

Eastbourne Borough Council

Planning Committee

25 October 2011

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) LAND TO THE REAR OF 28 MILNTHORPE ROAD**
Erection of a detached dwelling with parking area(following demolition of existing garage and garden structure
EB/2011/0413(FP) MEADS Page 5
RECOMMEND: APPROVE CONDITIONALLY
- 2) 235 SEASIDE**
Display of fascia and projecting sign
EB/2011/0430(ADV) DEVONSHIRE Page 13
RECOMMEND: APPROVE CONDITIONALLY
- 3) 235 SEASIDE**
Change of use of ground floor from A1 (retail) to a5 (hot food takeaway)
EB/2011/0442(FP) DEVONSHIRE Page 15
RECOMMEND: APPROVE CONDITIONALLY
- 4) KINGS CENTRE, EDISON ROAD**
Erection of a new fire door opening and the erection of an advertising signage board
EB/2011/0444(FP) HAMPDEN PARK Page 17
RECOMMEND: APPROVE CONDITIONALLY
- 5) LAND TO THE REAR OF 15 HARTFIELD ROAD**
Erection of three two bedroom self contained flats with off street parking at front
EB/2011/0451(FP) UPPERTON Page 21
RECOMMEND: REFUSE
- 6) 42 SUMMERDOWN ROAD**
Proposed conversion of roof including erection of dormer window facing Old Camp Road and the insertion of rooflight windows to all other elevations
EB/2011/0471(HH) OLD TOWN Page 29
RECOMMEND: APPROVE CONDITIONALLY
- 7) LAND NORTH EAST OF ALDER CLOSE**
Temporary 30m high Wind Monitoring Mast
EB/2011/0487(FP) ST ANTHONYS Page 31
RECOMMEND: APPROVE CONDITIONALLY

**8) MANOR GARDENS, GILDREDGE PARK, COMPTON PLACE ROAD
Installation of new skate park within Manor Gardens (Gildredge
Park). Alternative proposal:**

Option A Skate equipment (7 pieces) will replace existing basket ball equipment. Max height of new equipment 1.66m (excluding hand rails). New equipment to be steel framed, infill steel base/side panels and capped with 'skatelite' ramp surfacing. No external illumination.

Option B Skate park equipment, solid form and constructed from concrete. No external illumination.

EB/2011/0521(FP) UPPERTON

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RECOMMEND:

Option A Approve

Option B Approve

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

25 October 2011

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 25 October 2011

Item 1

App.No.: EB/2011/0413	Decision Due Date: 17 September 2011	Ward: Meads
Officer: Jane Sabin	Site visit date: 26 September 2011	Type: Minor
Site Notice(s) Expiry date: 26 August 2011		
Neigh. Con Expiry: 27 August 2011		
Weekly list Expiry: 23 September 2011		
Press Notice(s)- : 31 August 2011		
Over 8/13 week reason: Delays in concluding legal agreement in respect of LSAIC payment		
Location: Land at the rear of 28 Milnthorpe Road		
Proposal: Erection of a detached dwelling with parking area (following demolition of existing garage and garden structures).		
Applicant: Mr. P. G. Williams		
Recommendation: Approve		

Planning Status:

- Meads Conservation Area
- Archaeologically sensitive area

Relevant Planning Policies:

- HO2 - Predominantly residential areas
- HO6 - Infill development
- HO20 - Residential amenity
- UHT1 - Design of new development
- UHT2 - Height of buildings

- UHT4 - Visual amenity
- UHT5 - Protecting walls/landscape features
- UHT15- Protection of conservation areas

Site Description:

The application site comprises the rear part of the garden of 28 Milnthorpe Road, which currently contains garden buildings and a garage with access onto Derwent Road, in the Meads Conservation Area. The site measures 12m in width and 20m in depth.

Relevant Planning History:

App Ref:EB/2008/0257	Description: Erection of a detached dwelling with parking area (following demolition of existing garage and garden structures).
Decision: Approved	Date: 20 May 2008

Proposed development:

The previous permission has expired (in May 2011) and consent is again sought to construct a detached bungalow of brick and tile under a steeply pitched tiled roof, with a dummy timber door in the gable. The dwelling would be 10m wide (leaving 1m access paths at either side), 6.3m deep and 6m high, with a 7m deep parking area at the front and a 5m deep garden at the rear. The accommodation would comprise a sitting room, kitchen/diner, bathroom and two bedrooms on the ground floor, with a third bedroom in the roofspace. The front and side boundary walls are to remain intact.

