

Eastbourne Borough Council

Planning Committee

30 August 2011

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 346 SEASIDE, EASTBOURNE**
Erection of four storey building comprising a retail shop (Class A1) on the ground floor and nine flats (8No. two bedroom and 1No. one bedroom) on the upper floors, together with associated car parking and cycle stores and access from Churchdale Road
EB/2011/0276(FP), St Anthony's/Devonshire Page 3
RECOMMEND: Approve subject to conditions and the signed unilateral undertaking with ESCC
- 2) 44 MARSDEN ROAD, EASTBOURNE**
Retention of an outbuilding to be used as a playroom
EB/2011/0331(HH), St Anthonys Page 17
RECOMMEND: Approve conditionally
- 3) 29 ASCHAM PLACE, EASTBOURNE**
Erect fence 0.5 metres above boundary wall
EB/2011/0339(HH), Meads Page 21
RECOMMEND: Approve conditionally
- 4) 44 BEATTY ROAD, EASTBOURNE**
Change of use from launderette (Sui Generis) to Café (A3)
EB/2011/0344(FP), Sovereign Page 25
RECOMMEND: Approve conditionally
- 5) 32-34 ESHTON ROAD, EASTBOURNE**
To vary condition No. 3 of Planning Permission EB/2000/0234 (at 32 - 34 Eshton Road) in order to allow an increase in the number of children attending the day nursery from 48 to 56 at any one time.
EB/2011/0352(FP), Devonshire Page 29
RECOMMEND: Refuse
- 6) 30 COBBOLD AVENUE, EASTBOURNE**
First floor extension to front
EB/2011/0383(HH), Old Town Page 33
RECOMMEND: Approve conditionally

J. F. Collard
Head of Planning

19 August 2011

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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

30 August 2011

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 30 August 2011

Item 1

App.No.: EB/2011/0276	Decision Due Date: 23/06/11	Ward: St Anthony's/Devonshire
Officer: Lisa Rawlinson	Site visit date: 10/06/11	Type: Minor
Site Notice(s) Expiry date: 10/06/11 Neigh. Con Expiry: 09/06/11 Weekly list Expiry: 09/06/11 Press Notice(s): N/A		
Over 8/13 week reason: Unilateral undertaking with East Sussex County Council needed to be finalised		
Location: 346 Seaside		
Proposal: Erection of four storey building comprising a retail shop (Class A1) on the ground floor and nine flats (8No. two bedroom and 1No. one bedroom) on the upper floors, together with associated car parking and cycle stores and access from Churchdale Road		
Applicant: Peak Developments – Mr Shawn Kelf		
Recommendation: Approve subject to conditions and the signed unilateral undertaking with East Sussex County Council to secure Local Sustainable Accessibility Improvement Contributions		

Planning Status:

- Flood Zone 3
- Adjacent to Local Shopping Centre

Relevant Planning Policies:

National Planning Policy Guidance

PPG 3	Housing
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport
PPS25	Development and Flood Risk

Eastbourne Borough Plan 2001-2011 (2003)

NE11	Energy efficiency
NE28	Environmental amenity
UHT1	Design of new development
UHT2	Height of buildings
UHT4	Visual amenity
HO1	Residential development within the existing built-up area
HO6	Infill development
HO7	Redevelopment
HO20	Residential amenity
TR6	Facilities for cyclists
TR11	Car parking
SH1	Retail hierarchy
SH6	New local convenience stores

Site Description:

The application site which is currently vacant and is enclosed with a hoarding was the site of the former Castle Restaurant and Public House. The site is situated on the corner of Seaside and Churchdale Road, opposite the Archery Recreation Ground.

Relevant Planning History:

App Ref:

EB/2006/0436(OL)

Description:

Demolition of existing building (public house and restaurant) and erection of a part two, three and four storey block of 27 self contained flats together with underground parking

Decision:

Withdrawn

Date:

21 August 2006

App Ref:
EB/2007/0711(OL)

Description:
Demolition of existing premises and erection of 13 one-bedroom and 9 two-bedroom flats (including 6 affordable housing units) together with the provision of 12 car parking spaces and cycle storage

Decision:
Approved subject to a S.106 Agreement and conditions

Date:
29 August 2008

App Ref:
EB/2009/0821

Description:
Demolition of existing public house and erection of 22 flats

Decision:
That authority be granted for the completion of a Deed of Variation (if required) of the S.106 dated 29 August 2008 to cover any necessary amendments to the provision of affordable housing under that agreement and subject to conditions

Date:
2 March 2010

Proposed development:

Planning permission is sought for the erection of four storey building comprising a retail shop (Class A1) on the ground floor and nine flats on the upper floors, together with associated car parking and cycle stores and vehicular access from Churchdale Road.

