

Eastbourne Borough Council

Planning Committee

27 September 2011

Report of the Head of Planning

List of Planning Applications for Consideration

1) 45-47 GREEN STREET, EASTBOURNE

Re-installation of air conditioning/ventilation system for ground floor retail unit and retrospective application under section 73a for the retention of a close boarded fence on rear boundary wall.

EB/2011/0180(FP), Old Town

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RECOMMEND: Refusal

2) 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

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RECOMMEND: Approve subject to conditions and the signed unilateral undertaking with ESCC

J. F. Collard
Head of Planning

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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

27 September 2011

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 27 September 2011

Item 1

APPLICATION SITE: 45-47 GREEN STREET		
App.No.: EB/2011/0180	Decision Due Date: 21 May 2011	Ward: Old Town
Officer: Jane Sabin	Site visit date: 28 June 2011	Type: Minor
Site Notice(s) Expiry date: 30 May 2011		
Neigh. Con Expiry: 29 May 2011		
Weekly list Expiry: 1 June 2011		
Press Notice(s)-: N/A		
Over 8/13 week reason: Delays in sending out notifications during switchover of software systems and consequent heavy workloads		
Proposal: Re-installation of air conditioning/ventilation system for ground floor retail unit and retrospective application under section 73a for the retention of a close boarded fence on rear boundary wall.		
Applicant: Mr. D. Photiou		
RECOMMENDATION: Refuse		

Reason for referral to Committee:

Deferred from Planning Committee on 12 July 2011 for further report/information on the impact of noise from the equipment.

Executive Summary:

The proposal aims to resolve the current unacceptable situation, but it is considered that the additional information received from the applicant does not address the concerns raised.

Planning Status:

Neighbourhood Shopping Centre

Relevant Planning Policies:

- UHT1 - Design of development
- HO20 - Residential amenity

Site Description:

This mid-terrace commercial unit is located in a parade of shops on the west side of Green Street, between the junctions with Salehurst Road and Dacre Road. It traded for many years as "Joe's Corkscrew", but has been extended and refurbished as a "Premier" grocery store.

Relevant Planning History:

App Description: Erection of single storey rear extension to provide additional retail area including alterations to first floor residential accomodation
 Ref:EB/2008/0083

Decision: Approved Date: 25 March 2008

App Ref:EB/2009/0283	Description: Installation of new shopfront with external security shutters.
Decision: Approved	Date: 19 July 2009
App Ref:EB/2009/0284	Description: Display of an internally illuminated fascia sign
Decision: Approved	Date: 19 July 2009
App Ref:EB/2009/0407	Description: Provision of flat roof to enclose refuse area at rear.
Decision: Approved	Date: 31 July 2009

Proposed development:

A number of air conditioning/ventilation units were installed on the side wall of the approved extension prior to the opening of the store (ca July 2009) without obtaining planning permission. Following complaints about the noise emanating from the units, repeated attempts have been made by the Enforcement Officer and Environmental Health to resolve the issue satisfactorily. The applicant has erected a 900mm close boarded fence on top of the 2m high rear boundary wall (with a timber "canopy" behind the gate) presumably to act as a baffle, however this has not been successful. This has resulted in the service of an enforcement notice on the advice of the Council's Legal Services department. Action in respect of the enforcement notice has been held in abeyance following the submission of the current application.

The application seeks consent to reinstall the five fan units to just below the top of the flat roof of the extension (thus allowing access to the staff flat above the store), and the relocation of the compressor unit to the interior of the building within a purpose built store.

Applicant's Points:

- Having taken advice from air conditioning engineers, the best way to reduce current noise levels is to relocate the compressors, which are the noisy elements of the equipment, to an internal, purpose built blockwork store

- This will allow the existing extract fans to be relocated at the higher level, providing a 2m high clear access height to the entrance to the staff accommodation at the rear of the premises

Consultations:

Environmental Health has requested that a condition restricting noise levels be attached to any approval.
(E-mail 2 June 2011)

Neighbour Representations:

Two representations have been received as a result of neighbour notifications. Both express concerns about the length of time involved in dealing with the unauthorised development and commenting that they would like their concerns taken seriously as they have been patient for a long time. One writer indicates that the reduction in noise would be welcome, provided that it is regularly monitored and no further equipment installed, (particularly on the roof). The other considers that the relocation of the units is not acceptable and that they (and the fence) should be removed completely.
(Letters date 25 & 26 May 2011)

Appraisal:

The principal issue of the development is that of noise and the impact on residential amenity. There can be no doubt that the existing noise levels are completely unacceptable. The current application was submitted in an effort to address this issue by relocating the noisiest element of the equipment to the interior of the shop extension. Members deferred the application to request technical evidence that the proposed relocation of the compressor would deal with the current noise issues, as no evidence from an engineer had been submitted to support the proposal. There was also concern that if the doors to the enclosure and rear access were left open, then noise levels would increase. The only evidence received is a general technical summary of the noise levels associated with one air conditioning unit. This bears no relation to the current proposal of five units sited externally and the compressor internally.

Human Rights Implications:

The current noise levels have an unacceptable impact on nearby residents.

Conclusion:

No evidence has been submitted to address the issue of unacceptable noise levels, and therefore the proposed development could not be supported.

Recommendation:

REFUSE for the following reason:

The existing noise levels have a seriously adverse impact on the amenities of nearby residents, and no evidence has been submitted support the premise that the proposed development would reduce the noise levels to an acceptable degree.

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 27 September 2011

Item 2

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		

Introduction

Members will recall that this application was deferred at the last Planning Committee meeting on 30 August, pending further information relating to the plant and equipment to be installed on the roof e.g. refrigeration units, lifts shafts, water storage etc.

In response to the request for further information, the applicant's agent has confirmed the following:

- When the previously approved scheme was designed, it was intended to be social housing and as such, there was a requirement to design to Code 3 of the Code for Sustainable Design.
- As it is not possible to design to Code 3 without renewables, the previously approved plans showed solar panels on the roof and the applicants referred to them in their supporting statement.

- As the current scheme does not propose social housing, there is no requirement to design to Code 3 and it is therefore not proposed to have any solar panels on the roof.
- In addition, there is no lift, so there will be no roof top motor house. Nor is there a need to have a water tank at roof level. Therefore, it is not proposed to have any plant or equipment on the roof of the flats.
- With respect to the roof over the proposed convenience store, a small amount of plant was indicated on the submitted drawings. However, this was for illustrative purposes only, as it was not known at the time what the requirements of the Co-op would be. It was assumed that a couple of air conditioning units might be required and the roof seemed the best place to site them and so a 900mm parapet wall was shown around the ground floor roof to ensure that any such plant would be invisible from the street or surrounding flats. This would also have acted as a barrier against any potential sound, albeit that modern air conditioning units generate little sound. However, following concerns expressed by Members, all air conditioning units are now proposed to be sited within the front plant and refuse room.
- Finally, no water tank is required to serve the proposed convenience store as there will only be a small staff rest room and toilet area.

The applicant's agent has subsequently submitted revised plans which illustrate that there is to be no plant or equipment installed on either the flat roof of the ground floor convenience store or the main roof of the flats.

As a result of the information provided, the recommendation remains to approve this planning application subject to conditions and the signed unilateral undertaking with East Sussex County Council to secure Local Sustainable Accessibility Improvement Contributions.

For ease of reference, a copy of the original Committee report is provided below.

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

Cont/d...

- (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
- (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**.