second issue, I am concerned about the impact of the two storey extension on the adjacent property at 64 Willingdon Park Drive in terms of its massing so close to the boundary and the resulting loss of outlook from the living room. The property is situated 3m from the boundary with no.64 and, being set at right angles to it, already projects 6m beyond the rear building line. I consider that the extension of the building by 4.3m on both floors would result in a very dominant feature from the living room, seriously affecting the outlook from it. In the winter months, it may also have a more overbearing impact in terms of loss of light.

With regard to the contents of the agents letter, I consider that there is a significant difference between the earlier example and the current application. The gap between the application property and its neighbour is 4.5m, and the two storey extension would be situated to the south east; the gap between 28 Dene Drive and 41 Willingdon Park Drive is 7m and the approved extension is to the north of its neighbour. The impact of the latter is therefore much less than that now proposed.

HUMAN RIGHTS IMPLICATIONS

For the reasons given above, it is considered that the proposal would adversely affect the rights of the adjacent residents to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed extension would be detrimental to the amenities of the adjacent residential property by reason of its bulk and projection in close proximity to the boundary, and therefore would not comply with Policy HO19 of the Eastbourne Borough Plan and Policies UHT1 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft, which state (in part) that:

Policy HO19: Extensions or additions to houses will normally be required to meet acceptable standards in relation to the following:

- B. loss of sunlight or daylight according to building research establishment published indicators;
- E. scale, materials and architectural details;

Policy UHT1: Design of New Development

All development proposals will be required to:-

- b) be appropriate in scale, form, materials, setting, alignment and layout;

Policy HO20: Residential Amenity

Subject to other policies and proposals of this plan, new Development proposals and extensions to existing Buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable:

- a) loss of outlook
- b) overshadowing and/or loss of light

14) LAND ADJACENT TO 11 MEADOWLANDS AVENUE. Erection of a 1.8 metre high close boarded fence along boundary with Chelworth Road. EB/2002/0587, MAP.K2 RATTON

The application site comprises a grassed area of land adjacent to the side of 11 Meadowlands Avenue currently in the ownership of Eastbourne Borough Council. If the application is successful, the applicant intends to purchase the land.

PLANNING HISTORY

Planning permission was granted for a single storey extension and a garage in 1989, however the latter has not been erected.

CURRENT APPLICATION

Permission is sought to enclose part of the land by means of a 1.8m high close boarded fence along the boundary with Chelworth Road . Negotiations with the applicant have resulted in visibility splays being provided adjacent to the vehicular access onto Chelworth Road, and a setback at the front to be in line with the front of the existing porch.

POLICIES

Policy CT1 is relevant to this application.

CONSULTATIONS

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

The Principal Highways Engineer has no objections to the proposal.

APPRAISAL

The area in general is not open plan, and many corner properties such as this have fences of a similar height enclosing the rear gardens. It is considered that the proposed fence is appropriate in this location.

HUMAN RIGHTS IMPLICATIONS

None.

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

1. D1.1 Commencement of development within five years.
2. That the development hereby approved shall be carried out in accordance with the revised plan received on 12 November 2002.

15) DUNCAN HOUSE, DISTRICT GENERAL HOSPITAL, KINGS DRIVE. Change of use of part of ground floor from residential to offices. EB/2002/0645, MAP.I6 RATTON

Duncan House is one of the hospitals' residential properties, situated on the south side of the site. Built in 1976 as nurses accommodation, the building is three storeys high, and is arranged as three-bedroomed flatlets i.e. each flat comprises three bedrooms, kitchen, toilet and bathroom (no living room).

PLANNING HISTORY

Planning permission was refused on 5 April 2000 and 14 June 2001 for identical applications for the following reason:

That the proposal would result in the loss of specialist nursing accommodation, which would conflict with Policy HO15 of the Eastbourne Borough Plan which states that:

THE COUNCIL WILL NOT GIVE PLANNING CONSENT FOR THE CHANGE OF USE OF SPECIALIST STUDENT OR NURSING STAFF ACCOMMODATION INCLUDING HALLS OF RESIDENCE UNLESS ADEQUATE REPLACEMENT ACCOMMODATION IS PROVIDED OR THERE IS NO LONGER A PROVEN NEED WITHIN THE BOROUGH

and that no evidence has been submitted to justify an exception being made.

(EB/2000/0083 & EB/2001/0230 – background papers)

CURRENT APPLICATION

Permission is now sought to convert two of the flatlets to office accommodation.

No external alterations are proposed.

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

- the Trust has recently completed a strategic development plan which has
- identified twelve departments with the requirement to expand within the next five years in order to satisfy targets and provide patient care.
- A specialist tracheotomy unit for high risk and high dependency patients is required on the Glynde Ward (ENT), which would involve the relocation of an Information Technology office currently housed in this department.
- One of the flats on the ground floor of Duncan House has been occupied by Finance/IT offices since its construction, and the proposal would consolidate the offices in a more suitable location.
- The two flats have been vacant since September 2000; for the last two years the occupancy rate of staff accommodation has been constant at 85%, which equates to an average of 50 vacant flats at any one time.

The statement concludes that the expansion of the ENT facility is essential to keep pace with the demand for health services, and that the relocation of the offices to Duncan House would benefit the running of the IT department without adversely affecting the availability of residential accommodation, as the two flats are surplus to requirements.

POLICIES

The following policies are relevant to this proposal:

Eastbourne Borough Plan

Policy HO15 - Protection of student and nursing staff accommodation

Revised Deposit Draft

Policy HO16 - Dedicated student accommodation

CONSULTATIONS

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

APPRAISAL

On the basis of the information provided by the applicant, I consider that a case could be made for a trial period of five years, in order to monitor the take up of residential accommodation.

I am mindful that the current proposal involves only six bedspaces, and that office accommodation has been a difficult issue for some time on the hospital site.

HUMAN RIGHTS IMPLICATIONS

None.

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

D5.2 Temporary permission until 31 December 2007.

16) THE EASTBOURNE GARDEN COMPANY, 197 WILLINGDON ROAD. Erection of canopy, to provide covered sales area to replace and extend existing canopy. EB/2002/0609, MAP I2. RATTON

SITE LOCATION

The Garden Centre, to the north-west of the Willingdon Road roundabout with the vehicular entrance onto Upper Kings Drive, is situated in a mainly residential area.

PLANNING HISTORY

In 1993 planning permission was granted for the erection of a canopy over part of the outdoor sales area fronting Upper Kings Drive.

(EB/1993/0452 - Background paper).

CURRENT APPLICATION

Permission is sought for the erection of a second canopy, with a span of 7 metres (2 metres narrower than the existing canopy) and a length of 19 metres. The proposed canopy will provide an additional 133 square metres of covered sales area. The maximum height of the canopy is 4.2 metres. It is proposed to use green and clear PVC covering that matches the previously approved canopy material.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance to

the current proposal.

Policy CT1 - New development to harmonise with existing

Policy IC10 - Standards for new commercial development

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

_Policy UHT4 - Visual amenity

Policy HO20 - Residential amenity

Policy BI7 - Design Criteria

CONSULTATIONS

_The Highway Authority does not wish to restrict the grant of consent to this application (Memo dated 21 October 2002 - Background paper).

_Notification letters sent to surrounding commercial and residential properties. At the time this report was prepared (28 November) one letter of objection had been received, the contents of which can be summarised as follows:

- The existing canopy is bad enough to look at.
- The garden centre is a non-conforming user, not compatible with the surrounding residential properties

(Letter dated 4 November 2002 - Background paper)

APPRAISAL

_The main issue to consider in the determination of the application is the impact that the proposed canopy could have on visual and residential amenity.

In 1993 a canopy, of similar dimensions to those proposed, was granted planning permission adjacent to the present site. As with the current application, the roof covering is green and white coloured polythene, with a maximum height of some 4.2 metres (12' 6"). The approved and proposed canopies are well away (some 22 metres) from the boundary of the garden centre with Upper Kings Drive, let alone any residential properties on the opposite side of this public highway. In addition, the existing canopy is seen against the host glazed building. Therefore, the additional canopy is not considered to have an adverse affect upon the visual or residential amenity of the surrounding area.

