

Eastbourne Borough Council

Planning Committee

2 August 2011

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) FORMER TOYOTA GARAGE, CHURCHDALE ROAD, EASTBOURNE**
Demolition of existing building and erection of thirteen 2 storey/3
bedroom houses with front and rear gardens..
EB/2011/0222(FP), ST. ANTHONYS Page 3
RECOMMEND: APPROVE CONDITIONALLY
- 2) 1A WEST STREET, EASTBOURNE**
Addition of a second floor.
EB/2011/0273(FP), MEADS Page 9
RECOMMEND: REFUSAL
- 3) 117A GREEN STREET, EASTBOURNE**
Erection of a single storey extension at rear to enlarge kitchen and form
garage and store, with vehicular access from Northiam Road..
EB/2011/0275(HH), OLD TOWN Page 13
RECOMMEND: REFUSAL
- 4) OLD TOWN SERVICE STATION, 11 HIGH STREET, EASTBOURNE**
Display of an externally illuminated fascia sign and an internally
illuminated free standing pricing sign..
EB/2011/0293(ADV), UPPERTON Page 17
RECOMMEND: APPROVE CONDITIONALLY
- 5) 44 MARSDEN ROAD, EASTBOURNE**
Retention of outbuilding to be used as a play room.
EB/2011/0331(HH), ST. ANTHONYS Page 21
RECOMMEND: APPROVE CONDITIONALLY

J. F. Collard
Head of Planning

25 July 2011

Planning Committee

2 August 2011

Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

Eastbourne Borough Council

Planning Committee

2 August 2011

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 2 August 2011

Item 1

APPLICATION SITE: FORMER TOYOTA GARAGE, CHURCHDALE ROAD		
App.No.: EB/2011/0222	Decision Due Date: 14/07/11	Ward: St Anthony's
Officer: Chris Cave	Site visit date: 22/06/11	Type: Major
Site Notice(s) Expiry date: 01/06/11 Neigh. Con Expiry: 02/06/11 Weekly list Expiry: 03/06/11 Press Notice(s)- : 08/06/11		
Over 8/13 week reason:		
Proposal: Demolition of existing building and erection of thirteen 2 storey/3 bedroom houses with front and rear gardens.		
Applicant: Development Securities Limited		
RECOMMENDATION: Approve		

Planning Status:

Predominantly Residential Area

Relevant Planning Policies:

NE17 – Contaminated Land

UHT1 – Design of New Development

UHT2 – Height of Buildings

UHT4 – Visual Amenity

H01 – Residential Development within the existing built up area

H02 – Predominantly Residential Use

H07 - Redevelopment
H020 – Residential Amenity
TR2 – Travel Demands
TR11 – Car Parking

Site Description:

Application site is occupied by a redundant car garage which has a height of two storeys. The car garage occupies half of the site whilst the other half is taken up by a car parking area. The site is bordered by residential properties on all sides.

Relevant Planning History:

App Ref: EB/2007/0012	Description: 21 apartments and 2 office units and associated access, car parking, cycle storage and landscaping works
Decision: Approved	Date: 02/11/07

Proposed development:

Demolition of existing building and erection of thirteen 2 storey/3 bedroom houses with front and rear gardens.

Consultations:

Trees

There are no tree related issues.

Environmental Health

No response has been received

Highways

The site lies within Zone 4 of the East Sussex County Council, Parking Standards at Developments and as such off-street parking should be provided to serve the development.

In this case the proposal is to provide no off-street parking and instead rely on, on-street parking in the streets adjacent to the development. As mentioned in the applicants Transport Statement this is in line with the latest government guidance, Manual for Streets, paragraph 8.3.15 which states:

'In planning for expected levels of car ownership it is not always necessary to provide parking on site (i.e. within cartilage or in off-street parking areas. In some cases it may be appropriate to cater for all of the anticipated demand on-street. This could be the case, for example, with a small infill development where adjacent streets are able to easily accommodate the increase in parking'.

The Transport Statement submitted includes a parking survey of the adjacent streets which shows the current level of demand, as well as indicating the likely level of demand as a result of the development, based on the latest available census data.

Future expected demand has also been included up to 2026.