Applicant's Points:

- The proposed dwelling is similar to that at the rear of 22 Milnthorpe Road, being a detached chalet bungalow of a scale and mass commensurate with its surroundings, finished in a style sympathetic to the character of the locality, retaining existing tree and with similar access/parking arrangements
- The erection of a new dwelling has already been accepted on this and neighbouring sites fronting Derwent Road
- It will add to the towns housing stock
- The scale and mass of the new dwelling has been designed to minimize ground coverage of the development in relation to the plot size and to correspond with the existing dwelling in the rear of no.22
- The result is a pleasant attractive bungalow that sits well within the site and is sympathetic to the character and appearance of the locality
- In all respects the scheme fully complies with the relevant Borough Plan policies relating to the erection of houses within the built-up area, conservation, design, highways and impact on surrounding properties

Consultations:

The County Archaeologist states that the site is of archaeological interest due to the scale of the proposals and its proximity to the medieval and

post-medieval hamlet of Meads, and requests a condition be imposed for a watching brief.
(Letter dated 16 August 2011)

The Highway Authority has no objection to the proposal, but requests that a financial contribution is secured for the Local Sustainable Accessibility Improvement Contribution (LSAIC) scheme.
(Memo dated 17 August 2011)

The Conservation Officer has no objections to the renewal of the scheme, subject to the same conditions.
(Memo 4 August 2011)

Neighbour Representations:

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

- The proposed dwelling is a new build and not in keeping with the existing architecture on Milnthorpe Road and the surrounding area. Planners only need to inspect the dwelling that was erected at the rear of 22 Milnthorpe Road to see how its appearance has had a negative impact on the area, as well as the former garage site on Meads Street.
- the granting of this previous application and the subsequent development was a mistake which should not be repeated because the building has a modern appearance, it has increased parking and further development will result in the loss of the magnificent views of the rear elevations of the large properties in Milnthorpe Road; this and the lapsed permission should not set a precedent for undesirable development
- The plans are misleading, because they do not indicate the newbuild at the rear of 22 Milnthorpe Road
- The local environment will be negatively impacted through the reduction of landscaped area. A conservation area should not be further built up.
- Gardens should not be classed as brownfield sites, and should not be built upon
- Adverse impact on privacy and noise and disturbance in the environment
- The application does not address existing parking problems, exacerbated by allowing large houses to be converted into flats and allowing vehicular access to the rear of the properties in Milnthorpe Road
- This application is clearly motivated by the owner's wish to extract maximum value from his/her land. Such motivations are not adding to the character and charm of the area and indeed set a dangerous precedent that will have a longer term negative impact on the Meads conservation area.
- (Letters and emails 9 – 30 August 2011)

Appraisal:

The main issues to take into account are the impact of the proposal on the amenities of adjacent residents, the character and appearance of the conservation area and highway safety.

The principle of residential development has already been established along the Derwent Road frontage by the previous applications (the existing dwelling in the rear of 22 Milnthorpe Road, a valid permission for a dwelling in the rear of 24 Milnthorpe Road, and the lapsed permission on the application site). The current application is identical to the lapsed permission, except that the site and therefore the rear garden has been shortened by 2m, and follows the form, scale and design of the previous approval at 22 Milnthorpe Road.

The gardens of the properties on the west side of Milnthorpe Road are relatively deep (on average 32-34m) and most of these have buildings/garages on the Derwent Road boundary, whilst the properties in Derwent Road are more modest and generally occupy very small plots. The proposed plot size of 12m by 20m compares favourably with those in Derwent Road. It is considered important that development along this frontage follows a similar pattern of the previous approval, reflecting the scale of service buildings which might have been found in such a location. There would be no windows at first floor level that would directly overlook adjacent properties (being roof lights), nor would the building adversely affect the outlook of any nearby residents. A condition would need to be imposed to ensure that the dummy door in the roof is retained as such, otherwise direct overlooking of the existing dwellings in Derwent Road (within 15-17m) would result.

The existing vehicular access to Derwent Road is to be retained, leading to a forecourt that is largely hard surfaced, which is considered acceptable in this location; the existing garage is only of sufficient size to accommodate one car and there is no parking space in front of it.

The ground level in Derwent Road falls gently from north to south, and the gardens at the rear of the Milnthorpe Road properties are lower than the surrounding streets. For this reason, despite the existing garage being constructed at pavement level, the proposed dwelling has been set at a lower level, so that it sits comfortably within the site and the streetscene. It is also important from the perspective of the adjoining properties, so that the outlook from nos. 26 and 30 Milnthorpe Road is not dominated by a building with a raised floor level. There are some concerns regarding the stability of the boundary walls, and their retention and/or repair will need to be conditioned.

Whilst it is acknowledged that the recently constructed dwelling would have benefitted from improved detailing and finishing, it remains a fact that there is a continuous frontage to Derwent Road that cannot be associated with the usual form of back garden developments.

Human Rights Implications:

It is considered that there would not be any adverse impact on the amenities of adjacent or nearby residents.

Conclusion:

The proposal is considered to be acceptable in terms of its impact on the conservation area, residential amenity and highway safety.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement of development
- (2) Plan numbers
- (3) Floor levels
- (4) Working hours
- (5) Tree protection
- (6) Samples of materials
- (7) Details of joinery
- (8) Drainage details
- (9) Restriction of permitted development rights
- (10) Restriction of permitted development rights (windows)
- (11) Retention of timber door
- (12) Boundary details
- (13) Archaeological access

INFORMATIVES:

INFORMATIVE: A financial contribution has been received to offset the impact of the development on local transport infrastructure.