HUMAN RIGHTS IMPLICATIONS

Given the established nature of the application site, the proposed extension to the existing canopy is unlikely to adversely affect the above noted Rights of nearby residents.

RECOMMEND: Permission be granted subject to the following condition

- _1. D1.1 Commencement of development within 5 years

17) 14 PARKWAY. TWO-STOREY SIDE EXTENSION (AMENDMENT TO PREVIOUSLY APPROVED SCHEME EB/2001/0213) EB/2002/0668, MAP H2. RATTON

SITE LOCATION

_This property is located on the northern side of Parkway, almost opposite the junction with Walnut Tree Walk. The road is characterised by relatively large detached properties of varying form and design, unified by the use of the same materials and style.

The application site is a detached dwelling with a driveway leading to a garage on the right side, set back by 3 metres from the front of the house. The front garden is about 8 metres deep and the rear has a depth of 32 metres.

PLANNING HISTORY

_Consent was granted, under restrictive covenants, for a rear conservatory in 1964.

Planning permission was granted in 2001 (EB/2001/0213) for the demolition of existing garage and erection of two-storey extension at side of house.

CURRENT APPLICATION

_Permission for the two-storey extension was granted in 2001 with a hipped roof. The only alteration is the change in the form of the roof to a gable with a barn end hip as the applicant seeks to reduce the restriction of available space to the first floor area.

Plans were first submitted for a full gable end but following negotiations the applicant agreed to a gable with barn end hip as shown on drawings in previous correspondence. At the time of writing this report amended plans are still to be received.

_This application in accordance with the earlier permission proposes to remove the existing pitched roof garage, which extends to the side boundary of the property, and erect a two-storey extension at the side of the dwelling.

The extension measured externally has a width of 3 metres. The addition would be 6 metres in depth, and 7.3 metres in height to the ridge (3 metres to eaves level). The front of the extension would be set back from that of the main dwelling by some 2 metres.

PLANNING POLICY

Adopted Borough Plan (1998)

_HO19 - Criteria for extensions

CT1 - New development to harmonise with existing

Revised Deposit Draft (2001-2011)

_HO20 - Residential Amenity

UHT1 - Design of New Development

CONSULTATIONS

_None received at the time of writing this report in response to neighbour notifications.

APPRAISAL

_On the original drawings the full gable roof led to a harsh appearance of the dwelling when viewed from the front or rear. It also appeared inharmonious in relation to the rest of the dwelling and surrounding area. The view from the neighbouring property of a full gable was also considered to be too dominant.

The amended scheme of a gable with a barn end hip is an acceptable design, which provides the space required and blends in with the building and still appears to be a subservient addition.

The front of the extension is set well back from the front of the existing property, which will reduce the prominence within the streetscene. The proposal would in my opinion reflect the style of the main dwelling and those in the surrounding area and also continue the variation of design and shape of the houses in the area.

It is considered that there is no adverse impact on the amenity enjoyed by neighbouring properties in terms of daylight and privacy. The extension aligns with the rear building line of the existing dwelling and there are no windows in the neighbour's side elevation. The position of the single storey extension erected under permitted development rights at the rear of 12 Parkway may also help to shield part of the neighbouring property from any potential overshadowing.

The rear first floor window proposed is within a bathroom, providing en-suite facilities for the new bedroom. As such it would be obscured glazed and therefore overlooking of neighbouring properties is not an issue. This can be covered by way of condition.

There is an existing garage with a pitched roof located on the boundary of the application site with 12 Parkway, extending to a height of 3.3 metres. The proposal, as the one previously approved, would introduce a gap to the boundary with number 12 at ground floor level, as well as maintaining access to the side and rear of the property.

A gap of 3.2 metres would remain between the footprint of the proposed extension and that of the neighbouring property.

Bearing in mind that the principle of a two-storey extension was established in July 2001 by the Planning and Licensing Committee, only the design of the roof has to be considered.

HUMAN RIGHTS IMPLICATIONS

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

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

1. D1.1 Commencement of development within five years.
2. A3 Use of matching materials
3. That the proposed window in the first floor elevation shall be glazed in semi-obscured glass and shall subsequently be maintained as such to the satisfaction of the Head of Planning.

ST. ANTHONY'S WARD

18) LAND NORTH OF PEVENSEY BAY ROAD ADJACENT TO BOROUGH BOUNDARY (MOUNTNEY LEVEL). Provision of a 15 metre high telecommunications TREE mast supporting three antennae and two dishes together with ancillary equipment. EB/2002/0672(DET), MAP. U10. ST ANTHONYS

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

SITE LOCATION

The application site comprises an area of land approximately 5m by 7m in a field on the north east side of Pevensey Bay Road, on the East Langney and Mountney Levels adjacent to Langney Sewer. It is located immediately adjacent to the Borough boundary (which runs along the middle of the Langney Sewer at this point) and the Castle View Caravan and Camping Site.

The site is outside the built up area boundary in the strategic buffer between the town and West Ham/Stone Cross, and is also a site of nature conservation importance

PLANNING HISTORY

None.

CURRENT APPLICATION

It was originally proposed to erect a 15m high timber monopole telecommunications mast supporting three antennae and two dishes within a fenced compound containing the usual equipment housing. However the applicant has agreed to substitute a "Cypress tree" mast in lieu of the monopole, with hedgerow planting around the compound. At the request of the Environment Agency, the compound has been moved 3m away from the top of the bank of the sewer to provide access for maintenance.

Other sites investigated for this installation are Sovereign Harbour, Sovereign Harbour Retail Park, Pevensey Bay Sailing Club and Castle View Caravan Park. Two of the sites were considered to be too far from the cell target area, and two landowners declined to proceed.

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan

Policy NE1 - Built up area boundary and strategic gap

Policy NE12 - Protection of sites of nature conservation interest

Policy NE24 - Criteria for landscaping schemes

Policy US9 - Restriction of telecommunications masts on East Langney Levels & Eastbourne Park

Revised Deposit Draft

Policy NE1 - Built up boundary

Policy NE19 - Sites of nature conservation importance

Policy US7 - Health risk considerations

Policy US5 - Masts on the Downland

CONSULTATIONS

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

The Environment Agency raised objections to the original location of the compound on top of the bank, but has now agreed to a 3m gap, I understand. A licence will be required from the agency.

APPRAISAL

The main issue to take into account in determining this application is the siting and appearance of the equipment.

The closest residential properties are 150m from the application site, and would have a very limited view of the top of the proposed tree mast.

The site is separated from Pevensy Bay Road by a field which is bounded by a dense line of Leylandii approximately 12m high. I consider that the tree mast now proposed would sit comfortably with the existing trees, which, although not indigenous to the Levels, is a well established and dominant feature on this section of Pevensy Bay Road. The tree mast to be used in this development is a cypress type, and would blend in well with the substantial leylandii nearby; one of my officers has viewed such a mast in situ in Heathfield in a semi rural location, and confirms that its appearance was satisfactory in that location.

The compound would only be glimpsed through the gate at the entrance to the field, but of course would be visible from within the field, therefore I consider that screening the fence with native species is essential in this rural location.

HUMAN RIGHTS IMPLICATIONS

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

CONCLUSION

For the reasons given above, it is considered that the proposed development would have no impact on local residents, and an acceptable impact on the visual amenities of the East Langney and Mountney Levels and the area in general.

RECOMMEND: That no objections be raised to the siting or appearance of the proposed equipment, subject to the following condition:

That a scheme of landscaping shall be submitted to and approved by the Head of Planning before the equipment is first brought into use, and shall be implemented in the first planting season after its installation.