The information submitted has shown that the demand that will be created by this development can be accommodated in the adjacent streets. It is also noted that the Transport Statement does not seem to take account of the redundant vehicle crossings that will need to be removed, which will return approximately 20m of kerb side parking which will increase the number of spaces available in the area by 3/4.

Bearing this in mind as well as Paragraph 51.2, PPG 13 which states that an authority should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances...' there are no grounds for an objection on parking grounds in this instance.

I recommend that any consent shall include the attached conditions:

Planning Policy

In the interest of the Council's emerging Strategic Housing Land Availability Assessment (SHLAA) and the requirement for the Council to keep an up-to-date 5 year supply of housing sites, Planning Policy are keen to comment on proposals for new additional dwellings with a net supply of over 5 units ensuring, if suitable, they can be brought forward for development. Planning Policy is also keen to comment on any applications involving the net loss of residential units to restrict the loss to housing land supply.

The application site is located within the predominantly residential area (Policy HO2) as defined by the Eastbourne Borough Plan (2001-2011) Proposals Map. It is a brownfield site and was formerly used as a car showroom. The site is now redundant and available for redevelopment. The principle of residential development has been confirmed through a previous planning permission on the site for redevelopment to create 21 residential units (EB/2007/0012). The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) for residential development and forms a valuable part of the Council's '5 Year Housing Land Supply'. The potential contribution to Eastbourne's housing land supply is based on its previous permission for 21 units, therefore this application would result in the net loss of 8 units which is contrary to Borough Plan Policy HO3 'Retaining Residential Use'. Only in exceptional circumstances, where it was proven that it was not financially viable to deliver the previously committed scheme, would a revised scheme be acceptable.

The proposed scheme would also not meet the current unit threshold for affordable housing provision; therefore the ability to secure affordable housing at this location will be lost. Affordable housing is in significant demand in this area of the Borough and is therefore an important consideration.

The proposed development would result in a relatively high density scheme of 65 dwellings per hectare. Although the Roselands and Bridgemere neighbourhood, in which the development site is located, has not been assessed as the one of the most sustainable neighbourhoods in the emerging Core Strategy, the residential density proposed is in keeping with the immediate surrounding area.

The site also benefits from being located on the edge of the neighbourhood and in close proximity to services and facilities within the adjoining neighbourhood of Seaside.

The application is supported by a 'Building for Life' assessment which considers the site to be of a 'good' standard (scoring 15 out of 20 criteria). This is advantageous for the application, but this would need to be confirmed by a 'Building for Life' assessor. The design of the development (Policy UHT1) appears to replicate the existing frontage of other houses along Churchdale Road, but this is a detailed issue to be considered by the case officer.

The Design and Access Statement submitted in support of the application recognises the constraint of contaminated land (Policy NE17) on the site, a consequence of its previous land use. The statement suggests that a remediation strategy will be implemented by SLR Consulting Engineers. This will be essential to assess the extent of contamination and remediation works required which may affect the financial viability of development on the site.

In summary, Planning Policy objects to the application. Although there are some planning merits of the proposed scheme, the proposal results in the potential loss of residential (market and affordable) units compared to the previously committed scheme. It therefore has a negative impact on the Council's future housing land supply. This is a significant issue for the Borough due to the challenging local housing targets and the need to maximise housing provision on suitable and sustainable brownfield sites. We recommend that the applicants provide a detailed justification of the 'exceptional circumstances' explaining why it would not be viable to deliver the previously committed scheme.

Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Neighbour Representations:

Two letters of objections have been received with following comments made:

- the proposed residential properties are too high
- invasion of privacy
- detrimental impact on local services e.g. doctors
- the proposed residential properties are not in character with the area
- no car parking spaces proposed
- the balconies will create overlooking

Appraisal:

Provision of new housing

The development of new housing in urban areas is supported by Local Plan policies and national guidance – Planning Policy Statement 3: Housing. The proposed development site comprises previously developed land within the built-up borough boundary.

In this respect it is considered that the proposal does achieve the aim of making more efficient use of brownfield land in an urban area rather than using greenfield sites.