The applicant has confirmed that the proposed convenience store (360sqm) is to be occupied by the Co-operative Society.

Compared to the most recently approved scheme for development on the site, the ground floor area has been reduced from 585sqm to 401sqm.

The proposed flats will comprise 8No. two bedroom units and 1No. one bedroom unit. Access to the flats will be from the front of the site adjacent to 344 Seaside and the side boundary at this point will be enclosed with a 900mm high brick wall. This wall is then proposed to be extended around the frontage of the site to a height of 1700mm.

Each of the flats will have a lockable cycle storage facility that will be located at the front of the site behind the boundary wall and it is proposed to provide 4 cycle stands for customers of the convenience store.

The building will be steel framed with blue/grey brick cladding at ground floor level and the upper floors of the building will be predominantly rendered white with some yellow and red detailing. There will also be some grey faced cladding panels on the upper floors and to the roof.

The residential floors are broken up and sit as a curved and cantilevered element over the corner where the entrance to the store is located.

12 on site customer parking spaces are proposed to be provided (including one disabled space) and at the request of the Highway Authority, access to the site is to be off Churchdale Road. There is a turning space within the site for a 10 metre rigid vehicle that the Co-op are committed to use to service the site.

The front façade of the building will essentially follow the line of the original Castle restaurant. It will be set back from the footpath in Seaside and there will be a significant set back to Churchdale Road.

The design of the building incorporates a low energy construction system and the residential units will be built to Code 3 of the 'Code for Sustainable Homes'.

A SuDS drainage scheme will be incorporated that has some site storage capacity for discharge attenuation. It is also proposed to install solar thermal panels on part of the roof of the building to provide green energy to the flats and convenience store.

Consultations:

Southern Water have confirmed that the applicant will be required to make a formal application for connection to the public foul sewer and that an informative requiring this will need to be attached to any grant of consent.

It is noted that the application forms refer to Sustainable Drainage Systems (SuDS) and it is acknowledged that such systems usually have a significant land take and it is not clear how the SuDS facilities can be accommodated within the proposed layout. In addition, consideration should be given to ensure the proposed means of surface water disposal can be accommodated within the proposed layout.

Under current legislation and guidance, SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS system is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should 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.

It is therefore requested that should the scheme receive planning approval, a condition should be attached requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to and approved by the Local Planning Authority (letter dated 2 June 2011).

The Council's **Planning Policy Officer** has confirmed the following:

The application site is identified on the Eastbourne Borough Plan (2001-2011) Proposals Map as being adjacent to the Seaside (Hydney Street to Churchdale Road) Local Shopping Centre. The site is the former Castle Restaurant (public house) and is situated on the corner of Seaside and Churchdale Road, opposite the Archery Recreation Ground.

Development of this site was granted planning permission on 2 March 2010 under application reference EB/2009/0821, which proposed a total of 22 net residential units, with no retail element. Therefore it is considered that this consultation response need not go into depth regarding the principle of development, which has already been established. This response will therefore concentrate on the policies which are of greatest relevance to the current application.

The site has been identified as 'deliverable' in the Council's Strategic Housing Land Availability Assessment (SHLAA) within the next 5 years (forming part of the Council's 5 Year Housing Supply as required by Planning Policy Statement 3: Housing (PPS3)). This is based on the most recent approval (EB/2009/0821) of 22 units (all of which fall under the C3 Use Class).

Policy HO3: Retaining Residential Use, seeks to promote residential development within the existing built-up area, in order to maintain dwelling stock numbers and resist the loss of residential commitments (i.e. sites to which the Council is committed by virtue of an extant planning permission). The new proposal would result in a reduction of 13 units, when set against the committed 22 units. It is therefore contrary to part (b) of Policy HO3: Retaining Residential Units, which states that planning permission will not be granted for developments which '*would result in the net loss of the number of residential units previously committed*'.

This scheme can not be seen as an exception to this policy as there is no significant improvement in the quality of residential accommodation compared to the extant permission.

The loss of 13 units from the Council's 5 Year Housing supply would adversely affect the Council's ability to meet its local housing targets in future years and deliver its spatial development strategy identified in the emerging Core Strategy. Furthermore, it would be inconsistent with paragraph 45 of PPS3: Housing, which states that "*Using land effectively is a key consideration in planning for housing*".

It should also be noted that the extant permission provides 6 affordable housing units in line with Policy H013: Affordable Housing of the Borough Plan. Maximising the delivery of affordable housing within new development is a significant issue for the Council as there is already an acute shortage of affordable housing in the Borough. This application does not provide any element of affordable housing and would result in a reduction of 6 affordable units when compared against the extant planning permission (EB/2009/0821). The emerging Core Strategy is seeking to address the shortage of affordable housing by lowering to 1 unit the threshold at which a proportion of affordable will be required, and by increasing the threshold from 30% to 40% in some parts of the Borough (not Seaside).