19) LAND WITHIN THE CURTILAGE OF 1 WINDERMERE CRESCENT. Erection of a detached one-storey bungalow with garaging, parking and access works. EB/2002/0662, MAP L11. ST. ANTHONYS

SITE LOCATION

The application site occupies the rear part of the back garden of 1 Windermere Crescent, a semi-detached

2-storey dwelling at the south-eastern end of a row of similar residential properties. To the east of the site is an un-surfaced track giving vehicular access to the back garden of 1 Windermere Crescent and to the rear of properties fronting Seaside. To the rear of the site is a row of garages, accessed from Roselands Avenue.

PLANNING HISTORY

In 1952 an addition to the kitchen and the provision of a verandah to living room were built under permitted development rights. There have been no further extensions to the property since that date.

A planning application for the erection of a detached two-storey three-bedroom dwelling with garaging, parking and access works was withdrawn in October 2002 (EB/2002/0354 - Background paper).

CURRENT APPLICATION

Permission is now sought for the erection of a detached bungalow measuring some 9.8 metres by 7.8 metres, sited at the end of the rear garden.

The new dwelling would have two bedrooms and a detached flat roof double garage. One of the proposed garage spaces is to serve the proposed bungalow and the other is for the existing dwelling. It is proposed to widen the existing 2.7 metre wide access way to 4.1 metres for the first 24 metres off Windermere Crescent.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance in the determination of the proposal.

Policy CT1 - New development to harmonise with existing

Policy HO18 - Design criteria for new residential development

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy UHT4 - Visual amenity

Policy HO20 - Residential amenity

Policy TR11 - Car parking standards

CONSULTATIONS

The Assistant Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict the grant of consent to this application (Internal memo dated 18 November 2002 - Background paper).

The Health & Safety Executive does not wish to comment on the proposal (Letter dated 12 November 2002 - Background paper).

Two notices were displayed at the front and along the side of the application site. In addition, letters of notification were sent to the occupants of the surrounding residential properties. In response, at the time this report was prepared (28 November 2002) six letters of representation had been received, the contents of which can summarised as follows:

- There will be a marked increase in noise and disturbance
- The size and position of the proposed dwelling is not in keeping
- The would be overshadowing, overlooking and especially loss of privacy
- The access road will cause the area to be unsafe for road pedestrians & users
- Vehicular access must be available at all times for adjoining workshop
- The bungalow would not be in keeping with its neighbours
- There would be a loss of open space
- Over-development of the area within such a confined space

(Letters dated 9 - 27 November 2002 - Background papers)

APPRAISAL

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

The application proposes a detached 2-bedroom bungalow, with double garage, in the rear garden of 1 Windermere Crescent, a semi-detached dwelling in a row of similar residential properties. In addition, the proposed dwelling would be accessed via a to be widened track way rather than fronting a public highway as is the case with the surrounding residential properties.

Planning Policy Guidance No 3 "Housing" states that "New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality". The proposal site and nearby gardens have a spacious and uncluttered ambience. However, the erection of a dwelling would introduce a discordant form of development, which would result in a significant loss of the open character and appearance of the surrounding area.

In respect of the second issue, residents of Windermere Crescent have expressed concern that the proposed development will, by reason of an increase in disturbance, loss of privacy, overlooking and overshadowing, reduce the established amenity of the area. However, given the single-storey nature of the proposed dwelling and associated 2 metre high close boarded boundary fence, with 3 Windermere Crescent, I do not consider that the identified concerns are that significant so as to adversely harm the residential amenity of the area.

With regard to the above, the proposed development comprising a two-bedroom detached bungalow and double garage would appear to be a visually intrusive and incongruous feature within the established development layout for the area which is not considered to harmonise with the appearance and character of the surrounding residential development.

HUMAN RIGHTS IMPLICATIONS

Given the scale and position of the proposed dwelling it is unlikely that above noted Rights of local residents would be adversely infringed.

RECOMMEND: Planning permission be refused for the following reason:

That the proposed bungalow would comprise an alien and intrusive form of backland development, in an area characterised by open rear gardens serving the properties in Windermere Crescent. As

such, the proposed development is contrary to Policies CT1 of the adopted Borough Plan (Policy UHT1 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

20) 75 NORTHBOURNE ROAD. SINGLE STOREY EXTENSION TO REAR OF PROPERTY. EB/2002/0604 (LA). MAP M10. ST. ANTHONY'S

SITE LOCATION

The application site is a semi-detached dwelling opposite the entrance of the Britland Estate. Panel fencing encloses the rear garden.

PLANNING HISTORY

Building Regulations were granted earlier this year for a path with a ramp for disabled access to the front door of property.

CURRENT APPLICATION

This Eastbourne Borough application for a disabled person seeks permission for a single storey extension to provide a kitchen and dining room thus creating space inside for a downstairs bathroom. The extension will project by 3.88 metres with an overall width of 6.56 metres and the flat roof has a height of 3 metres. The side elevations show brick walls at both sides and patio doors and a window to the rear. One of the side walls, at a distance of 0.25 metres, will be very close to the neighbour's boundary.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

HO19 - Criteria for extensions

Revised Deposit Draft (2001-2011)

UHT1 - Design of New Development

HO20 - Residential Amenity

CONSULTATIONS

No representations in response to neighbour notifications have been received at the time of writing this report.

The Health and Safety Executive does not advise, on health and safety grounds, against the granting of planning permission in this case.

APPRAISAL

It is considered that the proposed extension is acceptable in design terms and will not harm the character and appearance of the dwelling and its neighbours.

The extension will have no detrimental effect on neighbouring properties in terms of privacy. Any potential overshadowing will not be significant given the overall height of 3 metres and a projection of 3.88 metres.

I would recommend this application for approval subject to no adverse comments being received by 12

December 2002.

HUMAN RIGHTS IMPLICATIONS

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

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

1. D1.1 Commencement of development within five years.
2. A3 Use of matching materials

SOVEREIGN WARD

21) 1 WALKER CLOSE. Single storey side extension and conservatory to form annexe.
EB/2002/0653, MAP. SOVEREIGN

SITE LOCATION

The application site comprises a narrow, two-storey dwellinghouse with a front garden and a driveway leading to the garage in a residential area of detached and semi-detached dwellings.

PLANNING HISTORY

Planning permission was granted in 1978 for the erection of 67 detached and semi-detached one or two-storey dwellings with garages.

Permission was refused for the erection of a single storey extension and conservatory to form annex (EB/2002/423) in September 2002.

CURRENT APPLICATION

The application seeks planning permission for the demolition of the existing garage, the erection of a single storey side extension forming an annex as well as a rear conservatory. Provision would be made within the curtilage for two parking spaces utilising the existing crossover. The annex is to provide accommodation for the applicants' parents and comprises a bedroom shower, kitchen/living room and conservatory.

The side extension would be in line with the front elevation of the dwelling. With an overall length of 12 metres it would cover the whole depth of the house and project a further 3.3 metres out beyond the rear building line. The flat roof will be at 2.9 metres and the extension will project outwards by 4 metres.

The conservatory has a width of 4.5 metres and projects 3.75 metres to the rear.

PLANNING POLICY

Adopted Borough Plan (1998)

_HO19 - Criteria for extensions

CT1 - New development to harmonise with existing

Revised Deposit Draft (2001-2011)

_HO20 - Residential Amenity

UHT1 - Design of New Development

CONSULTATIONS

_Letters of objection have been received from three neighbouring properties:

14 Peyton Close

_The occupants, whose garden backs onto the side of the proposed extension, feel that there is still hardly any major difference in the size or scale. Their reasons for opposing the extension are as follows:

- It is extremely large and is planned to be built on part of their boundary wall.
- The footings would intrude in their part of the garden destroying trees and shrubs.
- It is not in keeping with neighbours and surrounding area.
- It would destroy the outlook, loss of privacy.
- It would lead to the loss of their boundary wall and fence.

(Letter dated 15 November 2002 – background paper.)

_A second letter was received on 22 November 2002. They occupants express their hope that the committee will consider the size and scale of the proposed development and how detrimental it would be to them and their garden, as their lounge and conservatory would be facing this very long extension. With the removal of the garage, windows at first floor level would be overlooking their lounge and conservatory. (Letter dated 21 November 2002 – background paper.)

