

# Planning Committee

**MEMBERS:** Councillor Murray (Chairman); Councillor Coles (Deputy-Chairman); Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and Taylor

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## Agenda

**1 Minutes of the meeting held on 23 January 2018.** (Pages 1 - 8)

**2 Apologies for absence.**

**3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

**4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

**5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

**6 1 Matlock Road. Application ID: 171301.** (Pages 9 - 12)

**7 8 Auckland Quay. Application ID: 171438.** (Pages 13 - 18)

**8 33 Netherfield Avenue. Application ID: 180003.** (Pages 19 - 24)

**9 Land to the rear of 35 Windermere Crescent. Application ID: 171403.** (Pages 25 - 30)

**10 143 - 145 Terminus Road. Application ID: 171085.** (Pages 31 - 36)

**11 203 Kings Drive. Application ID: 171490.** (Pages 37 - 40)

**12 Carbrooke Lodge, Watts Lane. Application ID: 171235.** (Pages 41 - 50)

**13 The Langtons Guest House, 85 Royal Parade. Application ID: 171310.** (Pages 51 - 56)

**14 Update on Housing Delivery.** (Pages 57 - 64)

Report of Director of Strategy, Planning and Regeneration.

**15 Local Car Parking Standards for new residential developments.** (Pages 65 - 72)

Report of Director of Strategy, Planning & Regeneration.

**16 Planning Performance for Quarter 3 (October to December) 2017.** (Pages 73 - 86)

Report of Senior Specialist Advisor for Planning.

**17 Appeal Decisions.** (Pages 87 - 94)

- 1) 1-3 Barbuda Quay.
- 2) 29 Roseberry Avenue.
- 3) 29c St Annes Road.

**18 South Downs National Park Authority Planning Applications.**

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Registering to speak – Planning Applications** - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at [www.eastbourne.gov.uk/planningapplications](http://www.eastbourne.gov.uk/planningapplications)).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

**Please note: Objectors** will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

## Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

**Local Democracy**, 1 Grove Road, Eastbourne, BN21 4TW

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For general Council enquiries, please telephone (01323) 410000 or E-mail: [enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)

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Tuesday, 23 January 2018  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Murray (Chairman) Councillor Coles (Deputy-Chairman)  
Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and  
Taylor

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### 83 Minutes of the meeting held on 12 December 2017.

The minutes of the meeting held on 12 December 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### 84 Apologies for absence.

There were none.

### 85 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Taylor, for reasons of transparency, declared an interest in minute 90, 26 Denton Road. Councillor Taylor did not feel this would affect his judgment on this application.

### 86 2 Burrow Down. Application ID: 171388.

Proposed in-fill ground floor extension and porch to front elevation and first floor extension to cover the entire ground floor footprint along with associated alterations and new proposed driveway. (Revised application following refusal of PC 170902) – **OLD TOWN**.

Ms Winton addressed the committee in objection stating that the scheme would be an overdevelopment and over dominant in the street scene. She also stated that parking would be an issue in and around the property.

Councillor Ungar, Ward Councillor, Cabinet Member and local resident, addressed the committee in objection stating that the scheme was a poor design and not sympathetic to the surrounding properties.

(NB: Councillor Ungar left the room immediately after addressing the committee so as not to appear having influence on the committee's deliberations).

**RESOLVED: (By 5 votes to 2 with 1 abstention)** That permission be granted subject to the following conditions:

- 1) Time
- 2) For the avoidance of doubt this application promotes extensions to the existing property and does not sanction the demolition of the existing property and rebuild, this should for the content of a further application.
- 3) No permitted development rights to loft space
- 4) Obscure glazing to all rear first floor windows
- 5) Removal of permitted development rights for windows on first floor rear elevation
- 6) The location of the high pressure gas main must be located prior to commencement of works by electronic detection or hand excavation supervised by an SGN representative
- 7) No mechanical excavations are permitted within 3m of the SGN's pipework at any time
- 8) External materials to be approved

**87 3 Brand Road. Application ID: 171322.**

Mr Pickup, agent for the objectors, addressed the committee in objection stating that the extension would impact upon his clients property in terms of lose sunlight, overbearing nature, and the extension would affect the street scene.

Mr Naish, applicant, addressed the committee in response stating that the scheme would be in keeping with the surrounding and where possible, he would use materials from two small out buildings which were being demolished within his property to match existing. He also stated that the scheme had been designed so as not to overlook the neighbouring property.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time limit
- 2) Approved plans
- 3) No PD for windows and dormers within the extension approved
- 4) Ancillary use
- 5) Surface water run off

**88 8 Auckland Quay. Application ID: 171438.**

Proposed rear extension, rear & front facing dormer alterations, front porch infill and stair window alterations. Internal alterations – **SOVEREIGN**.

Members were advised that a request for a deferral pending a site visit had been made by an objector.

**RESOLVED: (Unanimous)** That this application be deferred pending and official site visit.

**89 8 Chiswick Place. Application ID: 171283.**

To demolish existing single garage, move rear garden boundary within site and erect a 2 storey 2 bed detached dwelling – **MEADS**.

Mr Cumming addressed the committee in objection stating that the scheme would be overbearing and out of keeping with the surrounding area.

Ms Prenton, agent for the applicant, addressed the committee in response stating that scheme had been commended by the Conservation Area Advisory Group and that the proposal ran along the northern boundary so would not cause a loss of light.

The committee was advised that Wealden District Council objected to the application on the grounds of the potential impacts upon the Lewes Down, Pevensey Levels and Ashdown Forest.

This objection had been reviewed as part of the consideration of this application and it was recommended that with confidence Eastbourne Borough Council had screened out the requirements for an 'Appropriate Assessment' due to no significant effects of the development, either alone, or in combination with other plans and programmes.

The agent had submitted a letter of support outlining the comments received and the reasons why they felt planning permission should be granted. The agent addressed the committee on those points.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that;

- 1) Because of its siting, bulk and mass the development would result in harm to the character and appearance of the Town Centre and Seafront Conservation Area and the setting of the group of buildings at 1 to 8 Chiswick Place by way of impact on the vista and views into the Conservation Area from Blackwater Road. This is contrary to paragraphs 53-68 of the NPPF, paragraph 7 policy D10 and D10A of our Core Strategy (Adopted 2013) and policy UHT1, UHT4 and UHT15 of our Borough Plan (saved policies) 2007.
- 2) By virtue of the height and length of the property the proposal would result in an unneighbourly and overbearing form of development on No.7 Chiswick Place, and by virtue of the close proximity to the rear elevation of No.8 would be overbearing and unneighbourly resulting in a loss of outlook from the rear elevation of this property. This would fail to protect the amenity of existing and future residents and is contrary to paragraph 17 of the NPPF, policy B2 of our Core Strategy (adopted 2013) and policy H020 of our Borough Plan (Saved Policies) adopted 2007.

Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Single storey rear & side extension to provide 10 additional bedrooms & ancillary space for special needs care housing purposes. Addition of a new internal passenger lift and internal refurbishments to suit the new layout. The rear extension will be located within the existing garden at a lower level to the existing ground floor. Provision of new parking spaces for visitors and staff within the front garden. Demolition of the existing garage structure and associated hard- landscaping – **MEADS**.

Mr Coomber addressed the committee in objection stating that the scheme was out of keeping.

Councillor Smart, Ward Councillor, addressed the committee in objection stating that the scheme was out of character and overdevelopment.

Mr Barnard addressed the committee in response stating that the scheme was sunken into the rear garden of the property and well screened.

The committee was advised that the proposal had been amended to decrease the projection of the rear extension to the northern boundary adjacent 24 Denton Road. The proposed veranda had been removed which reduced the projection of the extension by 2m.

The access and parking layout had also been amended following concerns raised by the Conservation Area Advisory Group. The secondary access to the south was proposed to be retained as was. This was too narrow for vehicular traffic so it would be pedestrian access only. This would mean the front boundary wall could be retained along with the grass verge.

**RESOLVED: (By 7 votes to 1)** That permission be granted subject to the following conditions

- 1) Time for commencement
- 2) Approved drawings
- 3) Materials shall be as stated on the approved drawings unless agreed otherwise.
- 4) Details of landscaping to the front forecourt prior to the occupation of the development.
- 5) Car parking to be laid out prior to occupation
- 6) Construction traffic management plan
- 7) Construction of the development shall not commence until details of the proposed means of foul and surface water disposal have been submitted, if the green roof is not implemented then an alternative means of surface water disposable needs to be submitted for approval.
- 8) SUDS details/proof of implementation

Informative

- 1) Southern water informative - surcharging
- 2) Southern water informative – Application to the public sewer

**91 Bar Coda 125 Langney Road. Application ID: 170928.**



Demolition of existing Coda bar Class A4 and erection of a 4 storey building to provide 10 residential apartments with associated secure parking, cycle storage, refuse and recycling storage, amenity space and external landscaping – **DEVONSHIRE.**

Mr Grunton, agent for the applicant, addressed the committee stating that this was a high quality development which had been amended to resolve the previous objections of Southern Water.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time
- 2) Drawings
- 3) Construction Method Statement – temporary buildings etc.
- 4) Hours of demolition/construction
- 5) Car parking
- 6) Secure and covered cycle parking
- 7) Vehicle turning space in accordance with plans
- 8) Construction Management Plan
- 9) Submitted Travel Plan shall be implemented prior to occupation
- 10) Visibility splays to be provided prior to occupation and retained thereafter
- 11) Programme of archaeological works to be submitted prior to development and a written record of findings to be submitted within 3 months of completion of archaeological works
- 12) No bonfires
- 13) No contaminated materials to be brought on site
- 14) Hard and soft landscaping
- 15) local labour initiatives

Informative:

- 1) Southern water - connection to sewer

## **92 Heatherleigh Hotel, Application ID: 171333.**

Re-Application for removal of condition 13 following grant of planning permission (141521) to allow for the creation of 24 residential flats – **DEVONSHIRE.**

Mr Reid, EHA, addressed the committee in support of the application stating that the hotel market had changed considerably, and that it was important to bring this building back into use.

Councillor Holt, Ward Councillor, addressed the committee in support stating that this hotel had not been in use for over eight years and that there was an urgent need for more homes in Eastbourne.

Mr Aggarwal, applicant, addressed the committee stating that the hotel had been closed for a considerable period and therefore the hotel provision had been lost some time ago.

**RESOLVED:** (By 5 votes to 3) That permission be granted subject to negotiation on amendments to the Section 106 agreement, delegated to the

Senior Specialist Advisor for Planning and in consultation with Chair and the following conditions:

- 1) Time Limit
- 2) In accordance with the approved drawings
- 3) Details, including samples, of a good quality of materials to be used on
- 4) external elements of the proposed development, where required, to be submitted to the satisfaction of the Council.
- 5) Controls over construction and demolition times.
- 6) Making good after demolition of conservatory and garages.
- 7) Tree planting and landscaping.
- 8) Boundary treatment.
- 9) Refuse enclosure.
- 10) Vehicle and bicycle parking to be provided and retained, in accordance with the approved plans,
- 11) Surface and foul water drainage arrangements.
- 12) Hard surfacing details.
- 13) Details of any external lighting required.

**93 Former Police Station, Grove Road. Application ID: 171819.**

Proposed refurbishment and extension of former Police Station, with roof extension to existing building and 5 storey side/rear extension to create 50 flats in total.

Mr Thom addressed the committee in objection stating that the proposed travel plan would not mitigate the parking issues this scheme would create.

Mr Leach addressed the committee in objection stating that the scheme was contrary to policy and would be over dominant and result in overlooking.

Councillor Smart, Meads Ward Councillor, addressed the committee in objection stating that parking in the area had already reached saturation point and he also objected to the bulk, height and loss of light.

Mr Moshin, agent for the applicant, addressed the committee in response stating that the scheme would regenerate the site, and provide much needed accommodation.

A motion to refuse the application, proposed by Councillor Taylor and seconded by Councillor Jenkins was lost three votes to five.

**RESOLVED (A): (By 5 votes to 3)** For: Councillors Choudhury, Coles, Miah, Murray and Robinson. Against: Councillors Jenkins, Murdoch and Taylor) That permission be granted subject to a S.106 agreement covering Local Employment Initiatives, Affordable Housing Provisions and Highway Issues and the following conditions:

- 1) Time for commencement.
- 2) Approved Drawings.
- 3) Submission of sample of materials to mansard roof, fourth floor extension and rear new build.

- 4) Details of proposed windows to be submitted prior to works commencing.
- 5) Southern Water surface water drainage condition.
- 6) Southern Water foul water drainage condition.
- 7) Archaeology condition for written scheme of investigation.
- 8) Cycle storage to be provided in accordance with approved plans prior to occupation of first unit
- 9) Bin storage to be provided in accordance with approved plans prior to occupation of first unit
- 10) SUDS details
- 11) SUDS proof of implementation
- 12) Submission of Construction Traffic Management Plan (to covers issues like contractor parking – site compound – welfare facilities – days and hours of delivery – route of construction/demolition vehicles to from the site)

**RESOLVED (B):** That should there be a delay in processing the S.106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure.

**94 Minster House York Road. Application ID: 171170.**

Insertion/enlargement of windows to North-West, North-East and South-East elevations. Patio doors to North-West elevation, leading to Yard formed by erection of 1.8m close-boarded fence. Installation of smoke ventilation roof light above existing stair core.

Ms Georgeson addressed the committee in objection stating that the windows should be sealed and opaque glass.

Councillor Ballard, Ward Councillor, addressed the committee in objection stating that the scheme would result in overlooking and a loss of privacy.

Mr Langley, agent for the applicant, addressed the committee in response stating that the scheme had been redesigned to comply with some of the objections and there was no chance of overlooking as the windows were high level.

Councillors requested that the condition for obscure glazing also include the fixing shut of windows to Bath Road and York Road.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time for commencement
- 2) Approved drawings
- 3) Obscure glazing and fixed shut windows to Bath Road and York Road

**95 Minster House, York Road. Application ID: 171171.**

Loft conversion/extension to form new dwelling, including dormer constructions and roof terraces to front and rear. Additional roof terrace to front at Third Floor level. Front elevation amended to remove part pitched

roof and replaced with flat roof, with amended window configuration. Tower removed on front elevation – **MEADS**.

Councillor Ballard, Ward Councillor, addressed the committee in objection stating that the scheme was out of keeping with the surrounding area.

Mr Langley, agent for the applicant, addressed the committee in response stating that the building was well hidden and would not be visible.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that:

- 1) Given the height and context of the existing building the roof slopes are visible from wider viewpoints.
- 2) The design of the rear dormer is large and visually bulky on the roof slope which by virtue of the height of the building and context of the site is visible in wider views therefore the development is unsympathetic and detrimental to character and appearance of the host building and its wider setting; and, the terrace and dormers to the front roof slope will visually clutter the roof slope, and are an unsympathetic form of development, detrimental to the visual appearance and wider range views of the host building contrary to Section 7 of the National Planning Policy Framework 2012, Policy D10a of the Core Strategy Local Plan 2013, and saved policies UHT1, UHT4 and UHT16 of the Borough Plan 2007.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

## **96 South Downs National Park Authority Planning Applications.**

There were none.

## **97 Appeal Decisions.**

- 1) 2 Tamarack Close. The Inspector dismissed the appeal.
- 2) 21 Derwent Road (includes costs decision). An award of costs was refused.
- 3) Store to the rear of 315 Seaside. The Inspector allowed the appeal.

The meeting closed at 9.35 pm

**Councillor Murray (Chair)**

# Agenda Item 6

<b>App.No:</b> 171301 (HHH)	<b>Decision Due Date:</b> 2 January 2018	<b>Ward:</b> Meads
<b>Officer:</b> Lauren Coleman	<b>Site visit date:</b> 20 December 2017	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 2 December 2017 <b>Neighbour Con Expiry:</b> 2 December 2017 <b>Press Notice(s):</b> 17 November 2017		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> 1 Matlock Road, Eastbourne		
<b>Proposal:</b> Proposed demolition of old storage and utility room and the erection of a new utility room and studio.		
<b>Applicant:</b> Mr ANDREW CHALK		
<b>Recommendation:</b> Approved with conditions		

## Executive Summary:

The application is brought to planning committee at the discretion of the Senior Specialist Advisor and given the interest of the Ward Councillor and also representatives from the local residents association.

The upgraded building is considered to provide an enhanced space that would be used for purposes ancillary to the enjoyment of the main property. It is considered acceptable in terms of the bulk, design and impacts on adjacent properties.

It is recommended that planning permission is granted subject to conditions within the report.

## Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution

B2 Sustainable Neighbourhood

C11 Meads Neighbourhood Policy

D10 Historic Environment

D10a Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of New Development

UHT4 Visual Amenity

UHT15 Conservation Area

UHT17 Protection of listed Buildings

HO2 Predominantly Residential Areas

HO20 Residential Amenity

**Site Description:**

The site consists of a two storey semi-detached property which has been split in to two separate family dwellings, Flat 1 (first floor) and Flat 1a (ground level); according to land registry details there is a single freeholder for both of these flats. The applicant's property is on the top first floor level and has its access via a metal staircase to the side off of a small access road/garden area. The garden to the rear is accessed either from the access road or via stairs from the first floor level.

The property is located within the heart of the Meads Conservation Area just off of the main high street and it also includes a Listed Structure (Grade 2 Listed Gazebo) with the garden.

**Relevant Planning History:**

EB/1968/0162

Alterations to rear of flats

Approved Unconditionally

1968-03-21

EB/1967/0086

External staircase

Approved Unconditionally

1967-02-16

**Proposed development:**

The applicant is seeking Planning Permission to demolish one side wall and rear wall of the existing structure and raise the existing side/rear wall. The new structure would provide accommodation that would be incidental to the enjoyment of the applicant's property (Utility room and separate room/space).

The development would extend approximately 2.44m from the rear elevation of the existing outbuilding and be 6.22m in length which would match the existing the only difference in size would be the total height which would increase from 2.34m to 2.97m. The walls would have timber cladding and the roof would change from a slight sloped plastic one to a solid flat roof. There would be one window, a single door (leading to the proposed utility room) and a double door on the front elevation.

**Consultations:**Specialist Advisor (Conservation)

The site is to the rear of a residential property, is largely un-overlooked and the development proposed simply replaces an existing structure of almost identical size in the same location. The development is not expected to generate any significant adverse effect on the character and appearance of the Meads Conservation area, and I do not wish to register an objection.

County Archaeologist - Consultations

Although this application is situated within an Archaeological Notification Area, based on the information supplied I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Neighbour Representations:

Objections have been received from Matlock Barn, Matlock Road and cover the following points:

- Impact on personal access to property during the demolition and construction stage.

- Although the applicant's property has a personal side gate they have no right to vehicular access on the driveway that leads up to Matlock Barn.

- The new proposal may affect privacy and existing access, for example if used as a studio rental, granny annexe or for business use.

- Materials, rubbish and other equipment being left on access driveway and not cleared away properly.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to homeowners wishing to extend/alter their homes to meet their changing needs; subject to these changes not giving rise to material harm to the host property or impacting on the amenities of the neighbours.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

As the proposed outbuilding is confined to the rear garden and would be a replacement of an existing one there would be little impact on the amenity of the surrounding area and the adjoining neighbours.

Based on the drawn information the wall to the rear of the outbuilding are to be raised by 600mm which would have limited residential impacts on the immediately adjacent property at No.3 Matlock Road

The upgrading of the outbuilding would possibly also affect properties in close proximity to the structure if there is an increase in use. The applicants have indicated that the use will remain ancillary to the main property and as such the use should be at the level of any other room with the host property. Given this reason it is considered that a refusal based on the loss of residential amenity would not be so severe so as to lead to a reason for refusal that would be sustainable at appeal. Notwithstanding this issue a condition is recommended to limit the use to that which would be ancillary to the main property.

The neighbour at Matlock Barn has voiced concerns over the impact on her privacy and the access road which runs up the side of 1 and 1a Matlock Road to her residence. It is deemed that due to the orientation of the properties there would be little increased effect on loss of privacy. The structure would be obscured by the garden wall which sits on the boundary of the two properties and furthermore to that there is a larger outbuilding in the grounds of Matlock Barn which would block any view of the applicants proposed development.

Matlock Barn has also expressed concern over the impact on the driveway/access road that runs from Matlock Road up the side of the applicant's property to their property. This driveway is the only means of access for Matlock Barn; the applicant has not provided any details of how they will access the building or bring materials into the site. The use of the driveway to the site is considered a civil matter between the applicant and their neighbouring. The owners of Matlock Barn have declared that the driveway is owned by them and that the occupants at no.1 and no.1a have no right to vehicular access however based on the land registry searches carried out it shows that the road is not owned by either party. In order to minimise some of the impact on the neighbours amenity whilst works take place a condition has been placed to limit working hours.

#### Design issues:

The proposed outbuilding has been designed to be sympathetic to the design of the building and surroundings and as it would be only marginally larger than the existing one is considered appropriate in terms of scale and bulk.

#### Impact on character and setting of a listed building or conservation area:

The proposed development would have little no effect on the Grade 2 listed Gazebo registered on this site due to the distance between them.

The conservation officer has noted that "the development is not expected to generate any significant adverse effect on the character and appearance of the Meads Conservation area."

### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of the surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies and it is recommended that planning permission is granted subject to the following conditions;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. External finishes of the development shall be as stated on the approved drawings
4. No demolition or clearance or building operations except between 0800 and 1800 Monday to Friday 0800 and 1300 on Saturdays and at no point on Sundays and bank holidays.
5. The development shall only be used ancillary to the use of the main property and shall not be used for any other purpose which would include independent residential/commercial use.
6. Rain water goods to be installed entirely on the applicants land.

**Informative**

1. A formal application for connection to the public sewerage system is required in order to service this development

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.



<b>App.No:</b> 171438	<b>Decision Due Date:</b> 30 January 2018	<b>Ward:</b> Sovereign
<b>Officer:</b> William De Haviland-Reid	<b>Site visit date:</b> 08/01/2018	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 5 <sup>th</sup> January 2018 <b>Neighbour Con Expiry:</b> 5 <sup>th</sup> January 2018 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Committee cycle		
<b>Location:</b> 8 Auckland Quay, Eastbourne		
<b>Proposal:</b> Proposed rear extension, rear & front facing dormer alterations, front porch infill and stair window alterations. Internal alterations.		
<b>Applicant:</b> Mrs S Parker		
<b>Recommendation:</b> Approve Conditionally		

## Executive Summary:

The application is brought back to committee following deferral and following member's site visit.

The proposed development provides an acceptable form of residential development that would not cause a significant loss of amenity to the neighbouring properties or the wider street scene.

Scheme is recommended for approval with conditions.

## Planning Status:

A residential property located within a predominantly residential area of Eastbourne, Sovereign Harbour. The property is not a Listed Building and is not located within a Conservation Area.

## Relevant Planning Policies:

National Planning Policy Framework 2012

- 7. Requiring good design
- 8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies

B1 Spatial Development Strategy and Distribution Sustainable Centre

B2 Creating Sustainable Neighbourhoods

C14 Sovereign Harbour Neighbourhood Policy

D5 Housing High Value Neighbourhoods  
D10a Design

Eastbourne Borough Plan Saved Policies 2007

NE16 Dev within 250m of former landfill site

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT4 Visual Amenity

**Site Description:**

The detached host property is located within Sovereign Harbour with a direct marina frontage (from rear garden).

At the front of the property is white cladding on the first floor, with 2no. dormers on the front plane of the roof. The ground floor has a bay window and double doors which are slightly set back.

The rear of the property has a first storey balcony and two small rear dormers. The first floor also has cladding.

The rear garden is of two levels and leads down to the waterfront which has a jetty attached.

**Relevant Planning History:**

100443

7 Auckland Quay

Single storey extension at rear.

Householder

Approved conditionally

01/10/2010

110539

7 Auckland Quay

Single storey extension at rear (revised scheme to EB/2010/0481)

Householder

Approved conditionally

10/11/2011

140131

7 Auckland Quay

Single storey extension to garage to form garden store.

Householder

Approved conditionally

26/03/2014

170838

9 Auckland Quay

Single storey rear extension to existing house, along with extended terrace in rear garden with steps to the lower ground level (amended description)

Householder

Approved Conditionally  
10/08/2017

171078

8 Auckland Quay

Proposed 2 storey rear extension, rear & front facing dormer alterations, front porch infill and stair window alterations and rear facing flat roof terrace.

Refused :- *It is considered that the proposal will adversely affect the amenity of the neighbouring properties by virtue of direct overlooking. As such the proposal fails to comply with Eastbourne Core Strategy Local Plan Policies 2013 B2 and also Eastbourne Borough Plan Saved Policies 2007 HO20.*

10/11/2017

171259

9 Auckland Quay

Erection of single storey ground floor full width rear extension internal alterations at first floor, and installation of 2 no. new roof lights at second floor.

Approved Conditionally

04/12/2018

#### **Proposed development:**

The application has been submitted to overcome the concerns raised with the previous refusal (171078 Reason for refusal outlined in history section above)

The application has a number of key elements to it namely:-

- Rear extension,
- Rear & front facing dormer alterations,
- Front porch infill and stair window alterations.
- Internal alterations.

The main changes to the scheme (from the previous refusal) relate to the reduction in the depth of the two storey rear extension and the insertion of privacy screens to the first floor balcony.

The rear proposal has a ground floor level with a balcony which measures 4.3m in length and 2.7m height to the flat roof. On top of the proposed flat roof of the single storey part of the extension sits 1.8m tall privacy screening and this brings the total height of the ground floor part of the extension to 4.5m tall. The privacy screening has a width of 2.25m from the rear elevation of the proposed 2 storey part of the extension. The total width of the proposed extension is 15.2m.

It is also proposed that a two storey extension is added and this measures 2.21m in length from the principal rear elevation of the property and will also sit at 8.3m total height.

#### **Consultations:**

#### **Neighbour Representations:**

5 neighbours have written objecting to the scheme highlighting in the main the following issues:

- The glass panels on the balconies and the two 1.8 meter high screens on the first floor balconies are not in keeping with the original 'Millwood Homes Design' and do not do justice to the homes appearance.
- Overlooking/loss of privacy from balconies
- Disrupt building line
- If balconies are used would increase noise pollution
- Rear extensions often controlled to limit the use of as a balcony
- Given limited separation would dominate the amenities of the occupiers of the adjoining properties
- Given limited width of carriage way to the front of the property there may well be construction issues/problems including parking and storage/delivery of building materials.
- Scheme does little to overcome the concerns of previous refusal
- Loss of light and overshadowing from the scale of the development
- Other extensions in the area have been limited to single storey only
- Disproportionate to the host property
- Glass screens would dominate the neighbouring plots and increase perceived overlooking
- Would set an undesirable precedent which would damage the character of the area.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issues to consider for this application are the effects on the amenity of the neighbouring properties and the effects on the amenity of the surrounding area.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The dormers on the front of the property are larger than the existing and measure broadly 2m in width and 3m height.. It is considered that the proposed dormers will offer no more a view than that of the existing dormers already existing within the property and as such do not affect the amenity of the neighbouring properties.

The first floor extension at the rear of the property has been reduced by 2m, while retaining the second floor terrace, however the terrace does not look into neighbouring properties as either side of the proposed terrace is a pitched roof which stands at 2.6m tall from the terrace floor level.

Since the original application the first floor terrace has seen the addition of 1.8m high obscure glass privacy screens on either side of the elevations, this mitigates direct overlooking into neighbouring plots/properties. Notwithstanding this it is acknowledged a number of properties along this stretch of the harbour-side have rear balconies as part of their original design concept. Given this and the desire to maximise harbour views it is considered that a refusal based on an in principle objection to balconies could not be justified.

The privacy glass is not considered to be overbearing to the neighbouring properties due to the position and location of the host property and separation in relation to the neighbouring properties being number 7 and 9 Auckland Quay.

The siting of the two storey part of the rear extension is such that it would not result in any material loss of light or overbearing impact upon the occupiers of the neighbouring properties.

Given the size of the proposed ground floor extension the threshold into the rear garden will land on level ground; notwithstanding this an informative will be attached to any recommendation for approval advising that raised decking/patio area may require planning approval. The impacts of any such application will be determined at that time.

#### Design issues:

The design of the dormers at the front albeit larger than those that currently exist are reflective of the scale of the host property and retain key features (pitched roof and tiled roof).

As with any extension the character and appearance of the host property will change and in this instance it is acknowledged that the proposed extension to some degree will be visible from public vantage point around the harbour. It is considered in this regard that the impacts of the proposal in design terms are insufficient to substantiate a refusal.

A number of respondents to the application have commented that the design would be contrary to the original design ethos of the properties in the stretch of the harbour; it is considered that the character of the wider area is not formed by any unified architectural character and as such the proposed extension would not be discordant.

#### Other Matters:

It is noted that although not yet implemented No 9 Auckland Quay has planning permission 171259 for a rear extension and remodeled rear garden area.

This is a single storey rear extension with a ground floor terrace and the extension itself extends 4.1m from the principal rear elevation of the host property, meaning it will be 20cm shy of the proposed extension at 8 Auckland Quay.

#### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in

balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

**Recommendation:** Approve Conditionally

**Conditions:**

1)

- 1) Time Limit
- 2) Approved Plans
- 3) External materials
- 4) Privacy screens shall be installed prior to the first occupation of the extension
- 5) Hours of construction
- 6) Water run off

**Informatives:**

1, This application relates to an extension to a single family dwelling house any other use of the property would require formal planning permission.

2. Should the means of access from the rear extension to the rear garden require decking/hard standing to be laid, please be aware that any works which raises higher than 30cm from the natural ground level will require and planning application to be made to the LPA.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

<b>App.No:</b> 180003	<b>Decision Due Date:</b> 16 February 2018	<b>Ward:</b> St Anthony's
<b>Officer:</b> Chloe Timm	<b>Site visit date:</b> 24 January 2018	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 25 January 2018 <b>Neighbour Con Expiry:</b> 25 January 2018 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> 33 Netherfield Avenue, Eastbourne		
<b>Proposal:</b> Proposed erection of porch to the front elevation and a raised platform to the rear with steps leading down to new patio area.		
<b>Applicant:</b> Mr Mark O'Sullivan		
<b>Recommendation:</b> Approved conditionally		

## Executive Summary:

The application is brought to committee at the discretion of the Senior Specialist Advisor in order to allow objectors to the scheme the opportunity to address Planning Committee.

The proposal relates to a front porch extension and rear platform/steps leading to raised patio area and garden level. The rear extension has planning approval.

The proposed development provides an acceptable form of residential development that would be consistent with the site and surrounding area.

Scheme is recommended for approval with conditions.

## Planning Status:

A semi-detached bungalow located in a predominantly residential area of Eastbourne.

## Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution

Sustainable Neighbourhood

C8 Langney Neighbourhood Policy

D5 Housing

Low Value Neighbourhoods

D10a Design

Eastbourne Borough Plan Saved Policies 2007

NE16 Dev within 250m of former landfill site

US4 Flood Protection and Surface Water

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT1 Design of New Development

UHT4 Visual Amenity

**Environment Agency Flood Zones**

Flood Zone 2

Flood Zone 3

Tidal Models

**Environment Agency Flood Defences**

Areas Benefiting from Defences

**Site Description:**

The application site is located on the Northern side of Netherfield Avenue and is single storey link detached property. The area is predominantly of uniform design with bungalows that are either detached or link detached.

The property benefits from a driveway and grassed area to the front and a garden to the rear with an existing raised concrete area which then steps down onto grass. There is a change of levels from the front to the rear of the site.

**Relevant Planning History:**

**170721**

Single storey rear extension; Approved Conditionally; 21/04/2017

**Proposed development:**

The proposal is seeking permission for the erection of a porch to the front elevation and a raised platform to the rear with steps leading down into the garden.

Porch

The proposed porch will be approximately 1.55m wide and 3.70m long with part of the side facing elevation including glazing. The height of the front glazed section of the porch will be approximately 2.6m and the rear brick section of the porch will be approximately 2.7m, both to have a flat roof.

Raised platform and patio

It is acknowledged that the applicants claim that it was not deliberate that the platform and steps were omitted from the original application but that they were always part of their scheme/design intention. Notwithstanding this the design and impacts of this part of the scheme have been outlined below.

The proposed raised platform/steps to the rear elevation are required to give safe access from the finished floor level of the extension down to the garden level.



The structure will be approximately 1.3m deep, 4m wide and 2.44m high from natural ground level. The platform landing will be approximately 3.10m long then steps leading down across 0.94m to a raised patio area. The structure will be constructed of brick and have safety glass panelling with a stainless steel frame.

The patio will be raised off of the ground level between approximately 0.30m and 0.42m (due to gradient of the rear garden) and be 2.70m wide.

### **Consultations:**

#### Neighbour Representations:

4 letters of objection have been received commenting in the main on the following issues:

- Loss of privacy
- Impact of proposal on their garden
- Concrete platforms at the bottom of the garden causing potential flooding problem.

No comments have been received in relation to the proposed development to the front.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issue to consider when assessing this application is the impact of the proposal on the character and vitality of this area, and how the development impacts upon the visual amenity of the host building, the character of the area (mentioned above) and impact on neighbouring amenity.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

##### Porch

It is considered that the proposed porch to the front will not have a detrimental impact on the amenity of adjoining occupiers or that of the surrounding area. The porch will not cause any additional overlooking or overshadowing to the neighbouring properties and whilst visible within the street scene is considered to be in keeping with the character of the surrounding area.