Turning to the proposed retail element on the ground floor: the site falls outside the Seaside (Hydney Street to Churchdale Road) Local Shopping Centre, and whilst it is recognised that there are currently no vacant units within the Centre, an extension of the Centre was not deemed necessary in the Eastbourne Shopping Assessment 2010, particularly given the high level of vacancies in nearby shopping centres.

Planning Policy does not support this application, on the basis that the proposals are contrary to Policy HO3. The scheme would result in the loss of 13 units (including 6 affordable units) from the Council's 5 Year Supply of deliverable sites (memo received 6 June 2011).

The **Highway Authority** has confirmed the following:

The site lies within Zone 4 of the East Sussex County Council, parking standards at development, supplementary planning guidance. As such the maximum parking provision would be 12 for the store (1 space per 30m² gfa) and 12 for the flats (1 per unit + 1 per three units for visitors). A 25% reduction can then be applied. The parking provision is therefore 18 – 24 spaces.

However, the previous use as a public house as well as the previously agreed scheme would have resulted in a greater demand for parking.

In the case of the public house there was zero parking provision, and in the case of the previous scheme a total of 22 flats were approved with 12 parking spaces. On this basis the proposed scheme provides a greater proportion of the parking provision.

Bearing this in mind as well as Paragraph 51.2 of 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.

However it is recommended that any consent shall include conditions relating to the following:

- Provision of turning space for vehicles
- Provision of parking area
- Provision of cycle parking
- Existing accesses stopped up and the kerb and footway reinstated in Churchdale Road and Seaside
- New access to be in position shown on the submitted plan
- Provision to be made to prevent the discharge of water from proposed site onto the public highway and, similarly, to prevent discharge of surface water from the highway onto the site
- Travel Plan Statement to be submitted to and agreed with the LPA to include measures and works to reduce (single occupancy) car use and/or increase awareness/use of sustainable travel options at the development site with a timetable for implementation of these measures and works
- Provision of a Local Sustainable Accessibility Improvement Contribution of £9000 to be secured by legal agreement. This contribution is required to enable raised bus stop kerbing to be installed at the stops in Churchdale Road and at the nearest east bound (opposite 357 Seaside) and west bound (outside 341 Seaside) stops in Seaside (memo dated 29 June 2011).

The Council's **Economic Development Officer** has confirmed that he is aware of the problems of encouraging new occupiers to Seaside, the majority quoting low footfall as the reason for failure.

The proposal is considered an excellent idea and by bringing in a brand name it should help raise the profile of the area in general and hopefully improve the popularity of the site for other vacant units. Therefore, the proposal is supported from an Economic Development perspective (email received 17 May 2011).

Neighbour Representations: Letters of notification were sent to the occupiers of surrounding properties. One email has been received from the occupier of a property in Mountbatten Drive who considers that a flat roof building in this location is not appropriate as it is out of keeping.

Appraisal:

The main issues to consider in the determination of this application are:

- Whether the principle of the proposed development is acceptable and accords with Government guidance and local planning policy;
- The effect the proposed development will have on the visual amenities of the locality;
- the effect on the amenities of occupiers of surrounding residential properties; and
- The effect on the highway network

Whether the principle of the proposed development is acceptable and accords with Government guidance and local planning policy

The principle of redeveloping the application site for residential purposes has already been established by the granting of outline planning permission in August 2008 and full planning permission in March 2010 for 22 flats.

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

The application site immediately adjoins a predominantly residential area and Policy HO2 of the Borough Plan supports schemes for residential development in such areas. In addition, Policies HO6 and HO7 support infill development and redevelopment of land for housing within primarily residential areas.

It is acknowledged that the Planning Policy Officer has objected to the proposed development on the grounds that having regard to the previously approved schemes, the current proposal will result in the loss of 13 'committed' units (including 6 affordable units) from the Council's 5 Year Supply of deliverable sites.

However, the applicant has confirmed that the previously approved schemes were unable to be implemented as a result of the downturn in the economy and because he was unable to agree the development with a Housing Association.

Whilst the loss of 'committed' units is regrettable, it is considered that the provision of nine flats (8No. two bedroom units and 1No. one bed unit) should be supported as along with the proposed convenience store it will ensure that this site is developed which will significantly improve the appearance of the area.

In addition, it is considered that the current scheme which has a density of 93 dwellings per hectare represents a better standard of development than the previously approved scheme which had a density of 227 dwellings per hectare and could therefore be considered as an exception to Borough Plan Policy HO3.

The proposals are also supported from an Economic Development point of view, as it is considered that the provision of a retail unit in this location should help raise the profile of the area in general and hopefully improve the popularity of Seaside for other vacant units.