3 Walker Close

_The occupant strongly opposes this addition for the same reasons as his original objection. He states that the plans essential show no important changes. There is now to be a flat roof rather than a sloping one which will have the effect of making the addition rather more ugly and incongruous than before. He sums up his reasons as follows:

- Huge size of the extension unsuitable for the area.
- Appearance of the house would not be in keeping with the neighbours'.

- Destruction of the front garden with loss of trees, bushes and lawn.
- Long construction time.

16 Peyton Close

The occupant of this property writes to voice her concern over the size of the extension as it appears to be extremely large and being built right up to the plot lines. She questions if the extension is suitable for the area and whether the appearance is in keeping with the adjacent properties. (Letter dated 18 November 2002 – [background paper.](#))

APPRAISAL

As members might recall an application for a similar scheme was refused at last September Planning and Licensing Committee.

The main issues to be taken into consideration in the determination of this planning application remain the same as in the previous application and relate to siting, design, impact on neighbours and visual impact on the street scene.

Design/Streetscene

The side extension has now be brought in line with the front building line. It still has a projection of 4 metres and the flat roof does not aid the extension to blend in with the host dwelling. Even though a lower pitch than the original lean-to roof would have been desirable, this flat roof is not acceptable in design terms. The host dwelling with the width of 5 metres has a narrow, vertical appearance and the proposal would have a distinctive adverse and intrusive effect on the street scene.

Given the extension's length, width and shape it is considered that the proposal appears to be both inharmonious and over dominant to the host dwelling. It does not seem to bear any resemblance with the original building but rather gives the impression of a separate, attached entity. There don't seem to be any significant alterations to the original plan to make it more acceptable.

An appropriately designed two-storey extension would be a better solution for this building than an out-of-scale single storey annex. It is noted that the agent's supporting photographs for supposedly similar extensions all but one relate to two-storey extensions. One relates to a single storey extension set back considerably from the front building line and built approximately 15 years ago. Therefore it is not considered that there are any comparable precedents for this type of extension in this neighbourhood.

Neighbours' amenity

It is not considered that the extensions would have a detrimental effect on neighbouring properties in terms of daylight and privacy.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused on the following grounds:

That the proposed extension by reason of the siting, design, size, scale and appearance would be detrimental to

the visual amenities of the area and would be in conflict with Policy CT1 and HO19 in the Adopted Local Plan (1998) and Policy UHT1 in the Revised Deposit Draft (2001-2011). Policy HO19 states (in part) that:

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.

UPPERTON WARD

22) 2/3 TERMINUS BUILDINGS, UPPERTON ROAD. Change of use from Class A2 (Financial and Professional) to Class A3 (Food and Drink) use. (Amended scheme) EB/2002/0188, MAP G11. UPPERTON

23) 3 TERMINUS BUILDINGS, UPPERTON ROAD. Change of use from Class A2 (financial & professional) to Class A3 (food & drink). EB/2002/0614, MAP G11. UPPERTON

INTRODUCTION

The application was deferred at the May meeting of the Planning & Licensing Committee, at the request of the applicant, in order that they could have an opportunity to respond in detail to the concerns raised within the report.

Since that time amended details have been received. The application has been re-advertised and the Head of Environmental Health and the Highways Authority re-consulted. Details of these matters are contained in this updated report.

In addition, the applicant has submitted a separate application EB/2002/0614 for the change of use of 3 Terminus Buildings from class A2 to Class A3. Both of these applications are considered in this report.

SITE LOCATION

The application sites comprise the ground floor and basement premises of two commercial units, No. 2 and No. 3, situated between the Head Post Office and the Deep Pan Pizza restaurant, fronting Station Parade and Upperton Road. The upper floors of the building are in use as twelve flats, known as Stafford House.

PLANNING HISTORY

In 1985 planning permission was granted for the conversion and extension of the first, second and third floors of the host building to form twelve self-contained flats, together with the change of use of part of the ground floor and lower ground floor from retail/showroom to a restaurant and the provision of car parking spaces at the rear (EB/1985/0435 - [Background paper](#)). In the same year planning permission was also granted for a change of use (EB/1985/0436 - [Background paper](#)) of unit 3 adjoining the main post office from retail shop to an estate agents, which was the last occupier. The adjoining unit (No. 2) has been used as a bedding shop, which recently re-located to premises in Seaside Road. In July of this year 2 Terminus Buildings received permission for a change from Class A1 to Class A2 use (EB/2002/0341 - [Background paper](#)). At present both Nos. 2 and 3 are vacant.

CURRENT APPLICATIONS

Application EB/2002/0188 seeks planning permission for the change of use of the Class A1 (former bedding shop) and Class A2 (former estate agents) to that of Class A3 (food and drink). The submitted plans show a bar

counter/area, measuring some 7 metres by 3 metres, to one side of the double unit, with a kitchen area to the rear. The remainder of the ground floor is to be used as a customer area. The basement is allocated as a store area, together with customer toilets. A disabled toilet is to be provided on the ground floor.

Application EB/2002/0614 seeks planning for the change of use of the existing Class A2 (former estate agents) to that of a Class A3 (food and drink). The submitted plans show a small bar area at the front on the left-hand side of the premises, with a kitchen at the rear. The remainder of the ground floor is shown as a customer area. Toilets, storage, including for refuse, and kitchen preparation area are to be located in the basement.

PLANNING POLICY

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

Policy SH7 - Protection of secondary retail areas

Policy NE26 - Noise attenuation measures

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy HO20 - Residential Amenity

CONSULTATIONS

In respect of the application EB/2002/0188 as **originally** submitted.

The Eastbourne Access Group advises that if building works are required to implement planning permission, then the premises should make provision for disabled people (e-mail sent 18 April 2002 - [Background paper](#)).

The Head of Environmental Health has made the following comments:

1. Due to the potential for smell nuisance from activities at an A3 premises, the flue of the proposed mechanical extract ventilation system should terminate at least 1 metre above the ridge of the building. This is particularly important at the premises, as there is residential accommodation directly above which could be affected by cooking odours.
2. Due to the substantial amount of residential accommodation above the application site, there is a potential for residents being disturbed by noise nuisance generated by activities permitted under a Class A3 use. Therefore a condition should be imposed ensuring that the premises do not open beyond 11pm. There should also be a condition that there are no deliveries between 11pm and 7 am.
3. It is recommended that the licensing conditions restrict the use of the premises so to allow drinks to be served to people taking meals at tables only. This is to prevent it becoming a bar only and the possibility of public disorder and noise nuisance issues becoming a problem.

(Internal memo dated 18 April 2002 - [Background paper](#)).

The Local Plan Officer states that:

"As the Revised Deposit Draft Borough Plan no longer identifies these buildings to be within the area to which secondary retail area policy applies, I have no objection to the proposal from a planning policy point of view"

(Internal memo dated 19 April 2002 - [Background paper](#)).

The Principal Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict Grant

of Consent subject to the following comments and observations:

1. The application drawing suggests that the access to the existing delivery yard will cater for vehicles. My site visit showed this to be suitable for pedestrians only
2. Drg. No. 30102/01 shows the rear-loading yard. As this drawing is entitled "Indicative Ground Floor Plan", the applicant should confirm in writing that all deliveries will be made to the rear loading yard from Southfields Road.
3. The Station Parade frontage of the site will be covered by a pelican crossing that is now being installed by the existing pedestrian guard railing.
4. Between the crossing in Station Parade and the rear of the adjoining site in Southfields Road there is an unloading Traffic Regulation Order.
5. Parking provision (proposed) in the yard but as the site is close to public transport facilities and town centre parking car parking this should not be a problem.
6. The existing Traffic Regulation Order will require amendment to remove existing parking in Southfields Road to improve deliveries from this road. The developer to pay for the making of the order and administration.

(Memo dated 10 May 2002 - Background paper).

In respect of the application EB/2002/0188 as **amended**.