##### Raised Platform Steps & Patio

The amenity of the surrounding area is not thought to be affected by the proposed development to the rear of the host property; it is not visible to the public eye.

It is recognised that there may be a perception of overlooking from this element of the proposal.

The raised platform is necessary following the previous grant of planning permission of the single storey rear extension (P/C 170271) to enable the safe use of the rear patio doors. The patio doors are approximately 0.97m above the existing concrete path which in turn is 0.30m above natural ground level.

The width of the structure (approx. 1.1m,) would indicate that the platform is not to be used for sitting out or as a standing/view point but would be a means of entry down into the rear garden. The platform covers the patio doors only and does not extend any further along the rear elevation. Prior to the extension being built there were steps in existence leading down from the old conservatory door to the garden starting from the same height (the internal floor level of the host property has not changed).

The proposed raised patio will see the existing concrete path which runs along the rear and West side elevation of the existing property, extended on the rear western side from the bottom of the new proposed stairway to the west boundary line at a width of 2.70m creating a new patio area. Due to the gradient of the garden this will be between 0.30m and 0.42m above natural ground level. The patio is not considered to provide any additional overlooking to neighbouring properties than already exists.

#### Design issues:

The proposed alterations to the front elevation of the building have been designed to be sympathetic to the design of the building and are considered appropriate in terms of scale and bulk.

The proposed development to the rear elevation of the building has also been designed to be sympathetic to the design of the building and the proposed size of the raised platform leading down has been maintained to the width of the doorway only to try to alleviate any sense of overlooking this may cause.

#### Other matters:

Comments have been received regarding development taking place at the end of the rear garden, other projects/developments taking place within the curtilage of the site which may fall within permitted development and are not subject to this application.

#### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

#### **Conclusion:**

It is considered that the proposed development will not give rise to a material loss of residential amenity through direct overlooking, nor are the proposed additions considered to be harmful to the character of the host property in particular or the wider area in general. The proposal therefore complies with local and national policies.

#### **Recommendation:**

Approve Conditionally

#### **Conditions:**

- 1) Time
- 2) Approved Plans
- 3) Matching materials
- 4) Surface water disposal

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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<b>App.No:</b> 171403	<b>Decision Due Date:</b> 16 January 2018	<b>Ward:</b> Roseland
<b>Officer:</b> Luke Simpson	<b>Site visit date:</b> 16 January 2018	<b>Type:</b> Outline (all reserved)
<b>Site Notice(s) Expiry date:</b> 20 December 2017 <b>Neighbour Con Expiry:</b> 20 December 2017 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Amended plans submitted and committee cycle		
<b>Location:</b> Land to the rear of 35 Windermere Crescent, Eastbourne		
<b>Proposal:</b> Outline Planning Permission for a 2 bedroom bungalow		
<b>Applicant:</b> Mr Leslie Hillier		
<b>Recommendation:</b> Approve Conditionally		

## Executive Summary:

This application is reported to planning committee due to high level of representations received being received objecting to the proposed development.

The application seeks outline approval with all matters reserved for the erection of a 2 x bed bungalow within part of the rear curtilage of 35 Windermere Crescent. Schemes for residential development upon the site have previously been withdrawn upon notice that they would be unlikely to receive officer support due to their scale. This proposal as informed by the illustrative elevations is markedly smaller than previous proposals.

Several public objections have been received raising concerns over the proposal on neighbouring privacy and amenity as well as highway impacts; however the application is recommended for approval subject to conditions.

## Planning Status:

The site forms an area of residential curtilage surrounding by neighbouring dwellings. It does not fall within a conservation area, within an at risk flood zone or within the curtilage of a listed building.

## Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy

B2: Creating Sustainable Neighbourhoods

C6: Roselands and Bridgemere Neighbourhood Policy

D1: Sustainable Development  
D5: Housing

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
H02: Predominantly Residential Areas  
H06: Infill Development  
HO20: Residential Amenity  
TR6: Facilities for Cyclists  
TR11: Car Parking

**Site Description:**

The site occupies an overgrown area of residential curtilage associated with 35 Windermere Crescent. It is contained in all directions by a mixture of brick plinth walls and timber fencing, which separates it from neighbouring residential dwellings to the south and west. The site is largely screened from the highway by a row of large overgrown conifers.

**Relevant Planning History:**

160975

Proposed 4no. one bed self-contained flats with off road parking and a cycle store to the front and private amenity space to the rear on land within the curtilage of no. 35 of Windermere Crescent.

Planning Permission

Withdrawn

13/10/2016

170655

Outline Planning Permission for a 3 bedroom detached house

Outline (all reserved)

Withdrawn

**Proposed development:**

This application seeks outline planning consent with all matters reserved to erect a 2 bed bungalow with associated parking curtilage on the site.

Illustrative drawings have been supplied indicating how the building could be sited on the plot and how the external design may manifest itself.

**Consultations:**

Internal:

N/A

External:

N/A

**Neighbour Representations:**

Objections have been received which raise the following concerns:

- Neighbouring amenity, particularly in relation to privacy, loss of light and noise nuisance

- The development will exacerbate an existing shortage of parking in the area
- The proposed dwelling would lead to overdevelopment of the site
- The development would have a negative impact on the local street scene
- The dwellings would create noise

## **Appraisal:**

### Principle of development:

The National Planning Policy Framework supports residential development in sustainable locations particularly where it can support local housing needs. It states that housing applications should be considered in the context of the presumption in favour of sustainable development unless other material considerations prevent this.

This is reinforced within the Local Development Framework, with one of the key primary development principles being to provide at least 60% of new residential development within the existing built-up area in well-designed schemes that make efficient use of urban land. Policy HO1 also states that planning permission will be granted for residential schemes in 'predominantly residential areas', one of which the site is located in.

Policy C6 of the Eastbourne Core Strategy Local Plan further establishes that there is a desire to provide new housing within the Roselands and Bridgemere Neighbourhood to enhance the variety of its housing stock. A key aim of the Vision for the neighbourhood is to deliver this new housing through making more efficient use of land. It is therefore considered that the principle of developing an area of unused garden fronting onto the highway is acceptable subject to compliance with other relevant considerations.

### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Several objections have been received raising concerns that the residential development of the site would have a significant detrimental impact on the privacy and residential amenity of the occupiers of neighbouring dwellings. The originally submitted plans showed a chalet style bungalow with large front and rear dormer features that would have allowed first floor accommodation which would have provided harmful views over the rear garden of the adjoining No.33. Given the outline status of the application, revised indicative plans were submitted upon the request of the specialist advisor for a true single storey bungalow with no first floor accommodation. This would address the privacy concerns expressed by neighbouring objectors. It would also mitigate against a significant loss of light to neighbouring property.

Overall it is considered, that whilst the true impacts of the scheme on amenity cannot be fully assessed until final plans have been submitted, the indicative drawings submitted within this outline application demonstrate that a scheme can be achieved that could be acceptable in terms of amenity impacts. It is deemed necessary however to recommend a condition that any dwellings proposed on site at reserved matters stage must not exceed the external (5.25m) ridge height as indicated on the submitted illustrative plans.

At this stage, subject to compliance with the suggested condition, the scheme is deemed to be in accordance with Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007.

Design issues:

Given this application is for outline planning consent, the consideration of specific design details can only be made at reserved matters stage. Notwithstanding this, indicative plans have been submitted showing that a small 2 x bed bungalow can be accommodated within the site whilst providing parking and turning facilities as well as a commensurate sized rear garden. The indicative elevation plans show a building that is utilitarian in its appearance, but a more sympathetic design could subsequently be achieved.

Impacts on trees:

The site is dense in its vegetation with a row of 3 large conifers occupying its western roadside boundary. Whilst these would be lost, it is considered that they provide limited value to the visual amenity of the area, and their replacement with a small scale dwelling would do little in the way of harming the street-scene.

Impacts on highway network or access:

The application seeks permission for a single dwelling, so it falls below the threshold for formerly consulting the local highway authority. Several public objections have been received raising concerns that the proposed access would be too close to the bend within Windermere Crescent, but it is considered that given the low speeds vehicles travel along this part of the road, it is positioned sufficiently far enough away so as not to be a highway risk. Further to this, the scheme proposes room for the accommodation of 2 vehicles which exceeds the threshold of 0.8 set by East Sussex County Councils Parking Calculator.

As a result, the highway and parking impacts of the scheme are considered acceptable at this stage.

Planning obligations:

The proposal would create one new dwelling and as such it will be liable for CIL. It is not possible at this stage to calculate the CIL charge as the floor area of the dwelling has not been finalised.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010. \*AMEND IF NO CONSULTATION UNDERTAKEN

**Conclusion:**

Overall it is considered that the indicative plans that have been submitted demonstrate that a bungalow can be erected on the site without causing significant harm to the privacy or residential amenity of the occupiers of neighbouring dwellings. It is deemed that enough information has been provided to demonstrate that a scheme can be delivered that would also not present any significant highway or visual amenity issues, and given that the site is located within a predominantly residential area, it is therefore considered that proposal is acceptable in principle.



**Recommendation:**

Approve Conditionally

**Recommended Conditions:**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990

- 2) Approval of the details of the layout, design and external appearance of the building, scale, landscaping, and access and parking (herein called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** To ensure that the details of the development are appropriate for the site and to ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall be carried out in accordance with the approved site location plan submitted on 21<sup>st</sup> November 2017.

**Reason:** For the avoidance of doubt and to ensure that development is carried out in accordance with the plans to which the permission relates.

- 4) No development above slab level shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies D10A of the Eastbourne Core Strategy 2013 and UHT1 of the Eastbourne Borough Plan Saved Policies 2007.

- 5) No development shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site’s potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by, an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from

- the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- ii. be supported by a site investigation which incorporates ground water monitoring, preferably in winter, and soakage tests undertaken in accordance to BRE365 (*when infiltration is proposed*)
  - iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

The implementation of the SUDS scheme should be carried out in accordance with the approved details prior to the occupation of the dwellings hereby approved, and following

**Reason:** To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

- 6) Following completion of the works approved under Condition 5, a statement by an accredited person, someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the suds scheme has been fully implemented shall be submitted to the Local Planning Authority.

**Reason:** To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

- 7) No building shall be erected on the site that exceeds 5.25m in external height unless previously agreed in writing by the Local Planning Authority.

**Reason:** To protect the residential amenity of the occupiers of neighbouring dwellings and to comply with Policy HO20 of the Eastbourne Borough Plan 2013.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

<b>App.No:</b> 171085 (PPP)	<b>Decision Due Date:</b> 29 November 2017	<b>Ward:</b> Devonshire
<b>Officer:</b> Luke Simpson	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 29 October 2017 <b>Neighbour Con Expiry:</b> 12 December 2017 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> 143-145 Terminus Road, Eastbourne		
<b>Proposal:</b> Change of use of a vacant shop (A1) unit to a restaurant/takeaway (A3/A5)		
<b>Applicant:</b> Mr Jason Shepherd-Abdullah		
<b>Recommendation:</b> Grant Permission subject to conditions		

## Executive Summary:

This application is reported to planning committee as it relates to a change of use within a key part of Eastbourne Town Centre and its support would be contrary to established Planning Policy

Proposal relates to the change of use of the ground floor of the former Post Office building to a restaurant takeaway.

It is considered that the loss of retail floorspace from this unit should be assessed against the pressures imposed upon town centres by the rise of internet shopping and also the potential positive changes that the Arndale extension will have upon the retail dynamics of the town. Against this background the proposals are considered to be acceptable and would help to add to the range of facilities within the town centre and thereby supporting the vitality and vibrancy of the town centre.

## Planning Status:

The site is located within the Town Centre Primary Shopping Area, as defined within the Local Plan Proposals Map. It is not a listed building and does not fall within a Conservation Area, or a high flood risk area. The permitted use of the ground floor level of the building (to which this application applies) is for A1 (shop) use.

## Relevant Planning Policies:

National Planning Policy Framework  
Paragraph 23 Ensuring the vitality of town centres

Eastbourne Core Strategy Local Plan Policies 2013

C1 – Town Centre Neighbourhood Policy

D1 – Sustainable Development

D4 – Shopping

D10A - Design

Eastbourne Borough Plan Saved Policies 2007

HO20 – Residential Amenity

UHT1 – Design of New Development

UHT11 – Shopfront

TC6 – Town Centre Shopping Area

Eastbourne Town Centre Local Plan 2013

TC4 – Primary Retail Areas

**Site Description:**

This application relates to the ground floor of 143-145 Terminus Road (former Post Office; an end terrace property with a 3 storey element facing onto Terminus Road and a single storey element to the rear serviced by a private access along the eastern side of the building.

The unit is located within the Primary Shopping area and accordingly is amongst retail/commercial premises, including the adjacent Edinburgh Woollen Mill (to the west) and Blacks outdoor clothing shop to the south. The premises were last used as the town's central post office although it has been vacant for a number of months.

**Relevant Planning History:**

030131

Installation of replacement doors.

Approved unconditionally

25/04/2003

080461

Installation of ATM into Post Office shopfront

Approved unconditionally

24/09/2008

160965

1-3 Langney Road (Now Dominos) Application for change of use from a vacant Restaurant and Takeaway (Class A3/A5) to a Hot Food Takeaway with ancillary seating area (Class A 5) and associated external alterations - including a replacement shopfront and the installation of extraction and ventilation equipment.

Approved conditionally

20/10/2016

**Proposed development:**

Application proposes the change of use from vacant shop to restaurant takeaway.

The applicants have submitted a supporting statement outlining that if support the opening hours would be: 11AM to 11Pm every day and that the proposal would create 25 full time and 15 part time jobs.

Any change to the shopfront and advertisement would form the subject of additional applications.

**Consultations:**

Internal:

**Specialist Advisor (Waste)**

In the event that permission is granted for the proposed change of use, it has been requested that a condition is attached requiring adequate space to be allocated off the highway for the storage of waste receptacles.

**Specialist Advisor (Environmental Health)**

No comments received

**Specialist Advisor (Planning Policy)**

The proposal site is located within a Primary Retail Area. Policy TC4 of the Town Centre Local Plan states that A3 and A4 use will only be permitted at ground floor level within primary retail frontages and that no more than 25% of overall retail frontages should be in non-residential use. This threshold has already been exceeded and the proposal if granted permission would raise the premises in non-retail use to 32.91% (whole primary retail area). It is therefore considered that the proposal would be contrary to Policy TC4

External:**Police:**

The location falls within the centre of the late night economy of the town centre and therefore it experiences large amounts of footfall, noise, litter and acts of anti-social behaviour. The level of anti-social behaviour and crime is high compared to the rest of Sussex.

Whilst there is no objection, there are concerns that the presence of a restaurant/takeaway may result in people occupying the area until the early hours of the morning, which would impact upon policing resources. As such a number of conditions are recommended in relation to; CCTV, the closure of the alley to the side of the premises at night and the restriction of operational hours.

**Fire Brigade**

No comments received

**Arndale Centre Manager**

No comments received

Neighbour representations:

Two public representations have been received which both raise concerns over the impact of the proposed extended night time hours will have on the amenity of the occupiers of nearby residents.

**Appraisal:**Principle of development:

The site is located within Town Centre Neighbourhood, and within a Primary Retail Area (PRA) as defined within the Local Plan Map. It is therefore subject to consideration against Policies C1 (Town Centre Neighbourhood Policy) of the Eastbourne Core Strategy, TC6 (Town Centre Shopping Areas) of the Eastbourne Borough Plan and TC4 (Primary Retail Areas) of the Eastbourne Town Centre Local Plan.

The vision for the Town Centre Neighbourhood is to maintain its status as a sustainable centre by maximising its economic potential and attracting more visitors and local residents for shopping, work and recreation etc; and it is sought to strengthen its retail offering through the creation of new retail development and maintaining a diverse range of services and facilities.

The National Planning Policy Framework recognises that town centres are the heart of communities, and supports policies that protect their viability and vitality. Primary Retail Areas play a key role in promoting and achieving this viability and vitality by ensuring that retail continues to be maintained and enhanced to ensure it remains the predominant land use. Provision is allocated for a limited number of non-retail premises as it is recognised that a variety of services and facilities can contribute to the

overall vitality and viability of the retail area, however, Policy TC4 establishes criteria for alternative uses within primary retail frontages, including;

*Use Classes A2, A3 and A4 will only be permitted at ground floor level within the primary retail frontages where:*

- It would result in no more than 10% of the overall retail frontage in the Arndale Centre or 25% of the overall retail frontages in the remaining primary retail areas being in non-residential use;*
- No more than three consecutive shop units are in non-retail use; and*
- A ground floor shop front window is retained.*

*Other non-retail uses will not be permitted within the Primary Retail Area.*

Further to this, Table 1 of Policy TC6 of the Eastbourne Borough Plan establishes that within Primary Shopping Area (PSA) B (within which the site lies) no more than 25% of premises should be in non-retail use.