From a planning policy perspective, it is also considered that the provision of a retail unit immediately adjacent to an existing Local Shopping Centre is acceptable and Borough Plan Policy SH6 supports the provision of convenience stores where they have a floor area of less than 500sqm, as is the case here.

In addition, the proposal seeks to deliver a sustainable development and key elements to note are:

- the development is on a brownfield site;
- a sustainable drainage scheme is proposed for the site;
- the building would have a compact form;
- the design allows a low energy construction with a proposed steel frame and render;
- the scheme allows for solar panels to be provided on the roof;
- provision is to be made for higher levels of insulation, renewable energy and water saving;
- the building will achieve Code Level 3 of the 'Code for Sustainable Design'.

The proposed development therefore complies with Policy NE11 of the Borough Plan, and the Council's adopted Supplementary Planning Guidance "Energy Efficient Development".

For the above reasons the principle of the proposed development is acceptable and it is considered to accord with Government guidance, and relevant local planning policies, albeit that it does result in the loss of 13 'committed' residential units (including 6 affordable units) from the Council's 5 year supply of deliverable sites.

The effect the proposed development will have on the visual amenities of the locality

The current scheme proposes a part three and part four storey building as was the case with the previously approved development. However the proposed building has a reduced massing and footprint and is set back from the Churchdale Road frontage.

It is considered that the proposed contemporary design is appropriate for the site and reflects the appearance of the previously approved scheme. In addition, it is considered that the curved bay will act as a focal point on a significant road junction.

For the above reasons and having regard to the current appearance of this vacant hoarded site, it is considered that the design, scale and massing of the proposed building is acceptable, will enhance the character and appearance of this part of Seaside and therefore complies with Borough Plan Policies UHT1, UHT2 and UHT4.

The effect on the amenities of occupiers of surrounding residential properties

Where the development will be sited adjacent to existing buildings in Seaside and Churchdale Road, it will be only three storeys and one and a half storeys in height respectively and will be flat roofed. This therefore minimises the impact on the occupiers of adjacent properties.

The bulk and massing of the proposed development is significantly less than the previously approved scheme, particularly with regard to the Churchdale Road elevation, which had a three storey building sited within close proximity to the adjacent terraced properties.

Windows in the side elevation of the proposed building immediately adjacent to the flank wall of 344 Seaside, would be either secondary windows or would serve bathrooms. These windows can therefore be conditioned to be glazed with obscure glass.

Whilst it is acknowledged that there is some overlooking of the adjacent rear yard and rear gardens in Churchdale Road from two small kitchen/living room windows at first and second floor level, there is no more overlooking than already occurs from the existing adjoining buildings and there is no overlooking and loss of privacy to the habitable rooms of the adjacent properties.

There is some shadowing from the building in the morning, however shadow studies demonstrate that this is within permitted guidelines and that it is less than the previously approved scheme.

It is therefore considered that the proposed development will not have any detrimental impact on the amenities of occupiers of the adjacent properties, by reason of loss of outlook, loss of privacy, overshadowing or loss of light.

Having regard to the impact of the proposed retail use and associated vehicle movements on the amenities of occupiers of surrounding residential properties, the applicant has confirmed that he would be willing to accept a condition to restrict the hours of opening and servicing.

Furthermore, having regard to the previous use of the site as a restaurant and pub, the proposed residential and retail uses are unlikely to give rise to unacceptable levels of noise or general disturbance.

For the above reasons, it is considered that the proposal complies with Borough Plan Policy HO20.

The effect on the highway network

The proposed vehicular access to the site is from Churchdale Road and has been designed in consultation with the Highway Authority.

The development would be served by 12 on site car parking spaces (including 1 disabled space) and cycle parking for both residents and customers. This level of provision is below the County Council's standards, however the previous use as a public house as well as the previously agreed scheme would have resulted in a greater demand for parking. In the case of the public house there was zero parking provision, and in the case of the previous scheme a total of 22 flats were approved with 12 parking spaces. On this basis the proposed scheme provides a greater proportion of parking provision and as such the Highway Authority raises no objections to the proposed development.

The Highway Authority has recommended that any grant of consent should be subject to a condition to require a Travel Plan Statement to be submitted to include measures and works to reduce (single occupancy) car use and/or increase awareness/use of sustainable travel options at the development site with a timetable for implementation of these measures and works.

In addition a contribution of £9,000 should be secured to enable raised bus stop kerbing to be installed at the stops in Churchdale Road and at the nearest east bound (opposite 357 Seaside) and west bound (outside 341 Seaside) stops in Seaside. This contribution will be secured by a Unilateral Undertaking that has already been signed by the applicant and the County Council.

For the above reasons, it is considered that the proposed development will have no detrimental impacts on the highway network.

Human Rights Implications: It is considered that the proposed development would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property.