Character of surrounding area

The buildings in Churchdale road are a mix of terrace properties and semi-detached houses, with pitched and hipped roofs. To the rear of the site, on Windermere Crescent, are a row of semi-detached properties. It is considered that the proposal for a row of terraced properties will continue the street scene from the row of existing terraced properties, which lie to the south east. A residential development is compatible with the surrounding land use as is the style of housing.

Residential Amenity

As the proposed residential properties are to be built on the same building line as the properties on the same row, then these properties will not be able to view the development from any of their front or rear habitable room windows. With regard to the impact on the neighbouring properties to the front and rear, as all interface distances have been both maintained and exceeded, the impact on residential amenity is acceptable. Concerns were noted as the original plans for the houses showed balconies on the third floor rear elevation which created problems of invasion of privacy into each property and into the existing properties either side. To rectify this problem amended plans were sought and received to remove the balconies and replace them with Juliet balconies.

Design and Visual Amenity

The layout of the site has been well designed. The proposed houses match the building line of the existing properties maintaining the street scene.

There is an adequate front garden area measuring 22.2 sqm, with additional room for a path leading up to each front door and an area for bin storage. To the rear, the garden is more than adequate in size measuring 14.5m in length and 5m in width.

The residential units have been designed to mirror the style and character of the existing properties on the same row. Amended plans have been received so that each individual house is now visually separated from each other via a drainpipe, which means the proposal now reflects the existing properties on the street. Amended plans have also been received to line the front dormers on the third floor with the windows on the second floor, which visually improves the aesthetic appearance of the property.

The front elevation of the houses are simple, but reflect the character of the other properties on the row with a pitched roof and windows on both the ground and second floors. To the rear the elevation is reflected by windows on the ground and second floor with Juliet balconies on the third floor. The Juliet balconies provide an interesting feature.

Highways

The site is within the urban area and in relatively close proximity to bus services and local amenities/shops. Residential developments are required to provide a Local Sustainable Accessibility Improvement Contribution (LSAIC).

This contribution would be used to aid the provision of transport options in the area and realistic alternatives to the private car use. A LSAIC of £30000 is considered applicable.

The proposal includes parking which is to be on street. The Highways department have raised no objections to this stating that the future and existing demand for car parking spaces can be accommodated in the existing streets. It is also worth noting that the existing properties on Churchdale Road use on street car parking.

Human Rights Implications:

None

Recommendation:

RECOMMEND: Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Vehicular crossing
- (3) Demolition
- (4) Samples of materials
- (5) According to plans

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It does not adversely impact on the character of the area, residential amenity, visual amenity or on highway safety and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

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

Committee Report 2 August 2011

Item 2

APPLICATION SITE: 1A WEST STREET		
App.No.: EB/2011/0273	Decision Due Date: 23 June 2011	Ward: Meads
Officer: Jane Sabin	Site visit date: 18 July 2011	Type: Minor
Site Notice(s) Expiry date: 8 June 2011		
Neigh. Con Expiry: 8 June 2011		
Weekly list Expiry: 9 June 2011		
Press Notice(s)- : N/A		
Over 8/13 week reason: Number of objections following re-notification		
Proposal: Addition of a second floor		
Applicant: Mr. Conway		
RECOMMENDATION: REFUSE		

Reason for referral to Committee:

Number of objections

Executive Summary:

The proposed development would have an adverse impact on the amenities of adjacent residents and the character and appearance of the area by reason of its height, siting and design.

Planning Status:

- Adjacent to the Town Centre and Seafront Conservation Area
- Area of High Townscape Value

Relevant Planning Policies:

UHT1	-	Design of development
UHT15	-	Protection of conservation areas
UHT16	-	Protection of areas of high townscape value
HO20	-	Residential amenity

Site Description:

This two storey commercial building is located on a triangular site on the west side of West Street, and is attached to the side of the WRVS building in Hyde Road.

Relevant Planning History:

App Ref: EB/1999/0020	Description: Change of use from office to single bedroom flat at first floor with study at ground floor with new kitchen extension at first floor level with balcony.
Decision: Approved	Date: 18 March 1999

Proposed development:

Permission is sought to add a second floor to part of the property, measuring 11.5m in width and the full depth of the property. One corner of the extension would be cut back to form a balcony. The extension would be 2.5m high and finished with cedar timber cladding under a flat zinc covered roof. The plans indicate that the additional floor would provide two new offices, although the upper floor and part of the ground floor are clearly arranged as a self contained flat.