Focusing on Policy TC4, whilst the proposal would not result in more than three consecutive shop units in non-retail use, or result in the loss of a shop window, based on data from November 2017, it would result in 32.91% of premises within the wider Primary Retail Areas (as identified in Figure 3 of the Town Centre Local Plan) being in use for non-retail purposes (up from the current 31.48%) and 33.29% of premises within Primary Retail Area 2 (PRA2) (from 11 to 155 Terminus Road) being used for non-retail premises.

Notwithstanding the over provision of non A1 units within the Primary Retail Area, it is recognised that empty premises are detrimental to the vitality of the Town Centre, and given that this particular unit has been vacant for some time, the opportunity to bring it back into use should be given full consideration.

The applicant has argued that, given the existing over provision of non A1 units, and the below average rates of vacant premises within the Primary Retail Area, the loss of this premises for retail use would not make a significant difference to the overall retail provisions of the area.

Further to this it is argued that the new extension to the Arndale Shopping Centre, will have the potential to reprofile the retail footfall of the town centre and interest in property from this part of the Primary Shopping Centre as large businesses will look to migrate to the western side of the town centre, and therefore the provision of a restaurant would provide a better balance of uses for this part of town.

The Local Planning Authority accept that there may be a migration of some business and footfall towards the Arndale extension, which may take some of the attraction away from the eastern part of the Primary Retail Area. Bearing this in mind, it is considered that the provision of a branch of a well known international restaurant chain would provide a facility that would attract visitors to the town centre as well as local residents. Eastbourne has a substantial student population (many of which are international students) that will recognise the business that will be occupying the unit, and the fact that it will provide the opportunity to have a sit down meal will encourage people to stay in this part of the town centre for longer.

As a result, it is considered that the benefits that would arise from bringing the unit back into use, and providing a well known restaurant that will support the wider vitality and vibrancy of the town centre would outweigh the harm that will be created to the Primary Retail Area through the loss of a single A1 unit.

The proposed change of use in this case is therefore deemed to be acceptable in principle.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The site falls within the centre of Eastbourne's late night economic and is within close proximity of the Cameo nightclub, Dominos Pizza takeaway (directly adjacent), The Best Kebab and Bills Restaurant. Two public representations have been received which raise concerns over the impact of the proposed use in terms of the creation of nighttime noise and nuisance, however, the hours of operation that the application seeks (between 11:00 hours and 23:00 hours) are similar to those other properties that already attract late night footfall. Therefore, the addition of a single restaurant, which would provide space to eat inside would be unlikely to have a significant impact in terms of new activity to the area.

Sussex Police have been consulted, and have raised some concerns that the proposed use would attract additional nighttime activity to the area, and may lead to intoxicated people hanging around the premises during the early hours, particularly at weekends, but no formal objections have been raised. It has been requested that a condition be attached to any permission requiring any alcohol to be served with food but this would be a matter for the licensing department, and alcoholic beverages are not an offering provided by KFC. Other recommended conditions include, ensuring adequate CCTV is provided, restricting operation to the submitted hours and ensuring that the gate to the rear courtyard of the premises is closed out of hours. The later of these conditions is not enforceable as the access to the rear courtyard is owned by the proprietors of the neighbouring No.1 Langney Road.

Overall it is considered that given the existing amount of premises within the area that are open until late at night, the provision of one additional restaurant would not introduce a significant amount of new noise or nuisance. Further to this, it is deemed that measures can be put in place through condition (such as the provision of CCTV) to discourage anti-social behaviour and crime.

Whilst not forming part of this application the applicants have demonstrated the location and appearance of the potential external flue. This location in broad terms is considered to be acceptable with regard to noise and smell impacts and also in design terms.

The scheme is therefore deemed to be in accordance with Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007.

#### Design issues:

The proposed change of use proposes minimal physical internal works, with limited external additions (flue). As a result the scheme will have a neutral effect on the character of the area, and would be in accordance with Policies UHT1 of the Eastbourne Borough Plan and D10A of the Eastbourne Core Strategy Local Plan.

#### Impacts on highway network or access:

Given that the premises currently has permission for A1 use, it is not anticipated that the new use would attract a significant increase in associated vehicle movements to the site. As a result it is not foreseen that the scheme would have a detrimental impact on the functioning of the local highway.

#### Other Issues:

No waste management details have been submitted, and the Council's Specialist Waste Advisor has requested that in the event of approval, this determination should be accompanied with a condition requiring adequate space to be provided for the storage of receptacles, conveniently located for pick up.

The premises has a waste receptacles area situated at the access to the courtyard so there are no concerns that there will be any waste storage issued.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Recommendation:**

Approve Conditionally

**Conditions:**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) You must implement this planning permission in accordance with the following plans approved by this permission:

- Site Location and Block Plan: 2715/G012
- Proposed Floor Plan: 2715-PL100 Revision A
- Proposed Elevations: 2715/PL211 Revision A

Reason: For the avoidance of doubt.

- 3) The use hereby approved shall not be open to members of the public outside of the following hours: 11:00 hours – 23:00 hours Monday to Sunday.

Reason: In the interest of the amenity of the occupiers of nearby residential accommodation, in accordance with Policy HO20 of the Eastbourne Borough Plan Saved Policies (2007).

- 4) Prior to the operation hereby permitted being brought into use, CCTV shall be installed at the premises that cover the inside of the restaurant as well as the areas immediate outside of the restaurant/bin enclosure/service road. The CCTV images shall be digital and shall be capable of being downloaded by trained staff working within the restaurant.

Reason: To mitigate against and to monitor anti-social behaviour and crime, and to comply with policy D1 of the Eastbourne Core Strategy Local Plan 2013.

**INFORMATIVE:**

The applicant is advised that the all external works (Shopfront/Flue/Advertisement) should for the subject of additional applications to the Local Planning Authority.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.



<b>App.No:</b> 171490 (HHH)	<b>Decision Due Date:</b> 22 February 2018	<b>Ward:</b> Ratton
<b>Officer:</b> Lauren Coleman	<b>Site visit date:</b> 25 <sup>th</sup> January 2018	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 27 January 2018 <b>Neighbour Con Expiry:</b> 27 January 2018 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> 203 Kings Drive, Eastbourne		
<b>Proposal:</b> Erection of first floor side extension.		
<b>Applicant:</b> Mr C Belsey		
<b>Recommendation:</b> Approve with conditions		

## Executive Summary:

The application is brought to planning committee as the applicant is a serving elected member of Eastbourne Borough Council.

The extension is considered acceptable in terms of the bulk, design and impacts on adjacent property. Therefore it is recommended that planning permission is granted subject to conditions within the report.

## Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B2 Creating Sustainable Neighbourhoods  
 C5 Ocklynge & Rodmill Neighbourhood Policy  
 D10 Historic Environment  
 D10a Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of New Development  
 UHT4 Visual Amenity  
 HO2 Predominantly Residential Areas  
 H020 Residential Amenity

## Site Description:

The site consists of a 1950's detached property on the eastern side of Kings Drive opposite Sussex Downs College. The property has off street parking, a large garden to the rear and an integral garage.

## Relevant Planning History:

EB/1953/0181

**Proposed development:**

The applicant is seeking planning permission for a first floor side extension which will sit above the existing garage. The extension would cover the same floor space as the existing room but where it is sloped now the extension would square off the room and increase the total area to create a habitable room.

The eaves height matches the eaves of the existing property with a hip to roof. The proposed materials would match the existing materials used within the existing property and there would be two windows; one on the front elevation and one on the rear.

**Consultations:**

Neighbour Representations:

No objects or comments have been received.

**Appraisal:**

Principle of development:

There is no objection in principle to homeowners wishing to extend/alter their homes to meet their changing needs; subject to these changes not giving rise to material harm to the host property or impacting on the amenities of the neighbours.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The proposed works are fairly modest in contrast to the size of the property and as the property is set back from the street it would have a minimal effect on the amenity of the surrounding area.

The extension would be on the side nearest the boundary with No.205 Kings Drive but would have little impact on their amenity due to the distance between the properties. Although No.205 has two small windows on the side of their property these are obscurely glazed and the applicant's proposal does not include windows on the side so there would be no issue of overlooking and any loss of light would be minimal.

While the extension would include the addition of a window on the front elevation it would not cause any adverse overlooking opposite as the space is occupied by Sussex Downs College's playing fields. There are already two first floor windows at the rear of the existing property, this and the recessed nature of the proposed rear elevation of the proposed addition would result in no further issues of overlooking than currently exist.

Design issues:

The proposed alterations to the building have been designed to be sympathetic to the design of the building and are considered appropriate in terms of scale and bulk. The materials are to match the existing ones in the property and the roof of the new extension is in keeping with the current design.

The neighbours in the immediate vicinity have varying designed properties and the proposed works are similar to No.207 Kings Drive so would not impact greatly upon the existing street scene.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of the surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

**Recommendation:** Grant planning permission subject to the following conditions;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. Materials to match the existing building.
4. Removal of permitted development rights for windows, dormers and rooflights in the extension to protect neighbouring amenity.
5. All rainwater run off shall be dealt with using rainwater goods installed at the host property and not discharged onto neighbour property.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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<b>App.No:</b> 171235	<b>Decision Due Date:</b> 3 December 2017	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 28 November 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 2 November 2017 <b>Neighbour Con Expiry:</b> 28 November 2017 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> Carbrooke Lodge, Watts Lane, Eastbourne		
<b>Proposal:</b> Erection of one bedroom single storey detached dwelling, with accommodation within the roof, to the rear of Carbrooke Lodge facing Selwyn Road with new vehicular access from Selwyn Road and off street parking		
<b>Applicant:</b> Ms Ptochopoulos		
<b>Recommendation:</b> Grant planning permission subject to conditions		

## Executive Summary

The proposal is for a single storey, with accommodation in the roof, one bed detached dwelling to the rear of Carbrooke Lodge facing Selwyn Road

The proposal would not result in significant harm to the amenities of surrounding residential properties and is considered acceptable subject to conditions in terms of the detailed design, scale and layout. Therefore it is recommended that planning permission is approved.

## Relevant Planning Policies:

### National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 12. Conserving and enhancing the historic environment

### Core Strategy Local Plan 2013 Policies

- B1 Spatial development Strategy and Distribution
- C2 Upperton Neighborhood Policy
- D5 Housing
- D10 Archeological Notification Area

### Eastbourne Borough Plan Saved Policies 2007

- NE14 Source Protection Zone

HO2 Predominantly Residential Areas  
HO20 Residential Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity

**Site Description:**

Carbrooke Lodge is a detached two storey single dwelling house occupying a corner plot. The property does not really address either frontage in terms of its visual appearance, but has a vehicular and pedestrian access from Watts Lane, which has no pavement on this side of the road.

This eastern side of Watts Lane has a substantial wall all the way to the junction with Carew Road, with Carbrooke Lodge and its two neighbours to the north having access from the road, for the rest of the properties in this stretch of Watts Lane this wall forms the rear boundary wall as they form part of The Quadrant a late 90's early 2000's residential development.

The Watts Lane frontage of the property has a substantial stone and flint wall; with the Selwyn Road frontage having a flint wall with timber close board fence above.

The property is not listed nor is it situated within a conservation area. The Torfield Conservation Area includes those properties between Torfield Road to the south and St Anne's Road to the North up to no.6a Selwyn Road.

**Relevant Planning History:**

100193

Retrospective application for the retention of close boarded timber fence to replace hedging.

Approved conditionally  
02/07/2010

170837

Erection of new 3 bed dwelling to the rear facing Selwyn Road, with 1no. off street parking space.

Withdrawn – To allow necessary notice to be served on the joint owner, and to consider amendments to the scheme that would seek a reduction in the proposed scheme.

**Proposed development:**

The application proposes the erection of a single storey, with accommodation within the roof, one bed dwelling within the rear garden of the property. The dwelling is proposed to face south onto Selwyn Road. A new vehicular access is proposed from Selwyn Road with off street parking proposed for one vehicle. A break in the boundary treatment is proposed to facilitate the new access, with the boundary wall and fence otherwise retained.

The application was originally submitted as a two bed, two storey property with all living accommodation at first floor level, with access onto a terrace on the flat roof of the garage. This was amended following objections to the application, with the kitchen/diner moved to the ground floor with access onto a courtyard garden area.

The total proposed height of the dwelling is 5.5m, but the site is proposed to be lowered to 0.6m below the pavement level, therefore the height from pavement level is 4.9m.

The accommodation in the roof is served only by rooflights, two to the front elevation and three to the rear elevation roof slope.

Courtyard amenity spaces are provided to the side (west) and front adjacent the Selwyn Road boundary, part of this area is kept at the higher ground level with a fence for privacy on the boundary.

**Consultations:**

Specialist Advisor (Arboriculture)

No objection raised. The proposed development will lead to the loss of one semi mature Holm Oak which is of such a size that it should not be considered a constraint to the development.

Specialist Advisor (Planning Policy)

Policy HO2 within the Eastbourne Borough Plan identifies the area of Upperton as being predominantly residential, thus the proposal is consistent with this policy. Within residential areas housing can be achieved through windfall sites, meaning the site had not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is considered a windfall site. The Council relies on windfall sites as part of its Spatial Development Strategy Policy B1, as stated in the Core Strategy, which supports this application.

The Core Strategy states that Upperton is one of Eastbourne's most sustainable neighbourhoods, ranked at number 3. Additionally, Policy B1 of the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods, for Upperton the density supported is 103-131 dwellings per hectare. This application would add to housing numbers in an area where development is favoured and is consequently supported.

In conclusion, the site is a greenfield site, however it is located within the predominantly residential area and the application will result in an additional residential unit in a sustainable neighbourhood, and therefore is supported from a planning policy perspective.

County Archaeologist

The proposed development is within an Archaeological Notification Area defining an area of prehistoric roman and medieval activity, including settlement and burial areas. Test pit investigation of the development area has clarified little modern impact and a high potential for archaeological remains to survive.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

Condition requested for submission of a programme of archaeological works.

### Highways ESCC

The proposed dwelling with access is onto an unclassified Road (Selwyn Road) as such we do not wish to be formally consulted please refer to our standing advice.

### SUDS

SUDS advise that the site is underlain by chalk and therefore infiltration should be explored as a means of surface water disposal. Therefore a drainage scheme is requested by condition.

### **Neighbour Representations:**

Consultation on revised single storey scheme

Planning agent working on behalf of Mulberry Cottage and Grange Cottage, Watts Lane and 11 Laleham Close.

Do not wish to lodge formal objections to the revised proposal.

However request that permitted development rights are removed by condition.

Consultation on original scheme

Occupier and Joint Owner of Carbrooke Lodge objects to the application on the grounds of

- Loss of garden resulting in outside space not in keeping with neighbouring cottages.
- Over development – garden grabbing, loss of open aspect and detracts from the setting of other buildings in the local area.
- Overlooking and loss of privacy – although no windows facing Carbrooke Lodge the close proximity is a gross invasion of privacy, decked area on boundary fence will increase noise and overlooking and is not in keeping with anything within the area.
- Loss of Views – New building will be overbearing, and change amenity of this and neighbouring views.

4 Objections received from surrounding properties;

- Increases the density to an unacceptable level
- No outside space for the new dwelling
- Orientation of existing properties means there are no views from ground floor rooms into the neighbours' ground floor rooms, this has living accommodation on first floor with direct lines of sight into neighbouring properties.
- Roof terrace will impinge upon the privacy of neighbouring gardens and properties opposite and create noise impacts
- Terrace is not in keeping with surrounding properties
- Roof terrace will put users in full view of road users and neighbours
- Impact on highway safety of new access
- Impact on parking in the area.
- Drawings appear to show a reduction in the height of the fence to the garden of Carbrooke Lodge which would lead to overlooking issues.
- Overshadowing and imposing nature to No15 Roman Croft to the eastern boundary



Planning agent working on behalf of Mulberry Cottage and Grange Cottage, Watts Lane and 11 Laleham Close.

Objections raised in response to original consultation;

- Extent of the proposed development
- Overbearing nature of the height
- Dominance of the proposed dwelling
- Impact on amenity of neighbouring residential properties
- Overlooking from first floor living accommodation towards 11 Laleham Close
- Potential for nuisance from the elevated amenity area
- Much of the amenity space is strictly functional

Response to second consultation

- Reduction in height and removal of roof terrace is welcome
- Still concerns regarding overlooking towards 11 Laleham Close, exacerbated by the reduction in height of the fence to the south western boundary.
- Discrepancy's regarding fence height
- Permitted development rights could allow the use of the roof of the garage without requiring planning permission.

### **Appraisal:**

#### Principle of development:

The Five Year Housing Land Supply is a material consideration in determining this application. Currently, Eastbourne is only able to demonstrate a 2.9 year supply of land. This proposal, for 9 additional units, will make a contribution towards increasing the number of year's supply of housing land.