Conclusion:

The principle of redeveloping this site for residential purposes is acceptable and has already been established with the granting of outline planning permission in August 2008 and full planning permission in March 2010 for 22 flats. In addition, the proposal to provide a convenience store in this location, immediately adjacent to a designated Local Shopping Area is considered acceptable and is supported by the Council's Economic Development Officer. The proposed modern replacement building will enhance the character and appearance of the site and this part of Seaside and the proposed height and massing of the building will have no significant harmful effects on the amenities of occupiers of surrounding residential properties. In addition, it is considered that the proposal provides adequate on site parking to serve the development and will have no detrimental impact on the highway network. As such, the Highway Authority raises no objections to the proposals and the applicant has signed a unilateral undertaking to secure local sustainable accessibility improvement contributions. It is therefore considered that the proposed development is acceptable.

Recommendation:

GRANT subject to the following conditions and unilateral undertaking dated 25 July 2011

- (1) Commencement of development within three years
- (2) Drawing Nos. of approved plans
- (3) Samples of materials to be submitted (++)
- (4) Restriction of times for building operations
- (5) Submission of details for foul and surface water sewerage disposal (++)
- (6) Submission of landscaping scheme (++)
- (7) Provision of on-site wheel washing facilities
- (8) Submission of further details of boundary treatment (++)
- (9) Finished floor levels
- (10) Submission of details of a sustainable surface water drainage system (++)
- (11) Submission of flood resilient and resistant construction techniques and flood evacuation plan (++)
- (12) Unidentified contamination
- (13) No occupation until on-site parking provided
- (14) No occupation until cycle parking provided
- (15) No burning of waste on site
- (16) Minimisation of dust from demolition (++)
- (17) Submission of details of haulage route and storage compound (++)
- (18) Separate foul and surface water drainage
- (19) Surface water from roofs to be piped to an approved surface water system

Cont/d...

- (20) Windows in side elevation adjacent to 344 Seaside to be glazed in obscure glass
- (21) Submission of bird deterrent measures (++)
- (22) No occupation until turning space for vehicles provided
- (23) No occupation until existing accesses have been stopped up and kerbs and footways reinstated
- (24) No occupation until new access provided
- (25) Provision to be made to prevent discharge of water from site to highway
- (26) Submission of Travel Plan Statement (++)
- (27) Hours of opening and servicing

INFORMATIVE:

A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

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**.

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Item 2

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 Ripsley 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 Alterations unless agreed by LPA in writing

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 30 August 2011

Item 3

Application Site: 29 Ascham Place		
App.No.: EB/2011/0339	Decision Due Date: 9 August 2011	Ward: Meads
Officer: Lisa Rawlinson	Site visit date: 12 July 2011	Type: Householder
Site Notice(s) Expiry date: 15 July 2011 Neigh. Con Expiry: 15 July 2011 Weekly list Expiry: 22 July 2011 Press Notice(s): N/A		
Over 8/13 week reason: referred to Planning Committee because of planning history associated with the site		
Proposal: Erect fence 0.5 metres above boundary wall		
Applicant: Mr P Rudden		
Recommendation: Permission be granted subject to conditions		

Reason for referral to Committee

Previous planning applications relating to the site have been determined by the Planning Committee.

Executive Summary

There are no policy objections to the proposed development and it is considered that the proposed fence by reason of its siting, height and appearance will have no detrimental impact on the visual amenities of the locality.

Planning Status

- Tree Preservation Order No. 30.

Relevant Planning Policies

UHT1 Design of New Development
 UHT4 Visual Amenity

Site Description

This corner property is located at the junction of Ascham Place and Carlisle Road; it has a straight boundary at the rear along with 28 Ascham Place, but the remaining boundary forms a semi-circle, all of which is adjacent to a public highway.

The property is enclosed by a 1.7 metre high brick, which is staggered in sections to follow the change in the ground levels dropping from Carlisle Road to Ascham Place.

Relevant Planning History

App Ref: EB/2008/0765	Description: Erection of a two storey extension at side and conservatory at rear
Decision: Granted	Date: 22 January 2009
App Ref: EB/2009/0081	Description: Removal of existing hedge and erection of boundary wall at junction with Carlisle Road and Ascham Place to height of 1.7m
Decision: Refused	Date: 26 March 2009
Appeal: Allowed	Date: 10 November 2009
App Ref: EB/2009/0280	Description: Application for Lawful Development Certificate for the erection of a 1.7m high garden wall behind existing boundary wall facing Ascham Place/Carlisle Road
Decision: Refused	Date: 18 June 2009
Appeal: Dismissed	Date: 10 November 2009
App Ref: EB/2010/0089	Description: Erect a section of new brickwork and fencing on top of existing boundary wall at side and rear of property
Decision: Refused	Date: 22 April 2010
Appeal: Dismissed	Date: 6 July 2010
App Ref: EB/2010/0760	Description: Installation of a fake hedge above the boundary wall at the side and rear of the property
Decision: Refused	Date: 27 January 2011
Appeal: Dismissed	Date: 18 May 2011

Proposed development

Planning permission is sought to erect a 0.5 metre high close boarded fence on top of the existing boundary wall that runs around the rear and side boundaries of the property that faces Carlisle Road and Ascham Place.