Applicant's Points:

- The application site is situated within a mixed use area of shops, restaurants, offices and dwellings. It is situated within walking distance of the Town centre and major transport nodes. The application building is at present two floors of office accommodation.
- The proposal is for an additional floor to a proportion of the existing two storey building, creating a three storey element and adding approximately 50m² of floor space. The proposed extension is of sufficient scale to compliment the building without overpowering it.
- The existing building is approx. 6m high. The overall height of the extension will be approx. 8.3m from ground level.
- The existing building has rendered external walls with slate roof tiles. The new extension is to have cedar clad external walls with zinc metal sheeting to elevated flat roof. The appearance of the proposal aims to enhance the existing building elevation whilst remaining in keeping with the street scene.

Consultations:

The Conservation officer states that the site is located within an Area of High Townscape Value, and is adjacent to the Town Centre and Seafront Conservation Area. The property is located on West Street, which is essentially a service road, with the rear elevations of the houses on Gildredge Road backing onto it. The properties on this road are all of a similar height and predominantly with pitched roofs. The design of the second floor appears to be a full-width dormer extension. Such an extension is not in harmony with the style of the property and that of the neighbouring properties. The scale of the full width extension is also out of keeping with the property.

Therefore it is considered that the application is contrary to Guideline E4 of the Eastbourne Townscape Guide, which states that 'extensions to buildings of local interest and buildings in areas of high townscape value will be expected to be appropriate in scale, harmony and rhythm with the host building'.
(Memo dated 7 June 2011)

Neighbour Representations:

Seven objections have been received from nearby residents; the objections are summarised thus:

- The extension would be located 5.5m from the front elevation of 1 West Street and would therefore be imposing and reduce light into the bedrooms, living room and dining room of that property, as well as loss of privacy in respect of the balcony
- There would be an adverse impact on 14 and 16 Calverley Road (to the rear) in terms of loss of outlook and restriction of natural light – the existing structure already obstructs light – loss of privacy from the windows on the rear elevation, and potentially noise at high level from the proposed balcony
- There is no need for further offices – there are plenty of empty offices in the town
- Work is carried out on the building at weekends
- Access may be needed from the adjacent property to construct it
- Overdevelopment
- Inappropriate design that would look dreadful from any angle
- It would make the building considerably taller than the others to which it is attached

(Letters and e-mails dated 7 to 27 June 2011)

Appraisal:

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

The properties in West Street are varied in style, but are all of a similar two-storey height, and the proposed additional floor would result in an incongruous and strident feature in the streetscene. It would also be seen above the roof of the WRVS building in Hyde Road. The applicant has expressed an opinion that the extension would enhance the area, and would not be any higher than the adjacent properties in Gildredge Road and Hyde Road, and that it would be read as an addition to the roof of the WRVS. Whilst there may be some merit in the latter part of this opinion when viewed from one particular angle in Hyde Road, it is concluded that the principle of adding a second floor could not be supported as it would be out of keeping with its immediate neighbours and therefore the streetscene and the wider area.

The applicant has also asked for it to be made clear that he would be prepared to alter the design and materials to satisfy the requirements of the local planning authority, for example a tile clad mansard roof. Notwithstanding the inappropriate design of the proposed extension, it is considered that the principle of adding an additional floor is the overriding objection that cannot be overcome.

The closest properties affected, 1 West Street and 16 Calverley Road, would not be overshadowed by the proposal since it is located to the north, however due to the shallowness of their gardens (5.5m in the case of 1 West Street), their outlook would be adversely affected by the increase in height of the building. The position of the balcony would also result in overlooking and loss of privacy particularly in respect of 1 West Street.

Human Rights Implications:

The amenities of the occupiers of the closest residential properties would be adversely affected by the proposed development in terms of loss of outlook and overlooking.

Conclusion:

The proposed development would have an adverse impact on the amenities of adjacent residents and the character and appearance of the area by reason of its height, siting and design.