INFORMATIVE: ++. These conditions require the submission of details

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

APPLICATION SITE: 235-237 Seaside		
App.No.: EB/2011/0430 (ADV)	Decision Due Date: 05/10/11	Ward: Devonshire
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 12/09/11		
Neigh. Con Expiry: N/A		
Weekly list Expiry: 23/09/11		
Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Proposal: Display of fascia and projecting sign		
Applicant: Mr Darren Godfrey		
RECOMMENDATION: Advertisement consent be granted		

Reason for referral to Committee

Request to speak

Planning Status

District Shopping Centre

Relevant Planning Policies

UHT12 Advertisements

Site Description

This application relates to the ground floor units of Nos. 235-237 which form a single retail unit and is currently vacant. The site is situated on the eastern side of Seaside, close to the junction with Carlton Road, within Seaside District Shopping Centre.

Relevant Planning History

EB/2011/0442 Change of use of ground floor from A1 (retail) to A5
(hot food takeaway)
Currently being assessed

Proposed development

Consent is sought for a replacement internally illuminated fascia (0.9m x 8.1m x 0.3m) with 'Pizza Hut' lettering and logo and an externally illuminated projecting 'Pizza Hut Delivery' sign (0.8m x 0.2m x 0.8m).

Consultations

N/A

Neighbour Representations

A site notice was displayed adjacent to the application site. No letters of objection have been received.

Appraisal

The replacement signage, by reason of its scale and luminance, will be in keeping with other advertisement within the shopping parade without detriment to the visual amenity of the streetscene or highway safety. The proposal accords with Policy UHT12 of the Eastbourne Borough Plan 2001-2011.

Approval is recommended.

Human Rights Implications

None

Recommendation

Approve

GRANT subject to conditions

Conditions to include:

- (1) –(5) Standard advertisement condition
- (6) Approved plans

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 25 October 2011

Item 3

APPLICATION SITE: 235-237 Seaside		
App.No.: EB/2011/0442	Decision Due Date: 05/10/11	Ward: Devonshire
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 12/09/11 Neigh. Con Expiry: N/A Weekly list Expiry: 23/09/11 Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Proposal: Change of use of ground floor from A1 (retail) to A5 (hot food takeaway)		
Applicant: Mr Darren Godfrey		
RECOMMENDATION: Approve		

Reason for referral to Committee

Request to speak

Planning Status

Seaside District Shopping Centre

Relevant Planning Policies

HO20 Residential Amenity
SH1 Retail Hierarchy
SH7 District, Local and Neighbourhood Centres

Site Description

This application relates to the ground floor units of Nos. 235-237 which form a single retail unit and is currently vacant. The site is situated on the eastern side of Seaside, close to the junction with Carlton Road, within Seaside District Shopping Centre.

Relevant Planning History

EB/2011/0430 Display of fascia and projecting sign.
Currently being assessed.

Proposed development

Permission is sought to change the use of the ground floor unit at No. 235 Seaside from A1 (retail) to A5 (hot food takeaway). The proposal will include internal alterations to subdivide the existing unit, comprising Nos. 235-237 Seaside, back into separate units with No. 235 to be used as a 'Pizza Hut' takeaway and No. 237 remaining in A1 use (46m²), currently vacant. The applicant also seeks to alter the existing shopfront to include fenestration alterations with separate front entrances for each unit; no alterations are proposed to the existing access to the residential flats above. The new signage associated with the proposed change of use has been recommended for approval under application EB/2011/0430 subject to a condition requesting details of the retaining shopfront and fascia prior to commencement of development.

Consultations

Environmental Health: No objection.
(Memo, 01/09/11)

Policy: '*...Proposals for the change of use of 235 Seaside to a non-A1 use would be acceptable, as A1 uses in the parade predominate, and the proposed change of use would only result in one non-A1 use in this block, so is not considered to be contrary to Policy SH7. Care should be taken to ensure that the opening hours of the proposed takeaway do not have a detrimental affect on residential amenity, by way of increased activity causing noise-related disturbance...*'
(Memo. 07/09/11)

Highways: '*The proposal does not allow for any off street parking, however, due to the site layout it cannot be provided and it is located in an area where there are a number of shops do not have any on site parking. A number of these shops are hot food takeaways which appear to operate without any difficulties. Therefore I do not wish to restrict grant of consent.*'
(Memo, 22/08/11)

Neighbour Representations

A site notice was displayed adjacent to the application site. 1 letter of objection has been received raising concerns with respect to noise, disturbance and odours.

Appraisal

The proposed change of use complies with Policy SH7 of the Borough Plan which states that A1 premises should predominate within District Shopping Centres. The premise form part of a 6 unit terrace all of which are currently in A1 retail use. The proposed change of use will result in the loss of only one A1 unit; the principle of a new A5 unit is therefore deemed acceptable. It is also noted that, in light of the current vacancy of the premise, the proposal will remove a 'dead' frontage and provide employment for 20 new employees, which in turn should enhance the vitality and viability of Seaside District Shopping Centre.

Furthermore, the Eastbourne Shopping Assessment 2010 recommended changes to the retail hierarchy proposing to delete Seaside (Whitley Road/Seaford Road) District Shopping Centre as it no longer serves a local shopping function.

This recommendation is being carried forward in the Proposed Submission Core Strategy and, as such, this District Shopping Centre will no longer be part of the retail hierarchy in the future.