Neighbour Representations

Occupiers of neighbouring properties in Ascham Place were notified and a site notice displayed in Carlisle Road. No representations have been received.

Appraisal

The only issue to consider in the determination of this application is the impact the proposed fence would have on the visual amenities of the locality.

The application site occupies a corner site with a prominent position, particularly when viewed along Carlisle Road. The form of enclosure for the side and rear gardens will therefore be highly visible in the street scene.

There is extensive planning history relating to enclosing the boundary of 29 Ascham Place and previous applications have been refused and dismissed on appeal because of their impact on the visual amenities of the locality.

In order to assess the impact of the proposed development the applicant has erected the fence on top of the boundary wall and it is considered that the enclosure has no detrimental impact on the visual amenities of the area and as such conforms with Borough Plan Policies UHT1 and UHT4.

Human Rights Implications

None

Conclusion

The proposed 0.5 metre high close boarded fence to be erected on the side and rear boundary wall at 29 Ascham Place by reason of its height and appearance is considered to be acceptable and will have no detrimental impact on the visual amenities of the locality.

Recommendation: Permission be granted subject to the following conditions:

- (1) Commencement of development within three years
- (2) Approved plans
- (3) Details of treatment to be submitted and approved

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the visual amenities of the locality and would therefore be in accordance with the relevant policies of 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 30 August 2011

Item 4

App.No.: EB/2011/0344	Decision Due Date: 20/07/2011	Ward: Sovereign
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice Expiry date: 15/07/2011 Neigh. Con Expiry: 15/07/2011 Weekly list Expiry: 15/07/2011 Press Notice: N/A		
Over 8/13 week reason: Committee		
Location: 44 Beatty Road		
Proposal: Change of use from launderette (Sui Generis) to Café (A3)		
Applicant: Mr L Aslan		
Recommendation: Approve		

Reason for referral to Committee: Referral by Chair.

Planning Status

- Flood Zone 2/3

Relevant Planning Policies:

SH7 District, Local and Neighbourhood Centres
 HO20 Residential Amenity

Site Description:

The application site comprises a ground floor retail unit with residential accommodation above located within the Beatty Road Local Shopping Centre, a small parade of shops, between Londis and the newsagents. The unit comprises an internal floorspace of 78m² and, although authorised as a launderette, is currently vacant.

Relevant Planning History:

App Ref: EB/1971/0711 Description: Installation of new shop front and internal alterations to form a coin-operated launderette. Reconsideration of condition 4.
Decision: Approved Date: 16/12/1971
conditionally

Proposed development

Permission is sought for the change of use of 44 Beatty Road from a launderette (Sui Generis) to a café (A3).

Consultations

Planning Policy: 'Policy SH7 (whilst not specifically relevant to proposals for change of use from Sui Generis to A3) aims to ensure that retail uses are protected in District, Local and Neighbourhood Shopping Centres. As paragraph 9.14 of the Borough Plan acknowledges, "*Too many non-A1 uses may result in "dead frontage" that makes the centre less attractive to shoppers so that it ultimately becomes less viable*". Although A1 uses should predominate in the Local Shopping Centre, in this instance, the existing use of the unit is Sui-Generis (thus non-A1), so the change of use to class A3 will not result in the loss of an A1 unit.

There are residential areas close to the St Anthony's Local Shopping Centre. In accordance with the criteria established in Policy HO20: Residential Amenity, it must be ensured that the change of use does not have any unacceptable adverse effect on residential amenity. Of particular relevance to this application, the change of use to a Café should not cause any unacceptable noise, general disturbance or odour.

On the basis that the application complies with Policy HO20, and as the change of use will not result in the loss of an A1 unit (Policy SH7), Planning Policy has no objection to the proposed change of use.'
(Memo, 14/07/11)

Economic Development: No reply at time of writing report.

Environmental Health: No reply at time of writing report.

Neighbour Representations

Letters of notification were sent to the occupiers of surrounding properties. No letters of objection have been received.

Appraisal

The current authorised use of the premises is Sui Generis (launderette) and, as such, Policy SH7 is not strictly applicable to this application. Nevertheless, it is considered that the main objective of Policy SH7 to prevent the accumulation of 'dead frontages' making local shopping centres less viable is relevant particularly given that the application site is currently vacant.