The Assistant Highway Engineer (Planning) advises that as the amendments relate to internal details of the building, that is, extraction ventilation system and refuse store respectively, he has no further comments to add to those made in May (Memo dated 12 August 2002 - Background paper).

The Environmental Health Officer advises that:

"Although it is proposed to install a carbon cell extract ventilation system terminating at low level with an acoustic enclosure, the presence of the system, combined with the existing system from Deep Pan Pizza will have the potential to increase the smell and noise nuisance to residents living above.

Although a refuse store has been added within the existing building, the rubbish would still have to be left outside for collection on certain days. This would add to the problems already experienced with Deep Pan Pizza's refuse yard and increase pests being attracted to the area. The amount of waste generated by a food premises would also lead to increased refuse collections which could also cause disturbance to residents.

Due to what appears to be a substantial amount of residential accommodation above the building (Twelve flats), there is potential for them being disturbed by noise nuisance generated by activities permitted under A3 use.

(Memo dated 15 August 2002 - Background paper).

In response to the above comments, the applicant's planning consultant has suggested two conditions which could alleviate some of the identified potential environmental problems. However, the Environmental Health Officer still believes the combined effect of this proposal and the existing Deep Pan Pizza could increase problems to residents living above. Further, "Consideration should also be given to a number of complaints received over the years by the Environmental Health department relating to noise, smell and rubbish associated with Deep Pan Pizza, 1 Terminus Buildings".

(Memo dated 11 November 2002 - Background paper).

In respect of the application EB/2002/0614 as submitted.

The Eastbourne Access Group advises that provision should be made to comply with the Disability Discrimination Act (e-main sent 11 October 2002 - [Background paper](#)).

The Environmental Health Officer refers to her previous memo, dated 15 August 2002, in respect of the same site (2 & 3 Terminus Buildings).

The Assistant Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict grant of consent subject to the elimination of three on-street limited parking spaces, the creation of a loading/unloading bay, a build-out into Southfields Road and closing the existing pedestrian crossing near the roundabout, for which the applicant would be expected to make a substantial financial contribution.

(Memo dated 2 October 2002 - [Background paper](#)).

Notifications in respect of application EB/2002/0188

A notice was displayed at the front of the site and letters of notification sent to the occupiers of the 12 flats at Stafford House. In response to the **original** scheme five letters of objection were received. The various objections are summarised as follows:

- Concern expressed about the containment of kitchen waste from the existing and proposed restaurant uses
- There is already enough noise, smell and rubbish associated with the existing Deep Pan Pizza restaurant. All of these would increase.
- No parking or delivery space available to serve the proposed change of use
- There are already an adequate number of eating establishments in the area
- If granted the application would result in a further loss of amenities

(Letters dated 16 - 24 April 2002 - [Background papers](#)).

Following the receipt of the **amended** details local residents were re-notified about the details the application. In response six letters of objection have been received, the contents of which can be summarised as follows:

- The proposed change would only replicate the problems we already experience
- The application would result in a loss of amenities and be environmentally unsociable
- There is a lack of on-street parking, including for delivery vehicles
- Another Class A3 food and drink establishment is not needed here

(Letters dated 10 August - 4 September 2002 - [Background papers](#))

Notifications in respect of application EB/2002/0614

A notice was displayed at the front of the site and letters of notification sent to the occupiers of the 12 flats at Stafford House. In response, five letters of objection have been received. The various objections are summarised as follows:

- There are already problems with rats and seagulls attracted to the block, together with constant buzzing from the restaurant air conditioning and noise from their patrons and kitchen staff
- There is the ever-increasing parking problem for residents

- The proposed change would only replicate the problems we already experience
- There is a lack of parking to serve the proposed use
- The relationship between a working kitchen and a residence is not a harmonious one
- Such a business operation would cause visual deterioration and noise

(Letters dated 18 October - 4 November 2002 - Background paper).

APPRAISAL

The main issues to consider in the determination of the application are the principle of a Class A3 use in this part of the town centre and the impact of such a change of use is likely to have on the amenity of surrounding residents.

The application premises currently comprise an empty shop (Class A1) and the former Andrews estate agents (Class A2) situated between the Deep Pan Pizza restaurant (Class A3), fronting the railway station roundabout, and the town's main post office (Class A1) fronting Upperton Road and Station Parade.

The application premises are within the town centre as shown on the Borough Plan's Proposals Map and is currently designated a secondary retail area. However, as noted in the "Consultations" section of this report, the emerging Borough Plan no longer identifies the application premises as being within the area to which secondary retail policy applies. Given this situation, there is no objection in terms of retail policy to the proposed change of use of either 2 or 3 Terminus Buildings.

The second issue to consider is the impact of the proposed Class A3 use on the residential amenity of nearby properties, especially the flats in "Stafford House". These are located on the upper floors of the building with some units directly above the existing commercial units, including the Deep Pan Pizza, which, from the representations received in respect of the proposed change of use already generates an unsatisfactory amount of noise, smell and rubbish. In order to be acceptable, the current proposals would have to make adequate provision for each of these. However, due to the constrained situation of the application premises, the nature of the host building and the close proximity of the existing residential accommodation directly above the proposed Class A3 (food and drink) use it is not possible to install suitable insulation, flue and storage systems to ensure that a bar or restaurant use could be made acceptable with regard to the residential amenity for the residents of the adjoining flats.

HUMAN RIGHTS IMPLICATIONS

The proposed change of use could infringe the above noted Rights of occupiers of the flats situated on the upper floors of the host building.

RECOMMEND: (A) Permission be refused for application EB/2002/0188

The proposed change of use would, by reason of the constrained situation of the application premises, the nature of the host building and the close proximity of existing residential accommodation, likely to result in an unacceptable amount of noise, smell, rubbish and general disturbance, which would seriously harm the residential amenity enjoyed by occupiers of nearby residential properties. As such the proposed change of use is contrary to policy NE26 of the adopted Borough Plan and policy HO20 of the Revised Deposit Draft of the Borough Plan 2001 - 2011.

- (B) Permission be refused for application EB/2002/0614

The proposed change of use would, by reason of the constrained situation of the application premises, the nature of the host building and the close proximity of existing residential accommodation, likely to result in an

unacceptable amount of noise, smell, rubbish and general disturbance, which would seriously harm the residential amenity enjoyed by occupiers of nearby residential properties. As such the proposed change of use is contrary to policy NE26 of the adopted Borough Plan and policy HO20 of the Revised Deposit Draft of the Borough Plan 2001 - 2011.

24) 24 CAREW ROAD. Erection of four storey building comprising twelve two-bedroom flats and two three-bedroom penthouses with basement car park accessed from Mill Gap Road. EB/2002/0572, MAP H9. UPPERTON

SITE LOCATION

The site, situated on the corner of Carew Road and Mill Gap Road, was previously occupied by the Queens Cliff Hotel, a split two and three-storey red brick built building, with eight guest bedrooms and 3 family rooms. The surrounding area is characterised by residential properties in the form of either flats or substantial single private dwellinghouses.

PLANNING HISTORY

In the mid-1980s, planning application EB/1985/0488 and EB/1986/0094 - Background paper) were refused for the change of use from hotel to nursing home and residential care home, respectively. Subsequently, planning permission was granted for the erection of a single-storey extension at the side of the hotel (EB/1991/0010 - Background paper) and for a sun lounge at the front of the premises (EB/1993/0357 - Background paper).

In September 2000, outline consent (EB/2000/0051(OL) - Background paper) was granted for the demolition of the existing hotel and the erection of a four-storey block of flats. In December of the same year planning permission was granted for the erection of a four-storey building containing 12 two-bedroom flats and 2 three-bedroom penthouses, together with underground car parking accessed off Carew Road (EB/2000/0614 - Background paper).

CURRENT APPLICATION

This full planning application, submitted by Holbeck & Lewis Developments Ltd, for the re-development of the hotel site with 14 flats, comprising 12 two-bedroom and 2 three-bedroom penthouse units together with car parking beneath accessed off Mill Gap Road.