With respect to residential amenity, by virtue of the sites location within a designated shopping area, local residents must expect some level of noise and disturbance. Notwithstanding the sites designation, the premise does back onto residential properties and, as such, appropriate restrictive conditions have been attached to ensure residential amenity is protected with respect to additional noise, disturbance and odours.

No objections have been raised from the Highways Department with regard to highways safety.

Human Rights Implications: None

Recommendation: Conditional approval

GRANT subject to conditions

Conditions to include:

- (1) 3 year commencement of development
- (2) Restrictive hours of opening from 12pm to 11pm
- (3) Ventilation/extraction details
- (4) Refuse details
- (5) Details of the retained shopfront and fascia sign
- (6) Approved plans

Informatives: A5 use hereby permitted relates only to No. 237 Seaside.

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 4

App.No.: EB/2011/0444	Decision Due Date: 22/09/11	Ward: Hampden Park
Officer: Chris Cave	Site visit date: 15/08/11	Type: Advertisement and Minor
Site Notice(s) Expiry date: 15/09/11 Neigh. Con Expiry: n/a Weekly list Expiry: 13/09/11 Press Notice(s)- : n/a		
Over 8/13 week reason:		
Location: Kings Centre, Edison Road		
Proposal: Erection of a new fire door opening and the erection of an advertising signage board		
Applicant: The Frontiers, Charitable Trust		
Recommendation: Approve		

Planning Status

- Designated Industrial Area

Relevant Planning Policies:

UHT1 – Design of New Development
 UHT12 - Advertisements

Site Description:

Application property is a two storey high structure currently being occupied by Kings Church. The front elevation is characterised by large windows with the name of the Church listed above. All other elevations remain plain with only entrance doors showing. The church occupies the majority of the site which is set back from both Lott bridge Drove and Willingdon Drove.

Relevant Planning History:

App Ref:	Description:
EB/2002/0227	Display of non-illuminated individual lettering
Decision:	Date:
Approved	28/05/02
App Ref:	Description:
EB/1997/0484	Display of non-illuminated lettering
Decision:	Date:
Approved	25/09/97

Proposed development:

Erection of a new fire door opening on the north west elevation

Erection of an advertising signage board on the south west elevation

Consultations:

n/a

Neighbour Representations:

None received

Appraisal:

Impact on character of the area and the building

The fire door opening is of a standard design and size and will not impact on the character of the area or building.

Visual Amenity

The advertising sign is quite large in size, however, it is not out of scale to the original building given its large size itself. There are also comparable signs of size and scale in the surrounding area and given the fact that it is located in an industrial estate, signs of this nature are appropriate. Therefore there is no impact on visual amenity.

Highway Safety

The sign is not large enough in size and scale to become a distraction for vehicle users.

Human Rights Implications:

None

Conclusion:

This application is recommended for approval. The fire escape door opening is of a standard design and scale and will not have a detrimental impact on the character of the original building or the area. The advertising signage is appropriate to the area and is not of a size or scale to impact on visual amenity or on highway safety.

Recommendation:

RECOMMEND: Express consent be granted subject to the following standard conditions:

- (1) – (5) Standard Conditions for adverts
- (6) Drawings

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 25 October 2011

Item 5

App.No.: EB/2011/0451	Decision Due Date: 23/09/11	Ward: Upperton
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 14/09/11		
Neigh. Con Expiry: 14/09/11		
Weekly list Expiry: 23/09/11		
Press Notice(s) Expiry: 21/09/11		
Over 8/13 week reason: Committee		
Location: Land to rear of 15 Hartfield Road		
Proposal: Erection of three two bedroom self-contained flats with off street parking at front		
Applicant: St Mary's Homes Ltd		
Recommendation: Refuse		

Planning Status

- Upperton Conservation Area
- Archaeologically Sensitive Site
- Predominantly Residential Area

Relevant Planning Policies

National Policies

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS13	Transport

Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT5	Protecting Walls/Landscape Features
UHT15	Protection of Conservation Areas
UHT16	Protection of Areas of High Townscape Value
HO2	Predominantly Residential Areas
HO6	Infill Development
HO7	Redevelopment

HO20	Residential Amenity
TR2	Travel Demands
TR6	Facilities for Cyclists
TR7	Provision for Pedestrians
TR11	Car Parking
TR12	Car Parking for those with Mobility Problems
NE7	Waste Minimalisation measures in Residential Development
NE11	Energy Efficiency
NE28	Environmental Amenity
US4	Flood Protection and Surface Water Disposal

Site Description

The site comprises an inverted L-shaped plot of land that forms the rear garden of 15 Hartfield Road, a substantial detached three storey property sub-divided into six flats, situated on the corner of Hartfield and Eversfield Road. The other large detached properties fronting Hartfield Road have similar sized rear gardens. The application site, although previously landscaped, has been cleared and part covered in concrete. The site lies within the Upperton Conservation Area, directly adjacent to an Area of High Townscape Value.