Recommendation:

REFUSE for the following reason:

The proposed development would represent an incongruous and strident feature on the building and in the streetscene, and would have an adverse impact on the character and appearance of the area by reason of its height, siting, design and materials; furthermore the proposal would result in overlooking of, and loss of outlook from, the adjoining properties and therefore the amenities of the residential occupiers. As such the proposal would conflict with the relevant policies in the Eastbourne Borough Plan 2001-2011 and the Eastbourne Townscape Guide (Supplementary Planning Guidance).

INFORMATIVE

For the avoidance of doubt, the plan hereby refused is:
2011/04/2 received 27 April 2011

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

Committee Report 2 August 2011

Item 3

APPLICATION SITE: 117A GREEN STREET		
App.No.: EB/2011/0275	Decision Due Date: 29 June 2011	Ward: Old Town
Officer: Jane Sabin	Site visit date: 13 July 2011	Type: Minor
Site Notice(s) Expiry date: 9 June 2011		
Neigh. Con Expiry: 9 June 2011		
Weekly list Expiry: 17 June 2011		
Press Notice(s)-: N/A		
Over 8/13 week reason: Heavy workload following installation of new software system		
Proposal: Erection of a single storey extension at rear to enlarge kitchen and form garage and store, with vehicular access from Northiam Road.		
Applicant: Mr. K. Palmer		
RECOMMENDATION: Refuse		

Reason for referral to Committee:

Number of objections received

Executive Summary:

The proposed development would be an overdevelopment of a restricted site and would be detrimental to the character and appearance of the area and the amenities of the adjacent residents, and would be contrary to borough plan policies.

Planning Status:

N/A

Relevant Planning Policies:

- UHT1 - Design of development
- UHT4 - Visual amenity
- HO20 - Residential amenity

Site Description:

This end of terrace property is located on the corner of Green Street and Northiam Road in a principally residential area just south of the Albert Parade shopping centre. The property is divided into a lock-up shop on the ground floor at the front facing Green Street with an open, raised forecourt, and a flat and a maisonette occupying the rear portion and the floor above. There is a triangular garden to the rear with a high brick boundary wall fronting Northiam Road.

Relevant Planning History:

None relevant.

Proposed development:

Permission is sought to erect a combined garage and store in the rear garden attached to the rear of the property by means of a small flat roofed glazed porch. The rear of the garage and store would be attached to the common garden boundary wall with 119 Green Street, whilst the front would be parallel to Northiam Road, resulting in an irregular shaped building; the garage would have a depth varying from 3.8m to 5.1m and a maximum width of 2.8m, and the store would have a depth varying from 1.8m to 3m with a width of 3m. The building would have connecting hipped and pitched roofs with a maximum height of 3.4m and would be constructed of matching brick (red) and roof tile (Redland 49). The garage would be sited 1.3m back from the boundary with the public footpath, and it is proposed to remove a 5m length of boundary wall to provide visibility splays.

Consultations:

The Highway Authority raises no objection to the proposal, although it would wish to restrict the vehicle crossover (dropped kerb) to the width of the garage in order to minimise the loss of on street parking to one space.

(Memo dated 8 June 2011)

Neighbour Representations:

Nine objections have been received from nearby residents as a result of neighbour notification and a notice posted on site; the objections are summarised thus:

- Adverse impact on light to kitchen, overbearing and overshadowing of garden
- Loss of on-street parking, which is already in short supply due to the proximity of the shops and doctors surgery (including staff)
- The dimensions of the garage are too small for a family car; it is not a practical garage, but an exercise in increasing property values
- The sightlines are insufficient, especially when backing out, and would present a danger to pedestrians, especially children going to school
- The driveway and garage would be out of character with the area, unsightly and detrimental to the aesthetic appeal of the local environment
- Question the use of the store
- Overdevelopment – too big for the size of the garden

(Letters and emails received 19 May to 6 June 2011)

Appraisal:

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

Visual amenity

The garage/store building at almost 6m in width and in close proximity to the public footpath would represent a strident and obtrusive feature in the streetscene. Whilst only single storey, its width, height and perceived bulk so far forward of the regular building line in Northiam Road would be totally out of keeping with the established character of the area, and would be an overdevelopment of the site. No elevation has been provided of the development with the boundary wall in situ, however it is considered that the wall is of insufficient height to mitigate the bulk and position of the proposed building in the streetscene.