At the heart of the NPPF is the presumption in favour of sustainable development. The site is considered a sustainable location, the Core Strategy states that Upperton is one of Eastbourne's most sustainable neighbourhoods, ranked at number 3.

In accordance with paragraph 49 of the NPPF the presumption is in favour of supporting the application unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

Additionally, Policy B1 of the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods, for Upperton the density supported is 103-131 dwellings per hectare. This application would add to housing numbers in an area where development is favoured and is consequently supported.

Therefore the proposed development is acceptable in principle providing the scheme would not result in significant detrimental impacts on the amenity of existing residential properties, the standard of accommodation was acceptable for future occupiers, and the design of the proposed dwelling was in keeping with the context of the area as set out by the Eastbourne Core Strategy Local Plan 2013 and saved policies of the Eastbourne Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The dwelling is proposed to the rear of Carbrooke Lodge facing south onto Selwyn Road. The proposed dwelling has been reduced in scale following advice that a two storey dwelling was unsupportable given the impacts on the adjacent residential properties, specifically Carbrooke Lodge itself and no.15 Roman Croft.

Carbrooke Lodge itself sits to the west of the site, the distance between the property itself and the new dwelling would be 12m elevation to elevation, with Carbrooke Lodge retaining 8.5m of rear garden. The design of the proposal is such that the ground floor will be lower than the garden level of Carbrooke Lodge with no windows in the gable end. Therefore there is no concern regarding overlooking between the properties.

Given the size of the proposed property there will be limited visibility over the boundary fence and no significant impacts in terms of light/outlook from the rear of Carbrooke Lodge.

The property to the north, Mulberry Cottage is set on higher ground level than Carbrooke Lodge. The height of the revised scheme is proposed only marginally above the height of the existing boundary wall. Therefore there will be very limited impacts on the amenity of this neighbouring property. The rooflights in the rear roof slope are below the height of the wall, and therefore would not provide views into the rear garden of this property.

Carbrooke Lodge also has an existing side garden, however this part is sloped and I agree with the occupier of the property that this part of the site is unusable in its current form as a 'garden' area. The rear part of the garden is in two sections with a patio to the rear of the property and a raised lawned area beyond. It is considered that on balance the amount of retained rear garden is acceptable and the loss of this space is not considered detrimental or harmful to the setting of the building.

To the east the site shares a boundary with the more recent development of Roman Croft. Given the reduction in height of the proposal the dwelling will be marginally higher than the existing boundary fence and as such will have limited impact. There will be no additional overlooking as no windows are proposed in the gable end. The sense of enclosure will also be minimal given the pitched roof and as this is set just less than 1m from the boundary.

No1 and 11 Laleham Close are situated to the south of the site on the opposite side of Selwyn Road. Both of these front onto Selwyn Road, however No.1 has a large hedge which blocks much of the view from pavement level of the ground floor of this property. No.11 has a ground floor extension to the front with a window serving living accommodation. It is considered that the view from these properties would change given the dwelling would be opposite. The perception of overlooking may increase as currently these properties do not face other properties. However given the amendment to the design omitting the true first floor which is now only served by rooflights and the distance between the properties of 22m the proposal would not result in significant impacts on this opposite property.

37 Selwyn Road is to the south of the site, the property faces east and therefore the side abutting Selwyn Road has no windows. There would be angled views between the new

dwelling and the front elevation of this property. It is not considered there would be any significant impacts on this property given the orientation and separation distances.

Impact of proposed development on amenity of future occupiers:

The proposal is for a 1 bed, 2 person occupancy dwelling over two floors, with a total internal floorspace of 59m<sup>2</sup>. The kitchen/dining and living room are proposed on the ground floor, with one double bedroom at first floor with bathroom.

The Nationally Described Space Standards recommend the minimum internal floorspace of a 1bed 2 over 2 storeys person occupancy dwelling as 58m<sup>2</sup>. The bedroom is within the roof space, served only by rooflights to either roof slope, however overall the quality of the proposed accommodation is considered good.

The application originally proposed a garage to the side, however this has been removed from the scheme in favour of additional amenity space. Two court yard amenity areas are proposed and an upper terraced garden to the front of the plot. The amount of amenity space is considered acceptable for the size of the dwelling.

Therefore it is considered that the proposed dwelling would provide a good standard of accommodation for future occupiers.

Design issues:

The area immediately surrounding the site has a mixed character. Carbrooke Lodge, Mulberry Cottage and Grange Cottage to the north of the site are detached properties in larger plots with historic value. No.35 and 37 Watts Lane are Buildings of Local Interest due to their historic nature/character. None of these buildings address the street scene. Laleham Close is a more modern development, as are the larger blocks of Selwyn Road and the Roman Croft development to the east. Although the properties are of varying character the palette of materials are broadly similar with red brick facing elevations, patches of flint in buildings/walls and dark brown/red roof tiles.

The dwelling is proposed single storey with rooms in the roof, at lower level to the pavement of Selwyn Road, so that the first floor is essentially level with the ground floor of Carbrooke Lodge. Only the roofslope to the front will be read in street scene terms and the ridge height will be significantly lower than both Carbrooke Lodge and 15 Roman Croft to the East. The design is such to minimise the appearance of the dwelling, to create subtlety and so as to not be overly dominating visually on the existing properties.

The dwelling is proposed be brick with tiled roof, which is generally in keeping with other development in the area. The specific colour and texture can be secured by condition.

The design of the proposal in and of itself is considered acceptable and would not detract from the visual appearance of the street scene or surrounding area given the distinct lack of street scheme in this area.

Impacts on highway network or access:

Given the curvature of the proposed access the width of such is approximately 8m which is well above the minimum required for a single access.

ESCC Highways minor application guidance sets out acceptable visibility splays for new access' onto unclassified roads. It is considered that the proposed access provides visibility splays both left and right of the centre point of the access in excess of those required for a road with a speed limit of 20 miles an hour (distance required 22m). The new access is close to the junction with Watts Lane and therefore it is considered that the speed of vehicles would be limited.

The driveway is on a slope however the gradient is considered acceptable and within the maximum gradients set out in the above guidance of 11% (approx. 8%) this can also be controlled by condition.

The provision of a one bed dwelling with one off street parking space is considered acceptable in principle. It is acknowledged that there is limited on street parking as the northern side of Selwyn Road is double yellow lined preventing car parking. However it is not considered that the additional dwelling would result in significant increased demands for on street parking, or severe impacts on the highway network to warrant the refusal of the application.

Other Matters:

The proposed development would be CIL liable, the necessary information forms at this stage have been provided.

It is acknowledged that to facilitate this development and to obtain the ridge height proposed there will be extensive ground works/excavations; there are no objections in principle to this and a construction method statement has been requested by condition.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

Following amendments to the scale of the proposal the one bedroom dwelling with bedroom in the roofspace is considered acceptable in principle. The height and siting of the proposed dwelling is such that the development would not result in significant impacts on the surrounding residential properties. The detailed design, bulk and scale are considered acceptable given the context of the site and the property would result in a good standard of accommodation for future occupiers.

**Recommendation:** grant planning permission subject to the following conditions;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. The internal layout of the property shall be as the approved drawings unless agreed in writing by the Local Planning Authority.
4. Materials to be as specified unless agreed in writing and samples provided of brick and roof tiles.

5. The fence to the Selwyn Road boundary shall be erected prior to occupation and shall match, material, style and height of the existing fence to Carbrooke Lodge.
6. Prior to commencement of development a programme of Archaeological works to be submitted
7. Removal of permitted development rights for new windows/doors in any elevation and extensions/windows/doors/rooflights in any roofslope.
8. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
9. Construction of access prior to occupation
10. Construction of parking prior to occupation
11. Development shall not commence until a Construction Traffic Management Plan has been submitted and agreed, this shall include details of the removal and disposal of all spoil from the site.
12. Before any work, including demolition commences on site a Method Statement shall be submitted in relation to the removal of spoil and the retaining walls.
13. Submission of sustainable urban drainage scheme prior to construction
14. Submission of statement following implementation of SUDS scheme.
15. No works of construction outside of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.
16. Ridge height/Finished floor level condition

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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<b>App.No:</b> 171310	<b>Decision Due Date:</b> 1 January 2018	<b>Ward:</b> Devonshire
<b>Officer:</b> <b>William De Haviland-Reid</b>	<b>Site visit date:</b> <b>13 December 2017 &amp; 30 January 2018</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 02 December 2018 <b>Neighbour Con Expiry:</b> 02 December 2017 <b>Press Notice(s):</b> 17 November 2017		
<b>Over 8/13 week reason:</b> Committee cycle		
<b>Location:</b> The Langtons Guest House, 85 Royal Parade, Eastbourne		
<b>Proposal:</b> Replacement of existing wooden conservatory with conservatory in Upvc.		
<b>Applicant:</b> Mr & Mrs Mark & Karen Cheater		
<b>Recommendation:</b> approve with conditions.		

## Executive Summary:

Application is referred to committee given the nature of the proposal so that Members can debate the merits of the proposal.

Application relates to a guest house located on Grand Parade (close to the Redoubt Fortress). The host property has an existing timber conservatory that was designed/installed as a mirrored conservatory with the attached property which is also a guest house.

Applicant seeks to replace timber conservatory with similar style white Upvc conservatory.

Applicant has specified that the framework of the new conservatory is as close as can be practicable to the exiting given that it is formed in Upvc.  
Recommended for approval with conditions.

## Planning Status:

A Guest House located in Royal Parade which is within a Tourist Accommodation Area. Property is located within the Town Centre and Seafront Conservation Area.

## Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy

- 7. Requiring good design
- 8. Promoting healthy communities
- 13. Facilitating the sustainable use of minerals

#### Core Strategy Local Plan 2013 Policies

B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood  
 B2 Creating Sustainable Neighbourhoods  
 C3 Seaside Neighbourhood Policy  
 D3 Tourism Tourist Accommodation Area  
 D5 Housing  
 D10 Historic Environment Archaeological Notification Area  
 D10 Historic Environment Conservation Area  
 D10a Design

#### Eastbourne Borough Plan Saved Policies 2007

TO1 Tourist Accommodation Area  
 TO7 Preferred Area for Tourist Attractions  
 TO9 Commercial Uses on the Seafront  
 TO8 New Tourist Attractions and Facilities  
 TO2 Retention of Tourist Accommodation  
 TO5 New Tourist Accommodation  
 UHT4 Visual Amenity  
 UHT15 Conservation Area  
 US5 Tidal Flood Risk

#### **Site Description:**

The property is one half of a whole, a hotel which was separated into two in 2002 to create 2no. guest houses, currently trading as Coast and The Langtons (application property) .

To the front elevation is a low rise wall and entrance, which lead up a couple of steps to the front conservatory, which itself was designed to give both guest houses a balanced front elevation. .

It is important to note that while the two conservatories have been designed to look the same, there are subtle differences in the design of the two. The guttering on The Langtons is a rounded half pipe and the guttering on the Coast guest house is that of a different shape. The ring beam below the gutter on the two conservatories is also different. The small windows nearest the dividing wall are also different in that the Coast has a thicker profile and design than that of The Langtons.

A survey of similar tourist accommodation properties in the immediate area has concluded that the majority of front conservatories are formed in Upvc white plastic,

#### **Relevant Planning History:**

020776

84-85 Royal Parade, Eastbourne.

Alterations to front elevation to divide the existing conservatory and create a boundary wall, in connection with the subdivision of the hotel into two.

Planning Permission

Approved conditionally



10/02/2003

080690

The Langtons Guest House, 85 Royal Parade, Eastbourne.

Replacement UPVC windows to front elevation

Planning Permission

Refused

22/01/2009

**Proposed development:**

The applicant seeks to replace the existing timber wood conservatory at the front of the guest house with a upvc conservatory in a similar style.

The proposed conservatory proposes broadly similar dimensions and profiles as the existing. . The proposed will offer smaller size profiling bars while slightly increasing the size of the viewing pane itself.

The smaller windows above the main viewing pane will protrude very slightly as opposed to the flush look of the existing. Surface glazing bars will be used on the smaller windows keeping the same aesthetic as the existing .

. The design of the upvc panels within the plinth of the conservatory will also have a similar appearance as the existing.

**Consultations:**

Internal:

Conservation Area Advisory Committee

The Group agreed to the replacement in principle and asked officers to confirm that the detailing of the replacement windows matches what is currently in in place.

**Neighbour Representations:**

No objections received.

**Appraisal:**

Principle of development:

There is no objection in principle to the proposed development and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issue to consider when assessing this application is how the proposal will affect the amenity of the local and wider conservation area.

Impact of proposed development on amenity of adjoining occupiers:

It is proposed that the replacement is not to change the footprint of the property and so there it the developement shall no effect on the neighbouring properties over that which is already present.

### Design and Conservation Area:

It is considered that the overwhelming character of conservatories to sea facing tourist accommodation properties is one form by Upvc whit plastic. Given this, it is considered that the proposed would not be out of character with the wider context. (see evidence below)

As part of the assessment of this application a street survey was conducted to ascertain the level of buildings along Royal Parade with upvc conservatories on the front elevation.

The survey was undertaken from 50 Royal Parade to 86-87 Royal Parade.

It was found that of the 13 properties checked, 2 properties were of timber & plastic, 2 properties of timber only and 9 properties have uPVC installed.

It is acknowledged that The East Beach hotel has in recent times had an enforcement notice served on it due to the installation of upvc windows, doors and conservatory without required permission. Whilst this is a consideration on the evaluation of this application it is considered that that there are material differences between the two properties such that decision pursue enforcement action over unlawful windows within the East Beach Hotel should not give rise to an overwhelming material consideration in this case.

The Langtons is an unlisted building in a less prominent part of the Conservation Area and is surrounded by no less than 9 other properties with upvc conservatories. The application is proposing to keep the conservatory as close to the original timber frame design as possible

Given the location and proposed design on the upvc conservatory it is considered that the proposal would be a suitable replacement for the existing and would not significantly impact the characteristic of the property or the amenity of the surrounding area.

### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

### **Conclusion:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

### **Recommendation:**

Approve Conditionally

**Conditions:**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 30 October 2017/3 January 2018:

Drawing No. Site Location Plan, Submitted 31 October 2017

Drawing No. 2587/1/02, Submitted 03 January 2018

Drawing No. Section Plan - Proposed (Original) submitted 08 February 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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<b>COMMITTEE:</b>	<b>PLANNING</b>
<b>DATE:</b>	<b>27 February 2018</b>
<b>SUBJECT:</b>	<b>Update on Housing Delivery</b>
<b>REPORT OF:</b>	<b>Director of Strategy, Planning &amp; Regeneration</b>

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<b>Ward(s):</b>	All
<b>Purpose:</b>	To provide Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply
<b>Contact:</b>	Matt Hitchen, Senior Planning Policy Officer 1 Grove Road, Eastbourne, BN21 4TW Tel no: (01323) 415253 E-mail: <a href="mailto:matt.hitchen@eastbourne.gov.uk">matt.hitchen@eastbourne.gov.uk</a>
<b>Recommendations:</b>	That Members note the contents of this report.

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## Executive Summary

- Housing delivery in Q3 2017/18 was 49 net additional dwellings towards the annual target of 245 units
- A total of 114 units were given permission in Q3 2017/18
- There are 591 net additional dwellings with permission that have yet to commence across 91 sites
- There are 290 units under construction across 43 development sites
- The Housing Land Supply currently stands at 3.16 years.

## 1.0 Introduction

- 1.1 This report provides an update on housing delivery in the third quarter of the 2017/2018 financial year. It is part of the quarterly feedback to Planning Committee on housing delivery rates.
- 1.2 This report identifies the number of units granted permission in the year, the number of units with permission that have yet to start construction, the total number of units completed, and updates Members on the latest position in relation to the Five Year Housing Land Supply.

## 2.0 Background

- 2.1 National planning policy places considerable weight on the delivery of new

housing. Delivery of housing is assessed in two ways: the number of residential units built; and the number of residential units due to be built in the next five years (known as the Five Year Housing Land Supply). The two are linked to the extent that a reduction in the number of units built will increase the number needed to be built in the next five years to make up for the shortfall.

- 2.2 The identification of a Five Year Housing Land Supply is a requirement of the National Planning Policy Framework (NPPF). A Five Year Housing Land Supply means identifying sufficient housing land in order to meet the cumulative annual housing delivery target for the next five years (i.e. annual target multiplied by five), plus a buffer. This buffer should be 5% unless there is a record of persistent under-delivery of housing, in which case the buffer increases to 20%.
- 2.3 The NPPF states that Local Plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It also states that where relevant policies are out-of-date, permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF, para 14)*.
- 2.4 This means that if a five year housing land supply cannot be demonstrated, there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.
- 2.5 National policy and case law has shown that the '*demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals*' (*Planning Practice Guidance, Paragraph: 033 Reference ID: 3-033-20150327*<sup>1</sup>).
- 2.6 The Government's White Paper '*Fixing Our Broken Housing Market*', published in February 2017, includes a proposal to introduce a new housing delivery test to assess the number of residential units delivered against the local plan target. It is understood that the housing delivery test will be introduced in 2018. Depending on the percentage of the target delivered, different responses will be required with the intention of boosting the supply of housing.