Relevant Planning History

EB/2004/0924	A pair of semi-detached three bedroom 2-storey dwellinghouse. Refused. 09/02/2005
EB/2004/0694	Removal of condition 2 of planning permission EB/1985/0176 requiring parking provision on site. Approved unconditional. 08/11/2004
EB/1994/0132	Erection of a two storey extension at rear to form a self-contained dwelling. Refused. 26/05/1994 APPEAL DISMISSED.
EB/1986/0118	Two storey extension at rear to provide two bed house. Refused. 24/04/1986 APPEAL DISMISSED.
EB/1985/0432	Two storey extension at rear with frontage to Eversfield Road to provide two bedroom dwelling. Refused. 16/08/1985
EB/1985/0176	Change of use to five self-contained flats. Approved conditionally. 28/06/1985

Proposed development

Permission is sought for the erection of three, two bedroom, self-contained flats with off street parking for three vehicles to the front and a shared garden to the rear. The detached building will front Eversfield Road and comprise two storeys with accommodation in the roof, standing 1.4m from the common boundary with No. 1 Eversfield Road and 5.8m/10.3m from No. 15 Hartfield Road to form an inverted L-shape. The building will measure 10.2m in width, 10.6m in depth and 10.4m in total height with facing brickwork, vertical tile hanging and white UPVC materials proposed. The applicant seeks to remove part of the front boundary wall to provide a new access on the south eastern corner of the site, whilst also retaining the existing access, and proposes to landscape the south east and south west common boundaries. Each flat will comprise a kitchen, bathroom, lounge and two bedrooms with the ground floor unit providing an additional dining hall and the upper floors a central hall and en-suite shower room. All rear window bathrooms will be obscure glazed with no openings proposed on the western flank elevation facing No. 1 Eversfield Road and only one window, serving the dining hall of the ground floor flat, and one roof light, serving the shower room of the upper floor flat, proposed on the eastern side facing No. 15 Hartfield Road. A common hall access will be provided via the eastern flank at ground floor level to serve all flats and the hipped roof design will comprise a central flat roof over the valley with gables and bays fronting the building.

Consultations:

Highway Authority: Do not wish to restrict the grant of consent subject to a number of conditions in respect of the finished surface and gradient of the driveway, vehicular crossing and prevention of discharge of water onto the public highway. A Local Sustainable Accessibility Improvement Contribution of £3,150 (3 x £1050) is required to mitigate the impact of the development enabling the existing pedestrian dropped kerb network, cycle and bus facilities to be improved.

(Memo, 22/08/11)

Conservation Area Advisory Group: Several objections were raised to the proposal, it was considered that the development of the rear garden would substantially erode the historic significance of Upperton Conservation Area and it was commented that the open view along the back gardens, defining the clear boundary of the conservation area, should be retained as it provides a distinct character to the area. CAAG were of the opinion that Façadism had been produced with elements of the design attached only to the front elevation resulting in blank and negative facades on the rest of the building which would be clearly visible from the surrounding conservation area and subsequently out of character. CAAG also objected to the plans to demolish part of the historic wall surrounding the property as they felt the wall helps to define the character of the conservation area.

(Minutes, 30/08/11)

Conservation Officer: The Conservation Officer reiterates the comments made above by CAAG, objecting to the proposal and concluding that the development would erode the distinct character, appearance and historic significance of the Upperton Conservation Area and the Area of High Townscape Value contrary to Policy UHT15.

(Memo, 22/08/11)

Planning Policy: The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential to provide 2 net units of residential accommodation; however, the proposed development is likely to result in an overall incongruous development that takes up an excessive footprint of the garden space at 15 Hartfield Road.

(Memo, 09/09/11)

Southern Water: Raises no objection to the proposal subject to a condition requiring the developer to advise the local authority, in consultation with Southern Water, of the measures which will be undertaken to divert the public sewer that runs along the back gardens of properties fronting Hartfield Road and under the application site prior to commencement of the development. It is also advised that an informative be attached to any approval for the submission of a formal application in connection with the public sewerage system.

(Letter, 05/09/11)

Cleansing Contracts Manager: Advises that space could be a bit cramped and provision for wheelie bins should be secured.

(Email, 13/09/11)

County Archaeologist: Advises that this application is of archaeological interest as it lies on the archaeologically important Upperton Ridge, the focus for settlement, burial and land use during the Bronze Age to Anglo-Saxon periods. It is therefore recommended that a watching brief take place on the site and that a planning condition is imposed.

(Letter, 30/08/11)

Neighbour Representations

In response to neighbour notification and statutory advertisement, 6 letters of objection have been received. The concerns raised are summarised as follows:

- Loss of outlook;
- Loss of privacy as a result of potential overlooking from habitable rooms into neighbouring properties;
- Overshadowing/loss of light;
- Unneighbourly form of development that is inharmonious with the area;
- Overdevelopment of a backland site;
- Proposed hardstanding will be visually harmful and out of keeping with the general character and appearance of the area;
- Insufficient parking (loss of two on-street parking spaces and insufficient off-street parking for occupiers of proposed flats);

- Inability of existing drainage system to cope with new development; and
- The proposal contravenes Policy UHT1, UHT16 and HO20 of the Eastbourne Borough Plan 2001-2011.