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

"You will be aware that planning consent already exists for a very similar form of development on this site... We have looked closely at the development and have put forward an alternative building design, which we believe makes best use of the site in terms of topography, orientation and position in the street scene.

The number of flats and the general size of the building is largely as before. However, the major change is the fact that vehicular access into the site has been repositioned from its original location to a point in the north-east corner of the site, leading onto Mill Gap Road. The primary reason for this is to facilitate improved means of vehicular access, and to make best use of the sloping nature of the site.

We would aver that the new design presents a more compact appearance with a more coherent form, which sits well on this important corner site. The architectural detailing and materials blend well with the range of property style and period at this location, and the finished result should provide an extremely high quality form of development which integrates well with the street scene".

(Letter dated 30 August 2002 - Background paper).

PLANNING POLICY

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

Policy CT1 - New development to harmonise with the existing

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

Policy HO18 - Design criteria for new residential development

Policy HT7 - Car and cycle parking standards

Policy DA3 - Accessible housing

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy UHT2 - Height of development to harmonise

Policy HO20 - Residential amenity

Policy UHT4 - Visual amenity

Policy TR6 - Facilities for cyclists

Policy TR11 - Car parking standards

CONSULTATIONS

The Director of Tourism, Leisure & Amenities has no comments or observations regarding the application (Memo dated 14 October 2002 - Background paper).

The Principal Highway Engineer (Planning), on behalf of the Highway Authority, does raise any not objections, in principle, to the proposed development. He advises that the proposed number of parking spaces is satisfactory. However, the internal arrangement of the basement car parking needs to be amended in order to make the parking more user friendly. In addition, the gradient of the proposed access drive should be altered, secure cycle parking needs to be installed and pedestrian visibility splays need to be provided (Memo dated 22 October 2002 - Background paper).

The applicant intends to amend the scheme so as to take account of the above noted comments. Revised drawings will be displayed at the Committee Meeting for Members to consider.

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted conditions be included to prevent pollution of the (water) environment and to avoid harm to human health (Letter dated 22 October 2002 - Background paper).

The Crime Prevention Design Adviser, on behalf of Sussex Police, considers that the landscaping has been arranged to deter direct approach to ground floor windows and the under floor car park will be gated. Both of these measures will contribute towards a crime resistant building (Letter dated 24 October 2002 - Background paper).

Southern Water advises that, as there is inadequate capacity to take an unrestricted discharge of surface water from the development, a planning condition should be imposed requiring that the development does not commence until details of the proposed means of foul and surface water disposal have been approved by the Local Planning Authority (Letter dated 4 November 2002 - Background paper).

The Council's Arboricultural Officer advises that this development will result in the loss of all trees on the site with only limited scope for replanting. Replacement planting on the boundary with 19 Mill Gap Road should

comprise Yew, Holly and Holm Oaks, utilising semi-detached specimens to provide instant cover. Screen planting along the Mill Gap Road frontage will require the strengthening and protection of the retaining wall in order to provide a suitable area for the establishment of small trees, such as, Rowan and Purple Plum. In addition, the proposed pedestrian access adjacent to a street tree should be re-located in order to prevent an unacceptable trip hazard (Memo dated 31 October 2002 - Background paper).

The applicant intends to amend re-locate the pedestrian entrance.

The application was advertised as a "Major Development" in a local newspaper and two notices displayed at the front and side of the site. In addition, surrounding residents were notified by letter. In response, at the time this report was prepared (28 November) three letters had been received. The various representations can be summarised as follows:

- Mill Gap Road is used for delivering and collecting children who attend the nearby St Thomas a Becket primary school
- There will be a loss of privacy due to the orientation of the building
- The development will not be in keeping with the area
- The proposed 15 living room and bedroom windows, plus balconies, on the north-east elevation will result in an entire loss of privacy of 19 Mill Gap Road
- The extra traffic would cause considerable noise and disturbance
- There is no space for a communal garden for the residents

(Letters dated 16 - 23 October 2002 - Background papers).

The applicant has indicated that a cross-section showing the relationship of the proposed building with 19 Mill Gap Road will be provided for display at the Committee Meeting.

APPRAISAL

The main issues to consider in the determination of this application are: the previous grant of planning permission for re-development; the scale and design of the new building; highway and parking arrangements, and the effect of the proposal on the amenities of surrounding residential properties.

As indicated in the "Planning History" section of this report, planning permission (EB/2000/0614 - Background paper) was granted in December 2000 for the demolition of the existing hotel and the erection of a building containing 14 flats. As such, the principle of residential re-development of the site, to provide flatted accommodation, has been established.

As noted in the "Representations" section of this report, concern continues to be expressed in respect of the size and profile of the replacement building. However, the current application is similar, in terms of size and massing, to the previously approved scheme, with no part of the replacement building being higher than the top of the chimney stack, that is, not including the chimney pots, of the former hotel building.

The Highway Authority has identified the need for slight amendments to the access and car parking arrangements associated with the proposed development. The applicant has been made aware of the required revisions and intends to submit amended drawings for consideration at the Committee meeting.

With regard to the effect of the proposal on the amenities of surrounding residential properties, the former hotel building was higher than the adjoining buildings, and had bedroom windows facing directly over adjacent residential properties. Also, given the commercial nature of the previous hotel, with noise and general disturbance associated with its operations, such as parking at the front or the use of the terrace by guests at the rear, the proposed residential use of 14 flats is unlikely to have a much greater adverse affect than what existed

previously.

For the above reasons, it is considered that the redevelopment of the application site to provide a form of flatted accommodation is acceptable.

HUMAN RIGHTS IMPLICATIONS

The re-development of the existing hotel site is unlikely to have a significant adverse affect upon the above noted Rights of local residents

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

1. D1.1 Commencement of development within five years.
2. No part of the replacement building shall be higher than the top of the chimney stack, that is, not including the chimney pots, of the former hotel building.
3. A9.3 Submission and approval of landscaping scheme
4. C5.3 Hours of operation
5. A2 Submission of samples of facing materials
6. Details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services.
7. 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 trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
8. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.
9. Before the commencement of the development, hereby approved, a Method Statement investigating potential contamination of the site shall be submitted to the Head of Planning. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Together with such conditions as recommended by the Highway Authority, in respect of above noted amended drawings, and considered to be appropriate by the Head of Planning.

25) THE OLD VICARAGE RESIDENTIAL CARE HOME, 20 ST ANNES ROAD. Demolition of existing residential care home and erection of three-storey block of twelve two-bedroom FLATS, with basement car parking. EB/2002/0405(OL), MAP H8. UPPERTON

SITE LOCATION

The site, comprising a triangular piece of land with an area of 0.12 hectare (0.29 acre), is located between the junction of Carew Road and St Anne's Road, to the north-west and a covered reservoir, to the south-east.

PLANNING HISTORY

In 1983 planning permission was granted for the change of use from single private dwellinghouse to a

residential care home for the elderly (EB/1983/0570 - [Background paper](#)). The erection of an extension to the residential care home was approved by EB/1985/0291 ([Background paper](#)). In 1987 permission was granted for a two-storey extension, together with an attached garage (EB/1986/0603 - [Background paper](#)).

CURRENT APPLICATION

The application seeks outline consent (with siting, design, landscaping, external and means of access reserved for subsequent approval) for the demolition of an existing residential care home and the erection of a three-storey block of 12 two-bedroom flats. Indicative drawings, submitted with the application, show a building with a pitched roof, within the height of the tallest part of the existing building, together with car parking for residents provided in a basement, the access to which would be off Carew Road. The same illustrative drawing indicates that the 'footprint' of the proposed development would not need to be that dissimilar from that of the existing property.

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

"The application is well screened by existing trees both within and immediately outside the property's curtilage (particularly to the north-west and partially to the south-west), all of which could be retained.

The difference in level between St Anne's Road and Carew Road would allow good vehicular access to a basement parking facility, which could provide secure residents' parking on a one-to-one basis. Taking full advantage of the level relationship of the two adjoining roads, in the way indicated, would also enable a proposed vehicular access to be located a safe distance from the junction of these roads with Mill Road, Watts Lane and Ashburnham Road. The existing vehicular access from St Anne's Road could be retained as indicated to serve a visitor's parking facility, albeit that there is good street-parking available.