### **3.0 Housing Completions**

- 3.1 In the third quarter of the 2017/18 year, a total of 49 net additional dwellings were completed. This is added to the 22 net additional units that were completed in the first two quarters, to make a total of 71 units delivered in so

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<sup>1</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

far in 2017/18. This equates to just 29% of the annual target.

- 3.2 The delivery of 49 units in the third quarter came from 11 sites, with the large individual development being 13 units at Sumach Close. Four of the development sites delivered five or more net additional units.
- 3.3 The Core Strategy (adopted 2013) plans for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the third of 2016/17, a total of 2,647 units had been delivered since the start of the plan period. This leaves 2,375 units to be delivered until the end of the plan period at an annual average of 256.8 units per year.
- 3.4 Falling housing delivery rates over recent years has meant that the total number of units that have been delivered is now less than the cumulative target. At this point in the plan period, 2,760 units should have been delivered, so actual delivery is 162 units short of the number of houses that should have been delivered at this point in the plan.

#### **4.0 New Commitments**

- 4.1 During the third quarter of the 2017/18 financial year, a total of 114 net additional units were granted permission across 20 sites. However this does include permission for 58 units on the scheme at 7 Upperton Road, which supersedes a previous permission for a higher number of units. Over the first three quarters of 2017/18, a total of 263 units have been granted permission.
- 4.2 Of the 20 residential development schemes granted permission in the third quarter, six provide a net increase of 5 or more units (including the 7 Upperton Road permission). Six of the permission would result in just one net additional dwelling.
- 4.3 It has been identified that a total of **49** net additional units across 6 development sites were refused planning permission in the third quarter of 2017/18.
- 4.4 It is important to recognise that not all of the units granted permission will be built. Evidence over the Core Strategy plan period (since 2006) suggests that 76% of units granted permission were completed. At a 76% delivery rate, meeting the target of 245 units per year would require 322 units to be granted permission each year.

#### **5.0 Total Commitments**

- 5.1 As at the end of the third quarter of 2017/18, there were **591** net additional dwellings with permission that have yet to commence across 91 sites. This includes:
  - 102 units at Bedfordwell Road Depot

- 78 at 20 Upperton Road
- 58 units at the former Caffyns site at 7 Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne's House, St Anne's Road

5.2 As at the end of the third quarter of 2017/18, there were **290** units under construction across 43 development sites. This includes:

- 72 units at Site 1, Sovereign Harbour
- 70 units at Site 7c, Sovereign Harbour
- 15 units at the Courtlands Hotel, Wilmington Gardens

## **6.0 Housing Delivery Test**

6.1 A new Housing Delivery Test on local authorities will be introduced in 2018. The test will identify the number of houses built against the housing target over a rolling three year period. The first assessment period for the Housing Delivery Test will be for financial years April 2014 – March 2015 to April 2016 – March 2017.

6.2 If during the first assessment period the delivery of housing falls below 95% of the target, local authorities will be required to publish an action plan setting out an understanding of the key reasons for the situation and the actions that could be taken to get home-building back on track. Where local authorities are delivering less than 85% of their housing target will also be required to add a 20% buffer to their Five Year Housing Land Supply calculation.

6.3 An analysis of housing delivery over the first assessment period shows that 576 units were delivered against a target of 720, which equates to 80% delivery. This means that the Five Year Housing Land Supply buffer should be increased to 20%.

## **7.0 Five Year Housing Land Supply Assessment**

7.1 Following the end of the third quarter 2017/18, there are 2,375 units to deliver over the remaining 9.25 years of the plan period. This equates to 256.8 units per year.

7.2 The delivery of only 80% of the housing target over the last five years, including just one year of exceeding the target, indicates a persistent under-delivery of housing in Eastbourne, this suggests that the 20% buffer should now be used.

7.3 The additional 20% buffer equates to an additional years' worth of the target, making the Five Year Housing Land Supply requirement for Eastbourne **1,541** units. Eastbourne Borough Council is required to identify sufficient land to



meet this requirement.

- 7.4 Eastbourne's 5 year housing supply takes account of: existing housing commitments; new commitments that were approved for planning permission for residential development; sites that are awaiting a Section 106 agreement; and sites that were assessed as deliverable in the Strategic Housing & Employment Land Availability Assessment (SHELAA) 2017.
- 7.5 The current assessment of the Five Year Housing Land Supply identifies that as of the end of the third quarter 2017/18, Eastbourne has a supply of housing land equivalent to **975** units.
- 7.6 The Assessment shows that Eastbourne currently has a **3.16 year** supply of housing land (or **63.3%** of the Five Year Housing Land Supply requirement). Eastbourne Borough Council is 556 units short of having a Five Year Housing Land Supply.
- 7.7 As a five year housing land supply cannot be demonstrated, current policies cannot necessarily be relied upon to justify a refusal of permission and therefore there is a significant risk of future planning refusals for residential development being overturned at appeal.
- 7.8 The under-delivery of housing continues to increase the Five Year Housing Land Supply requirement, as under delivery increases the annual target used to calculate the requirement. In addition, a low rate of sites being granted permission means that the number of units in the Five Year Housing Land Supply is falling. Both factors combined mean that it will be very difficult for a Five Year Housing Land Supply to be identified in the near future, unless additional housing development sites can be identified.

## **8.0 Conclusion**

- 8.1 National planning policy places considerable weight on the delivery of new housing, and the five year housing land supply is a material consideration in the determination of planning application.
- 8.2 The delivery of 49 net additional units in the third quarter 2017/18 is a below average level of delivery. Combined with the very low delivery in the first half of 2017/18 of just 22 units, it looks very unlikely that the annual target for the year will be met once again. It is estimated that the fourth quarter should see a further 43 completions, meaning that the total delivery for the year would be 114 units.
- 8.3 Eastbourne currently has a housing land supply equivalent to 975 units, which represents **3.16 years** supply of land. Therefore a five year housing land supply cannot be demonstrated, which means local plan policies relevant to the supply of housing are out of date and cannot be relied upon to refuse

development.

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### **Background Papers:**

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027
- National Planning Policy Framework (2012)
- Fixing Our Broken Housing Market – Government White Paper (2017)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

## Appendix 1 – Housing Delivery Statistics by Ward – Third Quarter 2017/18

Ward	Net Completions in Quarter	Net Newly Committed in Quarter	Total Commitments (not commenced)	Total Under Construction
Devonshire	15	19	104	31
Hampden Park	13	0	11	2
Langney	0	9	4	3
Meads	7	4	47	36
Old Town	3	0	2	7
Ratton	0	0	6	1
Sovereign	0	2	3	156
St Anthonys	11	4	53	12
Upperton	0	76	361	42
<b>TOTAL</b>	<b>49</b>	<b>114</b>	<b>591</b>	<b>290</b>

*A full list of sites in each category is available on request*

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<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>27 February 2018</b>
<b>SUBJECT</b>	<b>Local Car Parking Standards for new residential development</b>
<b>REPORT OF</b>	<b>Director of Strategy, Planning &amp; Regeneration</b>

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<b>Ward(s)</b>	All
<b>Purpose</b>	To seek Planning Committee views on the issues surrounding local car parking standards for new development, a report on which is due to be considered by Cabinet on 21 March 2018.
<b>Contact</b>	Matt Hitchen, Senior Planning Policy Officer Tel no: (01323) 415253 E-mail: <a href="mailto:matthew.hitchen@lewes-eastbourne.gov.uk">matthew.hitchen@lewes-eastbourne.gov.uk</a>
<b>Recommendations</b>	1. That Planning Committee provide comments on the issues surrounding local car parking standards for new development, to be reported to Cabinet on 21 March.

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## **1.0 Introduction**

- 1.1 At Full Council on 13 November 2017, a motion that *Cabinet consider the cost and viability of introducing a policy on local car parking standards for all new residential developments* was resolved.
- 1.2 Currently, on schemes in excess of five units, advice on the amount of car parking to be provided in development and other highways issues relevant to a planning application is provided by East Sussex County Council (ESCC) as the local highway authority. On schemes less than 5 units, Eastbourne Borough Council (EBC) relies on standing advice from ESCC.
- 1.3 This report identifies the issues that will be considered in the Cabinet report that is due to go to Cabinet on 21 March 2018.

## **2.0 Background**

- 2.1 As Planning Committee will be aware, planning law<sup>1</sup> requires that applications

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. A material planning consideration is one that is relevant to making the planning decision in question. Provided regard is had to all material considerations (and provided that they don't lapse into *Wednesbury* irrationality<sup>2</sup>), it is for the decision maker to decide what weight is to be given to the material considerations in each case. However, case law<sup>3</sup> suggests that the decision-maker should give the views of statutory consultees 'great' or 'considerable' weight, and a departure from those views requires 'cogent and compelling reasons'.

- 2.2 ESCC, as local highway authority, is a statutory consultee, which means that they must be consulted on relevant planning applications. Statutory consultees provide advice to local planning authorities on specialist technical issues where an authority may have limited expertise.
- 2.3 The advice provided by ESCC on highways issues is a material planning consideration. ESCC base their advice on the amount of car parking that should be provided in a development on their adopted guidance, which was originally adopted in 2013 and last updated in October 2017.
- 2.4 Following ESCC's adoption of their guidance in 2013, a report was presented to EBC's Cabinet and Full Council, advising members about the new guidance and recommending the revocation of the old guidance from 2002, which EBC had adopted as a Supplementary Planning Guidance (SPG). It was determined at the time that any advice on parking provided by ESCC as a statutory consultee would be a material consideration; therefore there would be no requirement for EBC to adopt the new guidance as a Supplementary Planning Document (SPD). This is consistent with the approach of the majority of local planning authorities in East Sussex, all of whom rely on the ESCC guidance and treat it as a material consideration.

### **3.0 Policy Context**

- 3.1 The introduction of the National Planning Policy Framework (NPPF) in 2013 allowed local authorities to set their own parking standards. Paragraph 39 of the NPPF requires that parking standards take into account local factors and circumstances, including:
  - the accessibility of the development;
  - the type, mix and use of development;
  - the availability of and opportunities for public transport;

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<sup>2</sup> A reasoning or decision is *Wednesbury* unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223)

<sup>3</sup> *Steer v SSCLG* [2017] EWHC 1456 at [52], applying *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin), at [72] outside the environment context

- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

- 3.2 The national Planning Practice Guidance (PPG) suggests that local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable<sup>4</sup>. The PPG also encourages the use of Travel Plans, Assessments and Statements to reduce the need for parking in order to release land for development that would otherwise be taken up by parking<sup>5</sup>.
- 3.3 The Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) identifies in Policy D8 that 'Sustainable travel will be promoted through a variety of measures aimed at reducing the need to travel and reducing the reliance on the private car'.
- 3.4 Saved Policy TR11: Car Parking from the Eastbourne Borough Plan 2001-2011 (adopted 2003) requires development to comply with approved maximum car parking standards. In 2013, there was a change in government guidance to remove maximum parking standards, which means that Policy TR11 is out of date as it no longer conforms fully to current Government guidance and the current ESCC adopted guidance.

## **4.0 Context**

- 4.1 According to the Department for Transport<sup>6</sup>, there were 53,913 licensed vehicles (cars, motorcycles, light/heavy goods and buses/coaches) in Eastbourne, of which 86% were cars. Over the previous five years, the number of cars in Eastbourne increased by 3,515, which represents an annual growth of 1.6%.
- 4.2 Data from the 2011 census shows that there is an average of 1.04 cars per household in Eastbourne, although this ranges from 0.77 in Devonshire to 1.26 in Old Town. Levels of car ownership can vary according to tenure, accommodation type and household composition. Households in social rented properties tend to own fewer cars than owner occupied households, and households living in flats or apartments tend to own fewer cars than households living in houses or bungalows.
- 4.3 Evidence from the Department for Transport's Journey Time Statistics<sup>7</sup> show

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<sup>4</sup> National Planning Practice Guidance – Travel Plans, Transport Assessments and Statements (Paragraph: 008 Reference ID: 42-008-20140306)

<sup>5</sup> National Planning Practice Guidance – Travel Plans, Transport Assessments and Statements (Paragraph: 006 Reference ID: 42-006-20140306)

<sup>6</sup> Licenced vehicles by body type, diesel cars and vans by local authority (Table VEH0105), Department for Transport

<sup>7</sup> Via East Sussex in Figures – Access to Services

that there are generally high levels of accessibility to services and facilities in Eastbourne. According to this data, the average minimum journey time by walking/public transport (at AM peak time) to an employment centre, a primary school, a secondary school, a GP surgery and a food store is less than 30 mins travelling time for all households in Eastbourne. In addition, for each of the services and facilities identified, the average minimum journey time is shorter in Eastbourne than for the average for East Sussex.

- 4.4 Evidence from the 2011 census indicates that 70% of Eastbourne residents work within the Eastbourne and South Wealden area. 63% of Eastbourne residents in employment travel less than 5km to work, which is equivalent to a six minute drive at an average speed of 30 miles per hour. This suggests that the majority of Eastbourne residents travel relatively short distances to their place of work.
- 4.5 The main travel to work area broadly equates to the Hailsham, Polegate and Eastbourne Transport Corridor. ESCC have recently consulted on proposals to minimise traffic congestion in this area and make sustainable transport more attractive through improved cycling routes and bus infrastructure. Such proposals are expected to increase walking and cycling, and significantly improve bus reliability and reduce journey times, making bus travel a more attractive option in order to minimise traffic growth.

## **5.0 Current Parking Guidance**

- 5.1 In order to provide further context, the current parking guidance provided by ESCC as local highway authority and statutory consultee is explained below.
- 5.2 ESCC has two separate documents offering car parking standards guidance: one for residential development and one for non-residential development. It is common practice to have separate origin-based standards (i.e. residential) and destination-based standards (i.e. non-residential). In both cases, the standards are expressed as optimum parking guidelines, rather than a minimum or maximum requirement.
- 5.3 The residential car parking standards are based on evidence taken from site surveys and household questionnaires, as well as census data on car ownership and travel to work. It was last updated in October 2017.
- 5.4 The appropriate level of parking provision for a development is identified through a calculation tool that takes into account the particular characteristics of the development, including location, unit type, tenure, number of bedrooms and the number of units being provided. The guidance is designed so that it can be specific to the ward in the Borough or District where the proposal is located, and therefore the parking requirements that are identified are particular to the location and the type of development proposed. The parking requirement is also adjusted to take account of



expected growth in car usage to 2026.

5.5 The level of parking provision identified by the tool is used as a guide. The guidance recommends that some flexibility is applied in determining the actual provision at developments; this will depend on the location and be under discretion of officers and should be supported with justification.

5.6 As part of the transport statement/assessment for more significant applications, a car parking capacity survey is also required. This should identify the capacity available to accommodate the number of vehicles expected to be owned by residents of the site and their visitors.

5.7 ESCC provides advice to EBC on whether a planning application is proposing sufficient car parking and on the quality and suitability of any supporting information within the transport statement/assessment.

## **6.0 Issues**

6.1 The NPPF at paragraph 39 clearly allows local planning authorities to set local parking standards for residential development. However, it should be noted that the Planning Update from Government dated March 2015<sup>8</sup> provides the following text to be read alongside the NPPF: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network."

6.2 In considering the viability of introducing a policy on local car parking standards for new development, a number of issues need to be taken into account.

6.3 In order to conform to the NPPF, any locally set car parking standards would need to be based on and be backed up by locally relevant evidence. Data from the 2011 census would form the basis for any potential local car parking standards policy, along with evidence from household surveys. It is accepted that data from the 2011 census is now 7 years old; however it is the most comprehensive and representative dataset available.

6.4 It is likely that the data that would be used by EBC to justify new car parking standards would be similar to that used by ESCC to justify their existing car parking standards. Therefore the data is unlikely to indicate significant differences from the current ESCC standards.

6.5 In addition, the current levels of car ownership combined with relatively short travel distances and good accessibility to services and facilities in Eastbourne (as identified in Section 4), is unlikely to justify a significant increase in the

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<sup>8</sup> Written statement to Parliament – Planning update March 2015  
(<https://www.gov.uk/government/speeches/planning-update-march-2015>).

amount of parking provision in new resident development in accordance with the NPPF.