Appraisal

This application follows several previous refusals by the Council for similar proposals, the first of which was submitted in 1985 for a two storey extension at the rear with frontage to Eversfield Road to provide a two bedroom dwelling. This application was subsequently followed by the submission of applications in 1986, for a two storey extension at the rear to provide a two bedroom house, and in 1994, to erect a two storey extension at the rear to form a self-contained dwelling; both of which were dismissed at appeal. A further proposal was submitted in 2004 for a pair of semi-detached three bedroom two-storey dwellinghouses, refused by the Council for the following reason:

'That the proposed development would, by reason of its massing and close proximity to adjoining residential properties, be inharmonious and unneighbourly, respectively, and therefore comprise an overdevelopment of the site to the detriment of the visual and residential amenities of the area. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.'

Although the detail of each application has varied to some extent, the principal objections remain and are discussed below.

Policy

The Upperton neighbourhood has been identified in the Proposed Submission Core Strategy (2006-2027) as highly sustainable, capable of accommodating a high level of housing growth. The development of this site would therefore form a valuable contribution to the overall housing delivery targets for Eastbourne. Notwithstanding the demand for new housing, the suitability of developing of backland sites, such as the application site, must be assessed against all other material planning considerations and a balanced decision made. This is reiterated by amendments made to PPS3 Housing in June 2010 excluding private residential gardens from the definition of brownfield sites and it is therefore no longer presumed that previously developed land is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

Design/Visual Amenity

Hartfield Road comprises a row of substantial properties each with large gardens. The open view along the back of the gardens provides a distinct character that serves to define the boundary of the conservation area and provides this side of Eversfield Road with a pleasant and spacious appearance. The development of the rear garden would be visually intrusive, substantially eroding the historic significance and local distinctiveness of the conservation area. The design of the building has drawn key elements from the adjacent area of high townscape value and, whilst replicating many of the traditional features of the original dwellings

within Eversfield Road on the front elevation such as the front building line, gables, matching eaves line, double height bays and materials, the remaining elevations, which are also visible from the conservation area, have been left with blank facades.

The original buildings in both the conservation area and area of high townscape value have depth to their designs which cannot be replicated on the application site due to the size of the plot. For this reason, it is deemed that the footprint of the new building is too small to accommodate a dwelling of similar proportions to that characterised within the immediate vicinity and it is therefore argued that the proposal represents a cramped overdevelopment of the site. Furthermore, the historic wall surrounding the property helps to define the character of the conservation area and its part demolition, in addition to the new off-street parking area proposed to the front of the site, the proposed bin store and the concerns addressed above, will cumulatively erode the distinct character, appearance and historic significance of the conservation area and area of high townscape value contrary to policy.

Residential Amenity

The application site forms the rear garden of 15 Hartfield Road comprising a 22m frontage along Eversfield Road and a plot depth of 17m. In the past, the site was used as amenity space and off street parking for residents of 15 Hartfield Road which has been divided into six flats. The proposed new dwelling would utilise the majority of the remaining garden area resulting in insufficient usable amenity space for the occupants of the existing flats to the detriment of their residential amenities. The proposed development would, by reason of its massing and close proximity to adjoining residential properties, be inharmonious and unneighbourly, seriously affecting the outlook of adjacent occupiers particularly No. 15 Hartfield Road and No.1 Eversfield Road.. Whilst the applicants comment that the new building has been positioned at a distance relative to that of the relationship between Nos. 3 and 5 Eversfield Road is noted, it is considered that the development would result in an unacceptable loss of daylight and overshadowing for the occupants of No. 1 Eversfield Road due to the proximity, height and orientation of the new building in relation to No. 1. With respect to overlooking, the fenestration and internal layout has been carefully designed to ensure any loss of privacy is kept to a minimal and the room sizes are considered to provide an adequate standard of accommodation relative to others within the town.

Parking

The development will provide provision for three off street spaces. This provision is considered acceptable, particularly in light of the site's proximity to the town centre and public transport links. It is, however, noted that there are no facilities shown for cyclists contrary to Policy TR6 of the Borough Plan.

A Local Sustainable Accessibility Improvement Contribution of £3,150 remains outstanding to mitigate the impact of the development to enable the existing pedestrian dropped kerb network, cycle and bus facilities to be improved.

Conclusion

In conclusion, whilst it is acknowledged that the design and fenestration layout of the proposed building is an improvement to that of earlier proposals, the principal objections remain. The additional dwelling would result in a visually intrusive and cramped form of development that is out of character with the area and seriously detrimental the amenities of residents.

Human Rights Implications:

None.

RECOMMEND: Permission be refused for the following reasons:

- (1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of Upperton Conservation Area and Area of High Townscape Value contrary to policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2001-2011.
- (2) The proposed development represents an inappropriate form of backland development that, by reason its massing and close proximity to adjoining residential properties, would be inharmonious and unneighbourly resulting in an over-development of the site to the detriment of the established residential amenities of neighbouring occupiers with particular regard to loss of light and outlook and substandard amenity space for the occupiers of No. 15 Hartfield Road and the future occupiers of the proposed property when compared with surrounding properties. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.
- (3) No financial contribution has been received to offset the impact of the development on the Local Sustainable Accessibility Improvements Contributions scheme, and the proposal therefore conflicts with policy TR2 of the Eastbourne Borough Plan 2001-2011.
- (4) The elevation plans submitted provide insufficient information to assess the impact of the development on the existing historic wall fronting Eversfield Road.