The proposed café will help maintain the viability of the small parade of shops which currently comprises a variety of uses including a bakers, fish and chip shop, hairdressers and letting agents and thus attracts a wide clientele. A café on these premises is considered compatible with the surrounding uses with an internal floor area fit for purpose.

No external alterations are proposed to the frontage, however an extraction system will be installed to the rear to ensure any resultant noise and odour is adequately controlled. Although the additional traffic generated by the new café is likely to be minimal, the site benefits from extensive on site parking facilities and parking is therefore not a concern. The café is not considered to create any additional disturbance to the residential units above nor adversely affect the established residential amenity of the area as no evening or late night trading is proposed.

For the reasons mentioned above, approval is recommended.

Human Rights Implications

None

Conclusion

The proposed change of use will have no adverse affect on the established residential amenity of the area. The proposal will bring an empty unit back into use and, as such, help maintain the viability of the Beatty Road parade of shops.

GRANT subject to conditions

Conditions to include:

- (1) 3 year commencement of development
- (2) Restricted hours
- (3) Approved extraction/ventilation system
- (4) Approved plans

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties and would therefore be in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

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 30 August 2011

Item 5

App.No.: EB/2011/0352	Decision Due Date: 16/08/11	Ward: Devonshire
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 17/07/11 Weekly list Expiry: 04/08/11 Press Notice(s) Expiry: N/A		
Over 8/13 week reason: Committee Item		
Location: 32-34 Eshton Road		
Proposal: To vary condition No. 3 of Planning Permission EB/2000/0234 (at 32 - 34 Eshton Road) in order to allow an increase in the number of children attending the day nursery from 48 to 56 at any one time.		
Applicant: Mrs Barbara Davies		
Recommendation: Refuse		

Reason for referral to Committee

5 objections/1 letter of support

Planning Status

- Floodzone 2/3
- Predominantly Residential Area

Relevant Planning Policies:

Eastbourne Borough Plan 2001-2011
 HO20 Residential Amenity
 TR11 Car Parking

Site Description

The application site relates to an end of terrace property situated on the north side of Eshton Road, close to the junction with Latimer Road. The premises are currently used as a children's nursery, located within a predominantly residential area.

Relevant Planning History

- EB/2000/0234 Change of use from single dwelling house to a nursery, to be used in conjunction with No.34 Eshton Road.
Approved conditionally. 14/06/2000
- EB/1996/0267 Change of use of part of ground floor and all of first floor to use whole building as nursery, together with increase in numbers of children to 40 and age range between 2 years and 10 years.
Approved conditionally. 15/08/1996.
- EB/1990/0081 Continued use of nursery with extension of hours from 8.30am to 5.30pm Mondays to Fridays.
Approved conditionally. 02/04/1990.
- EB/1989/0155 Change of use of part of ground floor to nursery.
Approved conditionally. 26/04/1989.

Proposed development

Permission is sought to vary condition 3 of Planning Permission EB/2000/0234 (at 32-34 Eshton Road) in order to allow an increase in the number of children attending the day nursery from 48 to 56 at any one time.

Consultations

Highways: 'This site lies within Zone 4 of the East Sussex County Council, Parking Standards at Developments, Supplementary Planning Guidance and as such the parking provision can be reduced by 25% from the required standard.

The standard for a Private Nursery is 1 space per 2 full time equivalent members of staff, plus 1 space per 4 children for parents' delivery/collection.

The proposal for 56 children would create a demand for 14 spaces which can then be reduced to 11 when the 25% reduction is applied. The addition of 2 staff will create a demand for 1 parking in the area. The proposal as submitted does not provide any off street parking provision.

In addition the application does not include a Transport Statement. This could have recommended realistic proposals for providing for and improving non-car modes of travel, through walking, cycling and public transport and assess the residual impact of the development on the surrounding highway network with ameliorative measures as necessary.

I recommend that consent be refused for the following reasons:

- The proposal could not provide for parking facilities within the site which would result in additional congestion on the public highway causing further interference with the free flow and safety of traffic in Eshton Road and Latimer Road.'

(Memo, 16/08/11)

Neighbour Representations

Letters of notification were sent to the occupiers of the surrounding properties. 5 letters of objection have been received raising the following concerns:

- Insufficient parking space resulting in inconvenience for local residents and compromised highway safety;
- Noise concerns from the increased number of children that will be attending the nursery; and
- Increase in number of staff congregating resulting in additional noise and litter.

One letter of support has been received highlighting the need for more nursery school places within the local area.

Appraisal

The main issues to assess in the determination of this application concern the effect of the proposal on the amenities of nearby residential properties with respect to noise, traffic and parking. No internal or external alterations are proposed.