- 6.6 The lack of any in-house transport planning expertise within EBC means that the introduction of a policy on local car parking standards is likely to require the commissioning of consultants to provide the detailed and technical expertise that would be required to justify a local car parking standards.
- 6.7 The PPG is clear that where a local planning authority has relied on the advice of the statutory consultee in refusing an application, there is an expectation that the consultee in question will substantiate its advice at any appeal<sup>9</sup>. As EBC does not have in-house transport planning expertise, consultants would have to be commissioned to help EBC defend at appeal any decisions made on any new standards.
- 6.8 Any increase in the standards for parking provision in residential development is likely to impact upon the amount of housing that can be delivered on each site. Eastbourne has been under delivering on housing based on the Core Strategy target, and can currently only demonstrate a 3.16 year supply of housing. The PPG states that '*demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals*'<sup>10</sup>. This means that there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.
- 6.9 An increase in parking provision could also encourage increased car use, which would discourage modal shift to walking and cycling and minimise the impact of sustainable travel schemes such as those in the Hailsham, Polegate and Eastbourne Transport Corridor. This could lead to increasing problems of congestion within the town.
- 6.10 In terms of the process for introducing any new car parking standards, it is important to be clear that new planning policy for use in determining planning applications can only be made through the Local Plan. A 'policy' made outside of the Local Plan can only be considered as guidance in assessing planning applications.
- 6.11 New car parking standards guidance (i.e. made outside of the Local Plan) could only act as advice to developers as to how much car parking EBC would like them to provide, but it could not be seen as a mandatory requirement.
- 6.12 In addition, new car parking standards guidance from EBC would not

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<sup>9</sup> National Planning Practice Guidance: Appeals (Paragraph: 055 Reference ID: 16-055-20140306)

<sup>10</sup> National Planning Practice Guidance: Housing and Economic Land Availability Assessment (Paragraph: 033 Reference ID: 3-033-20150327)

supersede the advice of ESCC, which should carry more weight in the decision making process (see para 2.1). This means that applicants could be given inconsistent advice, and any refusals of permission based on the EBC standards would likely be overturned on appeal.

- 6.13 In order for any new car parking standards to have sufficient weight in decision making, it would need to be planning policy, which means that it would need to be created through the Local Plan.
- 6.14 The Local Plan could potentially contain a policy on local car parking standards, and it could also contain policies that encourage sustainable forms of travel and mitigate the impacts of parking. Once new policies in the Local Plan have undergone scrutiny as part of the Examination in Public and been adopted as part of the Local Plan, they can be relied upon to refuse applications where relevant.

## **7.0 Conclusion**

- 7.1 In light of the issues identified above, and in particular that any policies created outside of the Local Plan could not be comprehensively implemented, the report to Cabinet will recommend that it is unviable to introduce a policy on local car parking standards for all new residential development at the current time.
- 7.2 The Cabinet report will recommend that that issues relating to car parking and sustainable travel be considered through the Local Plan process, which will allow a more comprehensive and holistic view of car parking, mitigation and managing travel demand across the Borough and the introduction of appropriate policies to deal with this in new development.
- 7.3 It is felt that some of the concerns about parking provision could stem from a misunderstanding of the conclusions on the amount of parking required, which suggests a need for further explanation or justification. Therefore, the Cabinet report will also recommend that EBC work more closely with ESCC to address members concerns within the framework of the existing adopted guidance, including applying the existing parking standards more consistently and with additional justification.
- 7.4 Planning committee is asked to consider the issues reported above, and any comments will be considered and reported to Cabinet when they meet on 21 March 2018.

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### Background Papers:

- Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)
- Eastbourne Borough Plan 2001-2011 (adopted 2003) (Saved Policies, 2007)

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- Guidance for parking at new residential development (East Sussex County Council, 2017)
  - Guidance for Parking at Non-Residential Development (East Sussex County Council, 2013)
  - National Planning Policy Framework (DCLG, 2012)
  - National Planning Policy Guidance (DCLG, 2018)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

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<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>February 2018</b>
<b>SUBJECT</b>	<b>SUMMARY OF PERFORMANCE OF THE PLANNING THIRD QUARTER 2017 (Oct - Dec)</b>
<b>REPORT OF</b>	<b>Leigh Palmer Senior Specialist Advisor (Planning)</b>

<b>Ward(s)</b>	ALL
<b>Purpose</b>	This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period
<b>Contact</b>	Leigh Palmer <a href="mailto:Leigh.palmer@eastbourne.gov.uk">Leigh.palmer@eastbourne.gov.uk</a> 01323 415 215

<b>Recommendations</b>	That Members note the content of this report
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## 1.0 Introduction

- 1.1 Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.
- 1.2 Given the many & varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end the many & varied applications are clumped together into three broad categories Major, Minor and Other and the government have recently amended the criteria for the assessment of the Council's performance (see section on special measures below)
- 1.3 This report looks at the performance of the DM team across a number of elements of work in the following sections:
  - **Section 2 Special Measure Thresholds** – looking at new government targets
  - **Section 3 Planning Applications** – comparing volumes/delegated and approval rates
  - **Section 4 Pre Application Volumes** – comparison by type and volume over time
  - **Section 5 Refusals of Applications** – comparison of ward and decision level
  - **Section 6 Appeals** – An assessment our appeal record over time
  - **Section 7 Planning Enforcement** – An assessment of volumes of enforcement related activity.

## 2.0 Special Measures

- 2.1 Members may be aware that the Government have recently introduced new National performance criteria (Nov 2016 on speed and quality) against which all Council's will be judged. Persistent failure to perform against these targets runs the risk of the Council being designated as 'Non- Performing' and special measures will initiated by Central Government.
- 2.2 The assessment of the new 'special measure' threshold has two limbs to it and review our performance on a backward rolling two year basis, see tables 1 & 2 below:

### 1. Looking at the **speed** of decision

The speed with which applications are dealt with measured by the proportion of applications that are dealt with the statutory time or an agreed extended period.

Application type	2018 threshold
Major Speed	60% of all applications (October 2015 – September 2017)
Non Major Speed	70% of all applications (October 2015 – September 2017)

### 2. Looking at the **quality** of the decision made (with reference to overturned appeal decisions).

Application type	2018 threshold
Major Quality	10% of all appeal overturns (April 2015 – September 2017)
Non Major Quality	10% of all appeal overturns (April 2015 – September 2017)

The quality of decisions made by the Council measured by the proportion of decisions on applications that are subsequently overturned at appeal.

- 2.3 If the Council are identified as not complying with these standards/criteria they would be declared as 'non performing' and formal designation may follow.
- 2.4 In terms of formal designation there are two potential outcomes:-
- **Major applications** the applicant would have the ability to bypass the Council and go straight to the Planning Inspectorate for determination. This would mean that the Council would lose determination control until such time as the designation is lifted.
  - **Non-Major applications** The Council would have to submit to Central

Government an action plan addressing the areas of weakness that it has identified as having contributed to the underperformance.

2.5 In analysing this data it is important to note that the development type categories have changed with regard to type of applications falling under the non-major category. The data included in this section of the report has been reproduced in this new format.

## 2.6 SPEED OF DECISION

It is evident from the table below that the decisions taken for the survey period are currently above the special measures threshold.

**Table 1**

Criteria: Speed

		Majors						Non-majors					
		All Major Decisions	Major Decisions within 13 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result	M&O Decisions	M&O Decisions within 8 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result
Quarter 01	Jan - Mar 2016	2	0	2	2	0	100.00%	119	101	5	5	13	89.08%
Quarter 02	Apr - Jun 2016	4	1	2	2	1	75.00%	151	136	6	6	9	94.04%
Quarter 03	Jul - Sep 2016	2	0	2	2	0	100.00%	117	96	3	3	18	84.62%
Quarter 04	Oct - Dec 2016	2	0	1	1	1	50.00%	121	90	2	2	29	76.03%
Quarter 05	Jan - Mar 2017	1	1	0	0	0	100.00%	105	88	2	1	16	84.76%
Quarter 06	Apr - Jun 2017	2	0	2	2	0	100.00%	170	146	5	3	21	87.65%
Quarter 07	Jul - Sep 2017	4	1	3	2	1	75.00%	113	85	4	2	26	76.99%
Quarter 08	Oct- Dec 2017	6	0	6	6	0	100.00%	151	98	14	11	42	72.19%
total		23	3	18	17	3	86.96%	1047	840	41	33	174	83.38%
		Minimum level require						60.00%					
								70.00%					

## 2.7 Risk Area

It is considered that there is significant headroom against these targets and as such the risk of Special Measures for Non-Performance on speed of decision is low, however given the low volumes of major applications there is the potential for extreme volatility in performance.

Officers are encouraged to offer/negotiate an 'extensions of time' with the applicant/developer this should help to mitigate the risk level.

## 2.8 QUALITY OF DECISION

This section looks at appeal decisions and specifically the number/volume that have been allowed/overturned at appeal. The Government's view that this performance indicator is a measure/reflection on the relevance of an up to date local plan and that the decision makers (officers at delegated and Members at planning committee) make the correct and informed decisions.

**Table 2**

Criteria: Quality		District matter Majors							Non-majors						
		All Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result	Non-Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result
Quarter 01	Jan - Mar 2016	1	0	0	0	0		0.00%	119	14	5	3	2	0	1.68%
Quarter 02	Apr - Jun 2016	3	0	0	0	0		0.00%	151	17	12	8	4	0	2.65%
Quarter 03	Jul - Sep 2016	4	1	1	1	0	0	0.00%	117	12	2	1	1	0	0.85%
Quarter 04	Oct - Dec 2016	2	0	0	0	0		0.00%	121	9	4	2	2	0	1.65%
Quarter 05	Jan - Mar 2017	2	2	1	1	0	0	0.00%	105	5	4	3	1	0	0.95%
Quarter 06	Apr - Jun 2017	1	0	0	0	0	0	0.00%	171	11	1	1	0	1	0.00%
Quarter 07	Jul - Sep 2017	2	0	0	0	0	1	0.00%	113	13	2	2	0	5	0.00%
Quarter 08	Oct - Dec 2017	6	2	0	0	0	0	0.00%	151	18	2	2	1	5	0.66%
	total	21	5	2	2	0	0	0.00%	1048	99	32	22	11	-1	1.05%
								10.00%							10.00%

## 2.9 Risk Area

One area for Members to note from this criterion is that given the very low volumes of major applications progressed/determined within the survey period the implications of this are that a small number of appeal decisions can have a significant impact upon performance.

2.10 Given the huge potential swing in performance given the very low volumes involved that there is a very high risk of the Council falling under special measures threshold in this category.

2.11 Officers will advise on the this issue when major applications are discussed/debated at future planning committees and Members are requested to be mindful of the impacts and consequences of refusing major applications.

## 3.0 Planning Applications

3.1 Given the new 'Non-Performing' special measure thresholds referred to above it is clear therefore that there remains the need for (quarterly) reporting of performance to Planning Committee so that issues, trends and pressures can readily be identified and dismissed.

3.2 The figures in **Tables 3 – 4** below include the data from the Government return (currently excludes 'Notifications Prior Approvals and Certificates of Lawful development, trees and pre application submission). It is accepted that the Government have changed the content of the data that analyse, however this data is reported here to give the year of year comparison.



3.3

**Table 3**

Decisions	2013	2014	2015	20-16	2017
All determined	574	596	545	569	598
Delegated	510 (89%)	521 (87%)	472 (87%)	505 (89%)	559 (93%)
Granted	521 (91%)	546 (92%)	488 (90%)	515 (91%)	544 (91%)
Refused	49 (9%)	50 (8%)	57 (10%)	54 (10%)	54 (9%)

3.4

<b>Table 4</b>	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569
2017	All determined	598
2017 Q1 (Jan – Mar)	All determined	122
	Delegated	115 (94%)
	Granted	116 (95%)
	Refused	6 (5%)
2017 Q2 (Apr - Jun)	All determined	183
	Delegated	176 (96%)
	Granted	170 (92%)
	Refused	13 (7%)
2017 Q3 (Jul - Sep)	All determined	126
	Delegated	118 (94%)
	Granted	113 (90%)
	Refused	13 (10%)
2017 Q4 (Oct - Dec)	All determined	167
	Delegated	150 (90%)
	Granted	145 (87%)
	Refused	22 (13%)

3.5

It is clear from the tables above that the volume of the cases determined during the survey period has percentage levels consistent with previous years.

3.6

It is considered that in granting planning permission for 91% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of the applicants and only where there are substantive material planning considerations is an application refused. (see appeal section below)

3.7

It is acknowledged that in 2017 the % of applications determined at

delegated level has significantly increased; this is reflective of the changes made to the Council's scheme of delegation.

### 3.8 **All Application Data:**

Members should note that the Table 5&6 includes further application data by ward.

### 3.9 **Table 5 & 6**

Number for the Calendar Year 2017 and the calendar year 2016.

Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions). This table gives the full account of the workload coming through the section.

**Table 5**

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	1381 (inc 160 not assigned to wards)

### 3.10 **Table 6**

Year 2016			Year 2017		
4	DV Devonshire	216	DV Devonshire		149
5	HP Hampden Park	71	HP Hampden Park		88
6	LG Langney	58	LG Langney		66
7	MD Meads	375	MD Meads		298
8	OT Old Town	155	OT Old Town		108
9	RN Ratton	145	RN Ratton		140
10	SA St Anthonys	127	SA St Anthonys		111
11	SV Sovereign	107	SV Sovereign		85
12	UP Upperton	179	UP Upperton		176
13	(blank)		(blank)		
14	<b>Grand Total</b>	<b>1433</b>	<b>Grand Total</b>		<b>1221</b>

### 3.11 Risk Area

Members are advised that there is likely to be year end spike in workload compared to previous years. This will need to be monitored in order to assess if there are resourcing issues.

## 4.0 **PRE-APPLICATION ADVICE**

4.1 In addition to the formal applications received the Council for this survey quarter offers a paid for pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the years 2014-16 and a rolling number for the current year.

**Table 7**

4.2	PROCESS NAME	NUMBER 2017	NUMBER 2016	NUMBER 2015	NUMBER 2014
	PRE APP (Old Process)	0	0	0	53
	PRE APP HOUSEHOLDER	96	220	163	126
	PRE APP MEDIUM	102	147	159	108
	PRE APP MAJOR	17	18	10	16
	TOTAL	215	385	332	303

- 4.3 This information is considered to be relevant given that it is a barometer of the additional workload of the team. Members should note a significant spike being reported during 2016 and if this level continues there may well be a staffing/resource issue.

Members should be aware that the 2016 spike has been arrested to some extent following the introduction of a pre-application charging regime as of the 1<sup>st</sup> April 2017. The payments have yielded £12,660 whilst this remains significantly below the profiled budget the income does help to support the running of this element of the DM service.

- 4.4 In addition Members should note that our returns to central government are based a prescribed application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

## **5.0 REFUSALS**

- 5.1 Members requested further information on the number and break down of the refusal issued for the calendar year 2017 (to date). This information is highlighted within **tables 8 & 9** below.

- 5.2 Member should be aware that in common with other years we refuse fewer than 10% of the all applications received, with the overwhelming majority being refused at delegated level. For 2017:- 67 cases were refused at Delegated and 10 were refused at Planning Committee level. This refusal number is higher than that referred to in Table 4 as that table looked at the reportable applications to government and the table below look at all types of applications received

## **5.3 TABLE8**

REFUSALS BY WARD

DV Devonshire	15
HP Hampden Park	4
LG Langney	5
MD Meads	12
OT Old Town	5
RN Ratton	7
SA St Anthony's	6
SV Sovereign	10
UP Upperton	9
(blank)	
<b>Grand Total</b>	<b>73</b>

#### 5.4 **TABLE9**

##### REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

<b>REF Refused</b>	<b>77</b>
CCC Planning Committee	10
DDD Delegated List	67

- 5.5 For the survey period there have been two applications that have been refused at committee and include (Paint on the Pier, new bungalow at 21 Derwent Road, Change of use to restaurant/take-away at Beatty Road)

#### 6.0 **APPEALS**

- 6.1 As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the year 2017 have received 5 appeal decisions and the decision letters have been reported to committees through the year.

- 6.2 Appeals decided by development type/application

##### **TABLE 10**

HHH Householder	4
OSR Outline (some reserved)	1
PCI Prior Notification Class IA	1
PPP Planning Permission	8
<b>Grand Total</b>	<b>14</b>

#### 6.4 **APPEAL ANALYSIS**

The appeal decisions letters received during 2017 have been analysed with the various decision permutations reported below.

**Table 11**

6.5

	Officer Approve Cttee Refuse Appeal decision- Allowed	Officer Approve Cttee Refuse Appeal decision - Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0 (0%)	4 (40%)	2 (20%)	4 (40%)
2015	0 (0%)	3 (21%)	2 (14%)	9 (65%)
2016	5 (18%)	1 (4%)	5 (18%)	17 (61%)
2017	0 (0%)	3(21%)	1(7%)	10(71%)

6.6

The above **table 11** identifies the relevant decisions permutations and it is acknowledged that the appeal volume is comparable to the levels of previous years. It is acknowledged that the highest volume appeal category continues to be the 'planning permission' type (8 cases for 2017); this is a wide and divers category covering all things from changes of use to replacement windows. The appeal rate/volume will continue to be monitored going forward with any trends that can be identified being reported via this report.