INFORMATIVE

For the avoidance of doubt, the plans hereby refused are:

- 2011/51/01 [Proposed Floor Plan, Site Plan and Street Scene], received 25/07/11
2011/51/02 [Proposed Floor Plans and Elevations], received 25/07/11

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 25 October 2011

Item 6

APPLICATION SITE: 42 Summerdown Road		
App.No.: EB/2011/0471	Decision Due Date: 10/10/11	Ward: Old Town
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 23/09/11 Weekly list Expiry: 23/09/11 Press Notice(s): N/A		
Over 8/13 week reason: Committee		
Proposal: Proposed conversion of roof including erection of dormer window facing Old Camp Road and the insertion of rooflight windows to all other elevations		
Applicant: Mr & Mrs Blackmore		
Recommendation: Approve		

Reason for referral to Committee

Request of Chair.

Planning Status:

- Predominantly Residential Area

Relevant Planning Policies

UHT1 Design of New Development
 HO20 Residential Amenity

Site Description

The application site comprises a large 1950's dwelling set in a substantial corner plot on the junction of Summerdown Road and Old Camp Road.

Relevant Planning History

EB/1964/0449 First floor addition at rear over garage.
 Approve unconditionally. 27/08/1964

Proposed development

Proposed conversion of roof including the erection of a dormer window facing Old Camp Road to serve a new landing and the insertion of rooflight windows to all other elevations. The conversion will provide a new study and guest room with an en-suite shower room.

Consultations

N/A

Neighbour Representations

Letters of notification were sent to the occupiers of surrounding properties.

No letters of objection have been received.

Appraisal

The application site occupies a corner plot with a deep rear garden. Due to the distance between the host building and adjoining properties, the conversion will not result in the loss of privacy for neighbouring residents. Notwithstanding this relationship, the fenestration layout has been carefully designed to ensure the new side dormer will serve the landing and light to all habitable rooms will be provided by means of rooflights. This layout will ensure any risk of overlooking is minimised.

With respect to design, the new dormer, by reason of its size, pitch and style, will retain the character of the building. Furthermore, the insertion of rooflights is not considered to adversely affect the appearance of the property or wider streetscene.

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.

Recommendation

Conditional approval

GRANT subject to conditions

Conditions to include:

- (1) 3 year commencement of development
- (2) Approved plans

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**.

Committee Report 25 October 2011

Item 7

App.No.: EB/2011/0487	Decision Due Date: 14 October 2011	Ward: St Anthony's
Officer: Jane Sabin	Site visit date: 15 September 2011	Type: Minor
Site Notice(s) Expiry date: 26 September 2011 Neigh. Con Expiry: 25 September 2011 Weekly list Expiry: 23 September 2011 Press Notice(s)-: 5 October 2011		
Location: Land North East of Alder Close		
Proposal: Temporary 30m high Wind Monitoring Mast		
Applicant: The Compton Estate		
Recommendation: Approve		

Planning Status

- Archaeologically Sensitive Area
- Flood zone 3

Relevant Planning Policies

UHT1	-	Design of development
UHT4	-	Visual amenity
HO20	-	Residential amenity
NE28	-	Environmental amenity
NE12	-	Renewable energy
NE21	-	Nature conservation in Eastbourne Park
NE24	-	New development in Eastbourne Park

Site Description

The application site is located in a field on Willingdon Levels 50m to the north of Alder Close within Eastbourne Park. The land is currently in agricultural use and is laid to grass.

Relevant Planning History

None.

Proposed development

Permission is sought to erect a 30m high anemometer mast for a temporary period of one year. The mast would be fabricated of sections of metal tubing with a diameter of 150mm, secured by four sets of guy wires secured into the ground 25m from the base by anchors screwed into the ground. The top of the mast would support a wind vane and gauge. The data collected by the mast is collected remotely, via a steel box (a data logger) measuring 350mm x 300mm x 140mm containing electronic equipment and a 12v battery (charged by a solar panel). The data logger records accurate measurements of wind speed and direction, and air temperature and pressure. The purpose of the mast is to determine whether the site is suitable for development by a wind turbine; a whole year of data is required to determine viability.

Applicant's Points

- The anemometer will measure the wind direction and speed. The results are fed into a model to ascertain if the site is suitable for the installation of a wind turbine (subject to a future planning application). A full wind mast manual is included with this application.
- PPS22 supports renewable energy projects and this application is the starting point to identify if a wind turbine is suitable in this location.
- The proposed location of the mast was selected as being the optimum location for testing wind speed and direction. Whilst the mast will be visible, it is a particularly slender structure for which only temporary planning permission is being sought. It will also be seen in the context of the adjacent industrial estate, which comprises of a number of B1, B2 and B8 uses, together with the vertical flues of some of these buildings. The site context is also set by a number of nearby electricity pylons, of different scales.
- Other than the visibility of the mast, there will be no further effects on the surrounding areas.
- Proposals for renewable energy are supported by both National and Regional Planning Policies. This application is for an anemometer to be erected on a temporary basis. This will establish the wind speed and direction on the site to feed into a model and identify if the site is suitable for a wind turbine. This application is **NOT** for a wind turbine. At the local level, renewable energy developments are supported, subject to compliance with other planning policies. These refer to, residential amenity, visual amenity and environmental amenity.
- The anemometer is a slender structure when viewed in context with the various surrounding structures. The nearest residential properties are between 0.5 and 0.75 miles to the north and northeast. Given these distances, it is not regarded to be detrimental to these properties.
- The scheme is in full accordance with PPS22, the South East Plan and policies NE12, NE24, NE28, UHT4 and HO20 of the Eastbourne Borough Plan.