Residential amenity

Although the proposed building would have hipped and pitched roofs, it would, nevertheless, result in a significant increase in height and bulk for a considerable length on the common boundary with the adjacent property. The top part of the common wall currently comprises decorative concrete blocks, which would have to be removed in order to construct the proposed development, to be replaced with solid brickwork with the tiled roof above, and, of course, guttering. It is not considered that this would have a seriously adverse impact on daylight reaching the kitchen windows, however the height and appearance of the rear of the structure combined with its length would have an adverse impact on outlook and would be unneighbourly.

Highway safety

The Highway Authority has not raised any objections on highway safety grounds, nor to the principle of off street parking, and therefore any objections on this ground would be difficult to sustain, although it is considered that manoeuvring out of the garage is likely to be a challenge be difficult, given that the street is heavily parked at all times of the day. The objectors concerns about the loss of on-street parking for the benefit of one person is understandable, however this is also not a sustainable reason for refusal.

Human Rights Implications:

It is considered that the amenities of the adjacent residents would be adversely affected by the proposed development.

Conclusion:

The proposed development would be an overdevelopment of a restricted site and would be detrimental to the character and appearance of the area and the amenities of the adjacent residents.

Recommendation:

REFUSE for the following reason:

The proposed development, by reason of its scale, height, bulk and siting, would result in an overdevelopment of a restricted site, which would be detrimental to the character and appearance of the area and the amenities of adjacent residents. As such, the proposal would be contrary to the relevant policies in the Eastbourne Borough Plan 2001-2011.

INFORMATIVE

For the avoidance of doubt, the following plan hereby refused is:
191900.02 received on 10 May 2011

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

Committee Report 2 August 2011

Item 4

APPLICATION SITE: OLD TOWN SERVICE STATION, 11 HIGH STREET		
App.No.: EB/2011/0293	Decision Due Date: 12 July 2011	Ward: Upperton
Officer: Jane Sabin	Site visit date: 28 June 2011	Type: Minor
Site Notice(s) Expiry date:	22 June 2011	
Neigh. Con Expiry:	23 June 2011	
Weekly list Expiry:	3 July 2011	
Press Notice(s)-:	29 June 2011	
Over 8/13 week reason:	N/A	
Proposal: Display of an externally illuminated fascia sign and an internally illuminated free standing pricing sign.		
Applicant: United Petroleum Ltd		
RECOMMENDATION: Approve		

Reason for referral to Planning Committee:

Referred by Chair

Executive summary:

The signage is considered to be appropriately designed and sited, and has no adverse impact on the character and appearance of the conservation area. As such, the proposal complies with the relevant policies in the Eastbourne Borough Plan.

Planning Status:

- Old Town Conservation Area
- Covenants

Relevant Planning Policies:

UHT12 - Advertisements
UHT15 - Protection of conservation areas

Site Description:

This longstanding (1954) petrol filling station is located on the south side of High Street, immediately opposite the Waitrose supermarket and backing onto Manor Gardens. The former Towner art gallery lies to the west.

Relevant Planning History:

App Ref:EB/2010/0532 Description: Display of internally illuminated display unit
Decision: Refused Date: 22 October 2010

Proposed development:

Permission is sought for the provision of a new fascia sign measuring 10m by 0.85m constructed of powder coated aluminium and externally illuminated by four swan neck lamps, together with a free standing pricing sign 3.15m by 1.25m and 0.15m deep, mounted on a pole 1.95m high and internally illuminated.

Consultations:

The Highway Authority has no objection to the proposal.
(Memo dated 8 June 2011)

The Conservation Officer considers that the fascia illuminated by swan neck lamps is considered suitable in size and form for its location on a modern single-storey building that is set well back from the main road. The free standing sign is also considered acceptable within the site.
(Memo dated 31 May 2011)

At their meeting on 19 July 2011, the Conservation Area Advisory Group noted that the proposal represented an improvement, and raised no objections.