6.7

It is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level. It is considered therefore that reporting the appeal decisions in full to planning committee under a separate cover to this report will assist in understanding trends and common issues.

6.8

#### Appeal Analysis **Table 11 Column 1**

**Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong)** It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decisions received to date there no instances this year where this scenario has occurred.

6.9

#### Appeal Analysis **Table 11 Column 2**

**Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right)** This shows that officers are not always right, there is one case falling into this bracket in this survey period.

6.10 Appeal Analysis **Table 11 Column 3**

**Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong.** This shows that officers and Members are in tune but the decisions have been overzealous with their recommendation and it has not been supported by the Planning Inspectorate.

6.11 This is also often a category where appeal costs can be awarded

6.12 It is acknowledged that there is 1 appeal falling into this category within the survey period however it is important to continue to monitor as it is an indication that Officers may not be following planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

6.13 In essence it is important that officers do not shy away from making difficult recommendations especially where recommendations are in accordance with national and local advice/policies.

6.14 Appeal Analysis **Table 11 Column 4**

**Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal refused (officers and Members were right).** This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The higher the % the better, Members will note that this category is usually by far the largest, this is a reflection that the decisions that were taken were consistent with National and Local Policy advice/guidance

6.15 **Appeal Costs**

As members will be aware the appeal process can award costs to any party involved in the appeal process where it can be demonstrated that any party has acted unreasonably. During 2017 the Council received one award of costs

6.16 There are no appeal costs for the Quarter survey period forming the content of this report.

6.17 Members should note that collectively we should strive to avoid costs claims. Legal and Planning Officers will advise members at Planning Committee (prior to making a decision where there is the likelihood of a cost claim being successful.

6.18 Risk Area

Given the changes to the way the Government now assess what

constitutes a good/well performing Council there is a very high risk of special measures on major applications being overturned at appeal.

In an attempt to mitigate this risk case officers are encouraged to negotiate extension of time with the applicant/developer.

If/when an award of costs is made there is the potential for financial risk and also a reputational risk and as such these have to be closely monitored and where possible lessons should be drawn from these cases. In this regard the regular reporting on appeal decisions to planning committee should help to inform this issue.

## **7.0 PLANNING ENFORCEMENT**

7.1 As outlined in the Planning Enforcement Policy Statement regular reporting of the enforcement function to Planning Committee is considered important as it keeps members aware of the cases and issues that are live in their area and it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

7.2 Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the 'Driving Devonshire Forward' policy document.

Below in Table 12 highlights the number of enforcement cases opened/closed in 2017.

**TABLE 12**

7.3 **Newly created cases**

Description	Total
⊞ Planning Enforcement Medium Priority	171
⊞ Planning Enforcement Low Priority	139
⊞ Planning Enforcement High Priority	27
<b>Total</b>	<b>337</b>

**Closed cases**

Description	Total
⊞ Planning Enforcement Medium Priority	169
⊞ Planning Enforcement Low Priority	151
⊞ Planning Enforcement High Priority	27
<b>Total</b>	<b>347</b>

#### 7.4 Cases Closed/Received

TABLE 13 Closed/Received Annual

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	337	347

7.6 It is important to note that the closure rate is generally consistent with the volume of the new cases received and as such there should not be an expanding backlog of live cases. Notwithstanding this Members should note that the volume of cases on the over 6months old list hovers around the 30 cases around 25% of all live cases. It is noted that for the survey quarter there has been an unusual spike in long standing cases. In part this is due to a focus on clearing planning applications. This will be reviewed in the next quarter where it is expected that the number will revert to more the norm of 30 live cases

TABLE 14 Cases over 6 months old

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32
2017	39	22	29	47

#### 7.8 **Enforcement Related Notices served in 2017**

7.9 As members may know there are many differing types of enforcement notices the main ones being:-

- Enforcement Notice
- Stop Notice
- Temporary Stop Notice
- Planning Contravention Notices
- Breach of Condition Notices
- Injunctions

For the Calendar year 2017 14 notices (4% of all cases received) have been served.

7.10 It is clear that therefore that in excess of 96% of all enforcement cases are resolved/closed without the need to resort to a formal notice.

7.11 As Members will acknowledge from the adopted Planning Enforcement Policy that the serving of a notice is the last resort and that wherever possible a negotiated solution is preferable.

7.12 In terms of proactive monitoring of planning cases the following has



been adopted:-

o **Monthly Site Meetings.** In relation to the Major development sites at Sovereign Harbour and Eastbourne College this will ensure early warning of potential breaches of planning control or where the developer wishes to alter their scheme for whatever reason and given this early warning officers can advise on the best ways forward.

- **Planning Condition Monitoring.** Using our back office system we are now regularly monitoring conditions of key decisions/cases, these are primarily planning committee cases.

#### 7.13 Risk Area

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.

### 8.0 LEGAL AND HUMAN RESOURCES

- 8.1 Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

It is considered that the current workload/capacity and the current level of performance can be sustained with/by the current establishment. However some scrutiny over the volume of work across the whole service area including pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.

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## Appeal Decision

Site visit made on 15 January 2018

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22<sup>nd</sup> January 2018

**Appeal Ref: APP/T1410/W/17/3181137**

**Nos 1 & 3 Barbuda Quay, Eastbourne BN23 5SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Glenda Melliush against the decision of Eastbourne Borough Council.
- The application Ref PC/170332, dated 18 March 2017, was refused by notice dated 5 June 2017.
- The development proposed is erection of a steel balcony at first floor level across both 1 and 3 Barbuda Quay.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposed balcony on:
  - a) the character and appearance of the host property and the surrounding area;
  - b) the living conditions of occupants of adjoining properties in relation to overlooking and noise and disturbance.

### Reasons

#### *Character and appearance*

3. The appeal site comprises two of the townhouses within a block of seven. The building of which the appeal properties are a part also includes flats at either end. The flats have balconies providing external amenity space. However, the townhouses do not; instead each dwelling has a Juliet balcony serving one of the first floor rooms. This arrangement provides the front elevation of the building as a whole with a strong sense of rhythm and uniformity, even though there is a mix of render and different coloured bricks.
4. The proposal seeks to introduce a balcony across Nos 1 and 3, which would project 3m from the front of the building. This would significantly disrupt the consistent appearance of the entire block. The proposed balconies are located close to the junction of Barbuda Quay with Santa Cruz Drive. They would therefore be highly visible to anyone entering the street due to their prominent position. In particular their projection above the areas used for parking would appear out of keeping with the terrace to the detriment of the original character of the properties and the wider street scene.

5. On my site visit I saw that other, similar balconies have been constructed within Barbuda Quay and Bermuda Place. However, their effects on the street scene are not so pronounced due to the different orientation of the buildings in relation to the street. These balconies are approached head on, rather than primarily from a side view; their projection from the front of the buildings therefore integrates more easily into the street scene. I understand that the balconies at Bermuda Place were part of the original design. The balconies at Nos 82-88 Barbuda Quay are adjacent to those within Bermuda Place, so do not appear incongruous in this context. Permission for them, which related to the whole building, sought to retain consistency and minimise disruption to the appearance of the entire terrace. Nevertheless, as not all of them have been constructed, there has been some loss of uniformity to the terrace. This illustrates the potential for harm with the current proposal.
6. I conclude that the proposal would harm the character and appearance of the host building and the wider street scene. It would therefore be contrary to Policy D10a of the Eastbourne Core Strategy and saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan (Borough Plan), all of which seek high quality design that respects its context and positively contributes to the overall appearance of the area.

#### *Living conditions*

7. The proximity of the proposed balcony at No 3 to the front elevation of No 5 could adversely affect the occupants of this adjoining property. However, any potential overlooking could be mitigated by provision of a privacy screen, which could be secured by condition. Whilst there would be a small loss of outlook from the first floor window, I am not persuaded that this would be sufficiently harmful to the living conditions of the neighbours to justify withholding planning permission, if the scheme had been otherwise acceptable.
8. The use of the balcony would introduce some additional noise and disturbance into the area. However, the balconies would not be in constant use and there are already others in the locality which may be used at similar times. There are also likely to be comings and goings of people and vehicles at the front of the building and along the street. This combination of factors suggests that any additional noise and disturbance is unlikely to cause material harm to neighbours.
9. I conclude that the balconies would not harm the living conditions of the occupants of No 5, or other neighbouring dwellings. In this respect the scheme would comply with saved Policy HO20 of the Borough Plan which seeks to ensure that development does not unacceptably harm residential amenity.

#### **Conclusions**

10. I have found that the proposal would not give rise to material harm to the living conditions of the occupants of adjoining dwellings. However, I have concluded that the introduction of the balconies on the front of Nos 1 and 3 would harm the character and appearance of the area. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*  
INSPECTOR



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## Appeal Decision

Site visit made on 15 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> January 2018

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**Appeal Ref: APP/T1410/W/17/3186836**

**29, Rosebery Avenue, Eastbourne, East Sussex BN22 9QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Glenda Pellow against the decision of Eastbourne Borough Council.
  - The application Ref PC/170762, dated 1 June 2017, was refused by notice dated 9 August 2017.
  - The development proposed is described as: "retrospective application for change of use from ancillary building to studio flat".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the change of use would provide satisfactory living conditions for the existing and any future occupants.

### Reasons

3. The appeal site is the former detached garage of No 29, a substantial detached property which has been sub-divided into flats. It was converted into a workshop incidental to the residential use of Flat 2 in 2010, following the grant of planning permission, Ref: 100435. However, from October 2011 until May 2016, it was occupied by the appellant's former husband, during a prolonged period of ill health. Whilst Mr Pellow had a degree of independence in the Annexe as a result of the installation of a level access shower, he was also reliant on daily help from a care agency. Even though the Annexe was assessed for Council tax, for planning purposes its lawful use continued to be ancillary accommodation to the main dwelling during that period. However, following his death the appellant sought permission to use the Annexe as a self-contained, independent unit of accommodation.
4. The conversion comprises a single room with limited cooking facilities and an enclosed shower room. It therefore provides an occupant with some of the facilities required for day-to-day living. However, there is very limited space in which to prepare food and eat a meal; there is no cooker, only a small sink, a microwave, a two ring hob and one small table and chair. There is no space for a washing machine, very limited storage space and nowhere for an easy chair where the occupant could sit comfortably and relax. Added to this there is no external amenity space. All these factors indicate that the Annexe is completely unsuitable to be occupied independently of the host dwelling.



5. I consider this to be the case even if it is possible to provide a parking space and external storage space for refuse. I note the appellant's willingness to enter into a planning obligation; however, no such agreement was presented with the appeal and I am therefore unable to take this offer into account in reaching my decision. In any event the Council was not satisfied that it would have overcome its concerns about the sub-standard nature of the self-contained accommodation.
6. The Council refused the application on the basis of saved Policy HO20 of the Eastbourne Borough Plan. This policy seeks to ensure that development does not cause unacceptable loss of residential amenity for adjoining occupiers. It makes no reference to the standards of accommodation that the Council requires in residential development and is therefore not directly relevant to my decision.
7. However, one of the core principles of the National Planning Policy Framework (the Framework) is that development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. From my assessment of the space available within the Annexe, the scheme fails to comply with this objective.
8. The Council's report also makes reference to the Nationally Prescribed Space Standards, which suggest that the minimum gross internal floor area for a one person unit with a shower room should be 37sq.m. I have not been given any development plan policy which specifically refers to these standards. Nevertheless, they are indicative of the amount of space which is required to provide satisfactory living conditions within a unit intended for occupation by a single person. The appeal proposal, which provides just under 19sq.m. is significantly smaller.
9. Taking all these factors into account I conclude that the Annexe provides unsatisfactory living conditions for both the current and any future occupant, notwithstanding the existing occupant's support for the proposal.
10. The change of use to an independent unit would therefore be unacceptable. It would conflict with the Framework's objective of providing a good standard of amenity for all existing and future occupants, for which reason I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR



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## Appeal Decision

Site visit made on 6 December 2017

**by G Rollings BA(Hons) MA(UD) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 January 2018**

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**Appeal Ref: APP/TPO/T1410/6137**

**29c St Annes Road, Eastbourne, BN21 2DJ**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Ms Betty Gallagher against the decision of Eastbourne Borough Council.
  - The application Ref: PC/170256, dated 3 March 2017, was refused in a decision dated 17 March 2017.
  - The work proposed is to repollard/reduce one elm tree.
  - The relevant Tree Preservation Order (TPO) is The Eastbourne Borough Council Tree Preservation Order (Land at 29 St Annes Road, Eastbourne, East Sussex) No: 81 (2002), which was confirmed on 3 December 2002.
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### Decision

1. The appeal is allowed and consent is granted to undertake work to a tree protected by The Eastbourne Borough Council Tree Preservation Order (Land at 29 St Annes Road, Eastbourne, East Sussex) No: 81 (2002) in accordance with the terms of the application, Ref PC/170256, dated 3 March 2017 subject to the following conditions:
  - 1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision.
  - 2) All work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
  - 3) Five days' notice shall be given to the local planning authority prior to the commencement of the operations authorised by this consent.

### Procedural Matter

2. The copies of the Council's decision notice that I received from both main parties were undated. The Council provided me with a dated copy of the decision notice on 2 January 2018.

### Main Issues

3. The main issues are:
  - The effect that the works would have on the character and appearance of the area; and

- Whether sufficient justification has been demonstrated for the proposed works.

## **Reasons**

### *Effect on the character and appearance of the area*

4. The tree is located within the appeal site's rear garden, adjacent to a lane that corners the site to run along its side and rear boundaries. The elm is a tall specimen with a relatively narrow spread that can be glimpsed along the laneway from St Annes Road. It has greater visibility from along the laneway, which is publicly accessible and trafficable, as well as the numerous buildings that face towards the corner. Consequently, the tree has a high degree of visual prominence.
5. The works required are described by the appellant as a reduction of the small branch wood to previous pollarding points on the tree, with remaining branches reduced in height. At the time of my visit, broadleaved trees were not in leaf and given that the tree stands apart from other tall trees in its surroundings, it is particularly noticeable. As such, the tree makes a significant contribution to the sylvan character of the area, and the works would reduce its large crown height and some of its spread, thereby reducing its dominance within the immediate landscape. Accordingly, I conclude proposed works would result in moderate harm to the character and appearance of the area.

### *Justification for the works*

6. Bearing in mind the amenity value of the protected tree, any reasons given to justify its removal need to be convincing. There is nothing before me to suggest that the tree is currently in poor health or vigour or that it is suffering from pests, disease or decay. This was confirmed by my own observations during my site visit. Overall, I saw nothing to suggest that the tree was unstable or dangerous or that it would not live for many more years.
7. I acknowledge the concerns of the Council with regard to the risk of decay deriving from the pollarding of a mature elm, and agree that such specimens are susceptible to the problems that it has identified. However, I observed that previous pollard points in the tree have recovered without any indication of affliction. There is no evidence that similar works to other elms in the immediate vicinity have led to decay. Moreover, the arboricultural evidence submitted with the appeal makes it clear that the work would be carried out in accordance with British Standard 3998:2010 *Tree work: Recommendations*. As such, I see no reason why the works, if carried out correctly, would result in any more than a minimal risk to the health of the tree.
8. The appellant noted that the size of the tree has a detrimental on the light received to her property, and also results in an overbearing feature within the small urban garden of the appeal site. The tree has been growing at this location for many years and was present before the property was developed. Clearly, the Council considered the presence of this tree in deciding to grant planning permission and its presence should have been taken into account when the house was purchased.
9. Nonetheless, given the aspect of the host property I accept that the tree would have an impact on sunlight and daylight at certain times of the day. Its size means that it is unlikely that the works would have a significant impact on



light, but the works would have an impact on outlook from the property, the enclosure of the garden and the sense of the tree's overbearing appearance. In this respect I consider that the works would lead to a material improvement in the appellant's living conditions.

10. The appellant has also mentioned the issue of leaf litter from the tree, which impacts guttering and drainage. I am in no doubt that this would be a nuisance, but the severity of these problems can be significantly reduced with regular household maintenance. The inconvenience of effects such as shading and leaf litter are not uncommon in an area where mature trees create an attractive place for local communities to live and work.
11. A balancing exercise must be undertaken in relation to any application to carry out works to a protected tree. Consequently, the essential need for the works must be weighed against the resultant loss of visual amenity to the wider area. In this instance, I am satisfied that the significant likely improvement to appellant's living conditions justifies the moderate harm to visual amenity and minimal risk of disease that would result from the proposed works to the protected tree.

### **Conclusion and Conditions**

12. For the above reasons and having regard to all other matters raised, I allow the appeal.
13. I have imposed conditions requiring all works to be carried out in accordance with industry best practice and for notice to be given to the Council.

*G Rollings*

INSPECTOR

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