Over the years, the nursery has benefited from a substantial increase in the numbers permitted on the premises from 15 children in 1989 to 40 children in 1996 and 48 children in 2000. It should be noted that both latter permissions were granted against officer recommendation and hours of opening have also been extended from 8:30-14:00 Monday to Friday under EB/1989/0155 to 8:30-17:30 Monday to Friday under EB/1990/0081. The current application now seeks a further increase from a maximum of 48 to 56 children at any one time with an increase of 2 full time staff.

As raised by previous planning officers, I remain concerned that such a large number of children in a predominantly residential area will result in detriment to residential amenity with respect to the potential increase of noise and traffic from both children and staff, particularly at times of arrival and departure. Officer site visits at peak times, in addition to objection letters received by local residents, confirm that any increase in the number of children attending the nursery is likely to both inconvenience local residents further with respect to limited parking whilst also potentially compromising highway safety.

Despite the demand for nursery school education within the local area, I am of the opinion that the host premises, due to its residential location and lack of parking facilities, cannot currently accommodate such large numbers of children and as such cannot facilitate any addition. This section of Eshton Road is a one way street with no off street parking facilities. Although a transport assessment may provide some mitigation measures to improve the situation, it is not possible to control the number of children arriving or leaving by car and, as such, the proposal remains unacceptable.

REFUSE for the following reason:

In the absence of any parking facilities to provide for the proposed increase in the number of children attending the nursery and corresponding addition in staff, the proposal would result in further congestion on the public highway interfering with the free flow and safety of traffic in Eshton Road and Latimer Road. Consequently, the proposal would be detrimental to the amenities of nearby properties by reason of increased noise, disturbance and traffic contrary to Policies HO20 and TR11 of 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 30 August 2011

Item 6

App.No.: EB/2011/0383	Decision Due Date: 20/08/11	Ward: Old Town
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 05/08/11 Weekly list Expiry: 04/08/11 Press Notice(s) Expiry: N/A		
Over 8/13 week reason: Committee Item		
Location: 30 Cobbold Avenue		
Proposal: First floor extension to front		
Applicant: Mr & Mrs Koka		
Recommendation: Approve		

Reason for referral to Committee

Referral by Chair.

Planning Status

- Predominantly Residential Area
- Archaeologically Sensitive Area

Relevant Planning Policies

Eastbourne Borough Plan 2001-2011

UHT1 Design of New Development
HO20 Residential Amenity

Site Description

The application site comprises a detached dwelling located on the eastern side of Cobbold Avenue within a predominantly residential area. The site inclines from west (front) to east (rear) with adjacent properties sited at a lower ground level than the host dwelling.

Relevant Planning History

EB/2000/0624	Variation of Condition 3 attached to Planning Permission EB/2000/0324, to allow insertion of a stained glass circular window to each side elevation of approved two-storey rear extension. Granted, subject to conditions. 14/12/2000
EB/2000/0324	Proposed first floor rear extension. Granted, subject to conditions. 08/08/2000
EB/1990/0269	Single-storey extension at rear, and front porch to detached house. Granted (Five years). 02/07/1990

Proposed development

Permission is sought for a first floor extension to the front of the property over the existing garage to provide a fourth bedroom. The development will comprise a hip roof to sit 1.2m below the main ridge with windows proposed on the front and northern flank elevations. All materials will match existing.

Consultations

N/A

Neighbour Representations

Letters of notification were sent to the occupiers of the surrounding properties. Two letters of objection have been received; the following concerns have been raised:

- Visual harm to the streetscene; and
- Overdevelopment

Appraisal

This application has been submitted following pre-application discussions to omit the addition of a front balcony; the current application seeks permission for a first floor extension to the front of the property over the existing garage to provide an additional bedroom.

Despite previous extensions and concerns from neighbours, the scale of the proposal, in addition to that of previous extensions, is not considered to represent an overdevelopment of the site. Cobbold Avenue comprises an array of different properties and the proposed extension will remain subservient to the main building with all materials matching existing.

The design and scale of the proposal is considered to be in keeping with the character and appearance of the host dwelling and wider streetscene. Whilst it is acknowledged that differences in ground levels may exacerbate any development proposed on the western side of Cobbold Avenue, as seen from dwellings sited to the east, the distance between properties on either side of the road is sufficient to ensure the proposed extension will not result in any significant loss of outlook or privacy. Despite the proximity of the extension to No.28 to the south, the position of this neighbour's ground floor garage and first floor window above will ensure occupiers are not adversely affected by loss of daylight. In order to prevent potential overlooking, no windows are proposed on the southern flank elevation facing No.28.

Approval is recommended.

Human Rights Implications

None.

GRANT subject to conditions

Conditions to include:

- (1) 3 year commencement of development
- (2) Matching Materials
- (3) No windows on southern flank elevation
- (4) Approved plans

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties and would therefore be in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

Informatives: N/A

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**.