Aside from the practicalities of redevelopment, my client has asked me to confirm the following regarding the possible loss of this residential care home.

Mrs Stokes (the applicant) has owned and operated this establishment for the past 20 years, during which time there have been considerable changes in 'care for the elderly'.

The Department of Health's National Minimum Standards for Care Homes for Older People (Care Standards Act 2000) requires improved facilities, such as, a lift to all levels and wheel chair access within the building. Unfortunately the extended layout, but more importantly the differing floor levels within this particular Victorian building, makes the provision of a lift, with the associated loss of accommodation, unviable.

The location of the application premises at the top of a hill, and some distance from the town centre and general amenities, is also a disadvantage in comparison to those care homes which are in closer level walking distance of most facilities".

(Letter dated 5 July 2002 - [Background paper](#))

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance to the current proposal.

Policy CT1 - New development to harmonise with existing

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

Policy HO18 - Design criteria for new residential development

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft

policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy UHT2 - Height of development to harmonise

Policy HO20 - Residential amenity

Policy UHT4 - Visual amenity

Policy TR6 - Facilities for cyclists

Policy TR11 - Car parking standards

CONSULTATIONS

The Council's Strategy and Development Manager advises that:

"Our new five year housing strategy indicates a significant aspirational demand for two-bedroom flats for market sale in the Upperton area. I would therefore consider that the proposed development will contribute to meeting local housing need".

(Internal memo dated 19 July 2002 - Background paper).

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted a condition should be imposed in order to prevent the pollution of the water environment (Letter dated 22 July 2002 - Background paper).

Southern Water has no objections to the application. However, the developer has not submitted details of proposed drainage. Therefore it is requested that any planning permission should have a condition in respect of the means of foul and surface water disposal (Letter dated 22 July 2002 - Background paper).

The Principal Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict the grant of consent subject to the following:

- Between 12 and 16 parking spaces are required. The proposal drawing shows 15 spaces; 12 in the underground garage and 3 spaces for visitors. However, the application form does not show the number of spaces to be provided.
- The underground proposal would not appear to provide adequate turning space to enable vehicles to drive forwards onto the highway. It is necessary, therefore, for the applicant to revise the layout to facilitate this.
- 2 metre by 2 metre visibility splays should be provided at the new access
- The Highway Authority would not permit the discharge of surface water from the site into the highway surface water system
- Provision must be made to prevent the discharge of water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site
- The finished surface of the private forecourt should not result in loose material being deposited onto the public highway

(Internal memo dated 30 July 2002 - Background paper).

The Crime Prevention Design Adviser, on behalf of Sussex police, does not identify any concern with the

proposals and is pleased to note that the basement parking will be a secure area (Letter dated 30 July 2002 - Background paper).

The County Archaeologist advises that:

"This application is particularly sensitive from an archaeological point of view, since it not only lies within a designated Archaeologically Sensitive Area but is also immediately adjacent to a Scheduled Ancient Monument. Excavations on the former ECAT site, just across the road, revealed part of an Anglo-Saxon inhumation cemetery and contemporary settlement, an earlier Bronze Age round barrow and traces of an Iron Age settlement.

In all probability, similar remains (including human burials) are likely to be found beneath this site. For this reason, I would recommend that, in line with the recommendations contained in PPG16 on "Archaeology and Planning" a condition is attached to the grant of planning permission to enable an archaeological investigation"

(Letter dated 31 July 2002 - Background paper).

The Downland, Trees and Woodlands Manager concludes that the proposed development would affect some trees on site, but many of these trees have a limited future due to their close proximity to boundary walls or over maturity. The remaining healthy trees could be retained if protected and any gaps could be supplemented within the planting/landscaping scheme at the reserved matters application stage (Internal memo dated 30 August 2002 - Background paper).

The application was advertised in the local press and three notices displayed around the site. In addition, letters of notification were sent to the surrounding residential properties. At the time this report was prepared (28 November) five letters of representation and two letters of objection had been received, the contents of which can be summarised as follows:

- Against the closure of care homes, especially as Eastbourne needs care beds, such as at the Old Vicarage, more than 12 housing units proposed
- There will be an increase traffic at the top of St Anne's and Carew Roads
- A lovely old building with character will be demolished
- There will be extra noise and disturbance from the extra traffic produced
- There is no objection to the proposal in principle
- The replacement building of the proposed height would be out-of-keeping
- The application site is in an archaeological sensitive area
- There would be a reduction in privacy due to overlooking
- The proposed building is overbearing, overpowering and over-intensive use

(Letters dated 25 July - 8 August 2002 - Background paper).

The applicant's agent has considered the above representations and responds:

A number of points raised by the occupants of neighbouring properties were not planning issues, but those which were I respond to these collectively as follows:

Loss of existing Residential Care Home

As explained in our letter of 5 July 2002 (there are various factors that have) become a greater deterrent in trying to attract residents from the ageing population now seeking such accommodation following the Government's various 'care in the community' programmes.

Increased Traffic

This 12 flat development would not generate any more vehicular movement in the locality than the existing 23 person home.

Retention of Trees

The large majority of the existing trees are some distance from the main body of the site where the development indicated, or any alternative scheme, would be constructed.

Outlook from Neighbouring Properties

The garden area of the application site, where the majority of the existing trees are located, is some 33 metres away from The Quadrant.

Scale of Development

The proposed development has been limited to three storeys (plus basement parking) with a general height of approximately 10 metres above ground level.

In terms of "massing", the existing Merewood Court flats development at 60 Carew Road, opposite the application site, is four storeys in height, including ground floor parking and the main block has a frontage of 42.6 metres compared to the current application proposal, albeit provisional, of 32.2 metres.

(Letter dated 25 September 2002 - Background paper).

APPRAISAL

The main issues to consider in the determination of the application are: the proposed change from a rest home to that of a residential use, the visual impact of a replacement building, the effect of the proposal on the amenities of surrounding residential properties and the highway and car parking arrangements to serve the residential development.

There is no policy objection to the loss of a rest home, especially one that is unable to comply with current Government standards. Also the Government's revision of Planning Policy Guidance Note 3: "Housing" is considered to be relevant in the determination of this application. The land-use related guidance states that the "Government is committed to maximising the re-use of previously developed land in order both to promote regeneration and minimise the amount of greenfield land being taken for development". It is considered that that the proposed re-development accords with this guidance, particularly as the site is on a bus route (8A service between the District General Hospital-Town Centre-Meads) into and out of the town centre, and its relative location to employment, shopping, medical and leisure facilities. On such a basis, the re-development of the care home site for residential units, which is the predominant land-use in the locality, is considered to be acceptable in principle.

As noted in the "Representations" section of this report, concern has been expressed about the scale and massing of the proposed block of flats. The dimensions of the proposed building are similar to those of the existing care home, in terms of width, depth and height. Nevertheless, following concern about the massing of the replacement building's roof, especially at the south-east end of the replacement building, that is adjacent the covered reservoir, this element of the scheme has been amended (Drawing No. 999/01 Revision A) so as to reduce the proposed building's height by 1.2 metres below the main ridge. However, the illustrative drawings submitted with the application, indicate a possible design solution for this corner plot (with siting, design, landscaping, external and means of access reserved for subsequent approval) and could therefore be subject to further change at the reserved matters application stage.

As such, the principle of a replacement building in the form of a block of flats is acceptable providing the height of the main roof of the replacement building is no higher than the main ridge of the much-extended care home building.

The application site is situated between the junction of Carew Road and St Anne's Road, with a covered reservoir to the south-east. Given this position, with the nearest residential properties being more than 22 metres away, there is no direct harm to the amenity of surrounding residential properties by way of over shadowing, loss of sunlight or over looking. However, local residents have also expressed concern about the style and massing of the replacement building, which could result in a development that would not be in keeping with the existing built situation. As indicated above the issue of massing has been addressed. Notwithstanding, the application is submitted in outline only, in order to establish the principle of residential re-development, with siting, design and external appearance, as well as landscaping and means of appearance, reserved for subsequent approval. As such, the details relating to any replacement building would need to be considered at the reserved matters stage rather than at the outline stage.