Neighbour Representations:

None received as a result of the statutory advertisements.

Appraisal:

The proposed signage, which has been put in place following the submission of the application, is simple and well located on the site, and represents an improvement to the previous proliferation of corporate signage.

Human Rights Implications:

None.

Conclusion:

The signage is considered to be appropriately designed and sited, and has no adverse impact on the character and appearance of the conservation area.

Recommendation:

EXPRESS CONSENT be granted subject to conditions

Conditions:

- (1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- (2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- (3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority
- (4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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

Committee Report 2 August 2011

Item 5

APPLICATION SITE: 44 MARSDEN ROAD		
App.No.: EB/2011/0331	Decision Due Date: 19/07/11	Ward: St Anthony's
Officer: Chris Cave	Site visit date: 18/06/11	Type: Householder
Site Notice(s) Expiry date: n/a Neigh. Con Expiry: 13/07/11 Weekly list Expiry: 13/07/11 Press Notice(s)- : n/a		
Over 8/13 week reason:		
Location: 44 Marsden Road		
Proposal: Retention of an outbuilding to be used as a playroom		
Applicant: Mr James Marshall		
Recommendation: Approve		

Reason for Referral to Planning Committee:

The chair of the planning committee requested it to go to committee.

Planning Status:

- Predominantly Residential Area

Relevant Planning Policies:

UHT1 – Design of New Development
 H020 – Residential Amenity

Site Description:

Application property is a two storey semi-detached dwelling with a small front garden. To the rear, the garden is substantial in length and is enclosed by 2m high fencing.

Relevant Planning History:

No relevant planning history.

Proposed development:

Retention of outbuilding to be used as a play room

Consultations:

n/a

Neighbour Representations:

One letter of objection was received from the occupier of 8 Ripley Close. The occupier complained that the scale, massing and height of the structure was inappropriate, that the structure created noise disturbance and that it detracts from the visual amenity of the area.

Appraisal:

Residential Amenity

It is not deemed that there will be a detrimental impact on residential amenity as the playroom stands at only 2.7m in height. This is only 0.2m above what would be allowed under permitted development rights and therefore is not a significant increase over what could be built without planning consent. The neighbouring properties surrounding the application property will therefore not be unduly affected and will only see the roof of the playroom, due to the rest of the structure being screened by 2m high fencing.

Visual Amenity

As the playroom stands at only 2.7m in height it will not be largely visible from the surrounding area. Only the roof of the playroom will be visible and therefore it is deemed that the visual amenity of the locality is protected. As a guideline to what is acceptable in terms of footprint size, permitted development rights state that a structure in the rear garden is acceptable as long as the total area covered by the buildings on the site does not exceed 50%. As the footprint of the total area of the buildings is well below the 50% threshold, the size of the playroom is acceptable and will not have a detrimental impact on visual amenity.

Neighbour Objection

The occupier of the neighbouring property, No. 8 Ripley Close, has objected to the size, scale and massing of the structure, the negative impact on visual amenity and noise and disturbance. With regard to visual amenity, the playroom stands only 0.5m above a wooden fence, therefore the majority of the structure will be screened, protecting visual amenity. As the structure is only 0.2m above what could be built without planning permission an increase of 0.2m will not have such a large impact on visual amenity. With regard to the size, scale and massing, as the footprint of the playroom is still small in relation to the total area of the site and the height is only 2.7m, this structure is of an acceptable size for a residential area.

It is considered that as the use of the structure is for a playroom and therefore incidental to the use of the main property, there will not be an unacceptable impact on noise and disturbance.

Human Rights Implications:

None

Conclusion:

This application is recommended for approval. The impact on residential and visual amenity is deemed to be acceptable as the playroom stands only 0.2m above what could be built without the need for planning consent. This slight increase in height is not large enough to detrimentally impact on residential and visual amenity and therefore does not warrant a refusal.

Recommendation:

RECOMMEND: Permission be granted subject to the following condition:

- (1) No adaption of outbuilding

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It does not adversely impact on residential or visual amenity and therefore complies with the relevant policies in the Eastbourne Borough plan 2001-2011.

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