As indicated in the "Consultations" section of this report, the Highway Authority does not wish to restrict the grant of consent. It would seem that it is possible to achieve a satisfactory standard of car parking for both residents of and visitors to a block of 12 apartments.

For the above reasons, it is considered that the redevelopment of the application site to provide a form of flatted accommodation is acceptable, in principle, with the matters of siting, design, landscaping, external appearance and means of access reserved for future approval.

HUMAN RIGHTS IMPLICATIONS

Given the position and residential nature of the replacement building, the proposed development is unlikely to adversely affect the above noted Rights of local residents.

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

1. Approval of the details of siting, design, external appearance, landscaping and means of access of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority by application before any 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 either 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 later.
4. A9.3 Submission and approval of landscaping scheme.
5. C5.3 Hours of demolition and construction
6. A2 Submission of samples of facing materials
7. 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 trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
8. Development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services.
9. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the

applicant and approved by the Local Planning Authority

10. Provision must be made to prevent the discharge of water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site

11. No part of the replacement block of flats shall be higher than the main ridge of the existing building to be demolished

12. Car and cycle parking, for residents and visitors, shall be provided on the basis of one enclosed car and one bicycle parking space per unit of accommodation, together with three car-parking spaces for visitors to the development.

26) BRIAR COURT, 33 LEWES ROAD. FORMATION OF VEHICULAR ACCESS TO SERVE PARKING AREA. EB/2002/0683. MAP I9. UPPERTON

SITE LOCATION

"Briar Court", a former rest home, is situated on the north-east side of Lewes Road, directly opposite the northern end of Arundel Road. To the rear of the application premises are detached residential properties fronting Gorringe Road. Either side of the application site, fronting Lewes Road, is Embassy Court, a block of flats, to the south and Camelot Lodge, a private hotel with car parking at the front, to the north.

PLANNING HISTORY

The following planning related applications have been submitted for the property:

- Conversion into three flats - Approved June 1946 (1a-253 - Background paper)
- Change of use from three flats to a single private dwellinghouse - Approved November 1980 (EB/1980/0643 - Background paper)
- Change of use from three self-contained flats to a Rest Home and provision of two parking spaces at front - Approved October 1981 (EB/1981/0455 - Background paper).
- Erection of two-storey extension at rear to provide five additional single bedrooms and enlarged lounge/diner - Refused March 1987 (EB/1987/0011 - Background paper).
- Erection of three-storey extension and conservatory at rear - Approved February 1988 (EB/1987/0721 - Background paper).
- Erection of three-storey extension and single-storey extension at rear to provide three additional single bedrooms, lounge space and lift - Approved December 1989 (EB/1989/0708 - Background paper).
- Change of use from Rest Home to single private dwellinghouse - Approved May 2002 (EB/2002/0217 - Background paper).

CURRENT APPLICATION

Planning permission is sought to create two vehicular accesses onto Lewes Road in connection with the parking of vehicles in the front garden.

PLANNING POLICY

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

_Policy HT04 - Restriction of new accesses

CONSULTATIONS

_The Principal Highway Engineer (Planning) was consulted on 19 November 2002. He has indicated that, in principle, the proposal is acceptable. A detailed response will be reported to Members verbally.

A site notice was displayed at the front of the property. In addition, letters of notification were sent to the occupiers of surrounding properties. At the time this report was prepared (28 November 2002) no representations had been received.

HUMAN RIGHTS IMPLICATIONS

_The proposed access arrangements are unlikely to have an adverse affect on the above noted Rights of local residents.

APPRAISAL

_The main issues to consider in the determination of the application are the safety related implications of the proposed access arrangement and the likely impact of the proposal on the amenity of surrounding residential properties.

The Highway Authority considers that, in principle, the proposed access would be acceptable but only on an "In" and "Out" basis. However, the drawings submitted with the application are not clear about such an arrangement. Therefore the applicant has been asked to submit an amended scheme to indicate that an "In" and "Out" access arrangement would be provided. On such a basis, the proposed vehicular access is likely to be acceptable.

It is considered that the intended vehicular access, as described above, would not result in any detrimental impact on the amenities of surrounding residential properties. Therefore I

RECOMMEND: Planning permission be granted subject to the receipt of amended drawings and the following conditions:

1. D1.1 Commencement of development within five years

2. The driveway, hereby approved, shall be finished with a paviour surface, a sample of which shall be submitted to and agreed in writing by the Head of Planning

Together with such other conditions, in respect of the above noted amended drawings, as recommended by the Highway Authority and considered to be appropriate by the Head of Planning.

27) 19 DITTONS ROAD. Two-storey extension to rear. EB/2002/0636, MAP F10. UPPERTON

SITE LOCATION

_The application site is a detached dwelling at Dittons Road, near the junction with Compton Place Road. The application site is located on a spacious site and is well screened from the immediate neighbour at 21 Dittons Road. There is no screening on the boundary with No.15, however, a 5 metre wide strip of land divides the two properties.

PLANNING HISTORY

_Planning permission was granted in 1958 for a detached dwellinghouse with domestic garage.

CURRENT APPLICATION

The application seeks permission for a two-storey extension to the rear. It will project 5 metres at first floor level with a width of 5 metres. There are two small windows in the southwest elevation towards No.21. There are two Velux rooflights in the north east elevation facing 15 Dittons Road. One additional bedroom window is to be created to the rear.

The ridgeline of the proposed extension will remain below that of the existing roof. At ground floor level the extension protrudes 6.6 metres with a width 8.8 metres.

PLANNING POLICY

Adopted Borough Plan (1998)

HO19 - Criteria for extensions

CT1 - New development to harmonise with existing

Revised Deposit Draft (200-2011)

HO20 - Residential Amenity

UHT1 - Design of New Development

CONSULTATIONS

The Environment Agency has no objection to the above proposal.

REPRESENTATIONS

21 Dittons Road

The occupants of 21 Dittons Road would like the following comments to be considered by the Planning Committee:

They are concerned that the proposed extension will cause their garden and in particular the window to their kitchen/breakfast room to be overlooked with a subsequent loss of privacy.

The second point they raise relates to a potential increase in intensity of noise from traffic and other sources, due to the rebounding of sound waves off walls, which they feel is already very considerable in that area. (Letter dated 11 November 2002 – background paper).

15 Dittons Road

One letter has been received from the neighbours at 15 Dittons Road. They confirm that whilst they have no objection in principle to the development, they would request that if planning permission was granted it should be subject to a condition requiring the proposed Velux rooflights to be glazed with obscure glass. (Letter dated 8 November 2002 – background paper).

A further neighbour notification has been sent to the property to the rear, 22 Compton Place Road. No comments have been received at the time of writing this report.

APPRAISAL

The main issues to be taken into consideration in the determination of this planning application relate to the impact on neighbours' amenity in terms of privacy and loss of light as well as siting and design.

In design terms the extension appears to be an appropriate addition to the dwelling and site. The character and appearance of the dwelling and its neighbours will not be harmed.

The two small bedroom windows facing 21 Dittons Road are at a distance of approximately 20 metres, and the boundary is well screened by high shrubs. The two bathroom Velux roof lights in the north east elevation would not allow overlooking to any relevant degree and obscure glazing is considered to be unnecessary in this instant.

It is considered that the proposed extension will have no adverse impact on the amenity enjoyed by the neighbouring properties in terms of daylight and privacy.

Therefore, I consider permission should be granted provided that no further objections, in response to the above noted additional neighbour notification, are received before 13 December 2002.

HUMAN RIGHTS IMPLICATIONS

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

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

1. D1.1 Commencement of development within five years.
2. A3 Use of matching materials

T. C. E. Cookson

Head of Planning

29 November 2002