Consultations:

National Air Traffic Services raise no objections to the proposal.
(e-mail dated 6 September 2011)

The County Archaeologist considers that no archaeological remains are likely to be affected by the proposal, and has no recommendations to make.

(Letter dated 8 September 2011)

The Economic Development Officer confirms his support for the proposal.
(e-mail dated 5 September 2011)

The Highway Authority raises no objections to the proposal.
(Memo dated 7 September 2011)

Planning Policy raises no objections to the proposal.
(Memo dated 10 October 2011)

Neighbour Representations

None have been received as a result of neighbour notifications, a notice posted close to the site and an advertisement in the local press.

Appraisal

The main issues to take into consideration in determining the application is the impact on visual amenity and the character and appearance of Eastbourne Park.

The proposed mast, although tall at 30m, is relatively slender (150mm) and would not be overly prominent in the landscape from long views; given the location of the field in which it is to be sited, it would mostly be seen from long views, from Lottbridge Drove, Willingdon Drove, Sevenoaks Road and Langney Rise. As the agent correctly points out, the site is close to an industrial estate and not far from a line of electricity pylons that run right across the levels; in this context, the relatively slim structure of the mast would not stand out as a dominant feature. Since the mast is only required for one year and the fixings are of a temporary nature, it is considered that the proposal is acceptable. Although no detailed assessment of the impact of the proposal on nature conservation (as required by policy NE21) has been submitted with the application, it is considered that the minimal disturbance to the site and the nature of the mast itself would be unlikely to result in any harm in this respect. The nearest residential properties are a considerable distance away, and would not be affected by the proposal.

National planning guidance in PPS22 supports the provision of renewable energy, and the current proposal represents a step in determining whether the site would be suitable for such a development. Any subsequent application for a wind turbine(s) would be judged on its merits and against national and local plan policies.

Human Rights Implications

It is considered that there would be any impact on residential amenity.

Conclusion

The proposed development would have no adverse impact on visual or residential amenity for a limited period, and therefore complies with the relevant borough plan policies.

Recommendation:

GRANT subject to conditions

Conditions

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

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

(2) The development hereby permitted shall be placed on site for a period of twelve months only, and thereafter all equipment shall be removed and the land reinstated to its former condition. The local planning authority shall be given one months notice in writing of the date of the installation of the equipment and shall give a written response confirming the date by which it must be removed.

Reason: The equipment is considered to be an unacceptable form of permanent development.

(3) The proposed development shall be carried out in strict accordance with the drawings identified as LAYOUT and 30ME-KW1 received on 21 July 2011.

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

Informatives

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no adverse impact on visual or residential amenity for a limited period, and therefore complies with the relevant borough plan policies.

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 25 October 2011

Item 8

APPLICATION SITE: Manor Gardens Gildredge Park		
App.No: EB/2011/0521		Ward: Upperton
Officer: Leigh Palmer	Site visit date: Numerous including meetings with agent/applicant	Type: FP
Over 8/13 week reason:		
<p>Proposal: - Installation of new skate park within Manor Gardens (Gildredge Park). Alternative proposal:</p> <p>Option A Skate equipment (7 pieces) will replace existing basket ball equipment. Max height of new equipment 1.66m (excluding hand rails). New equipment to be steel framed, infill steel base/side panels and capped with 'skatelite' ramp surfacing. No external illumination.</p> <p>Option B Skate park equipment, solid form and constructed from concrete. No external illumination.</p>		
Applicant: Parks and Gardens, Eastbourne Borough Council		
RECOMMENDATION: Option A Approve Option B Approve		

Relevant Planning Policies

The application has been considered against all policies within the Local Plan with the most relevant policies being listed below:-

- NE18 Noise
- NE28 Tree and Woodland Planting
- UHT1 – Design of a New Development
- UHT4 – Visual Amenity
- UHT9 – Protection of Historic Parks and Gardens
- UHT10 – Design of Public Areas
- UHT13 – External Floodlighting
- UHT15 – Protection of Conservation Areas
- UHT16 – Protection of High Townscape Value
- UHT17 - Protection of Listed Buildings and their settings
- HO20 – Residential Amenity
- TR11 – Car Parking
- TR2 – Parking Demands
- LCF3- Criteria for Children’s Play space

The Core Strategy is currently at the proposed submission stage and whilst it may still be subject to change through future iterations Policy C4 Old Town Neighbourhood Policy has as one of its main provisions the desire to improve the provision of facilities for young people. This policy also resists the loss of parks and green spaces, including Gildredge Park.

In addition the adjacent neighbourhood Upperton Policy C2 identifies the need for the provision of additional facilities for children and young people.

Site Description:

The application site relates to an existing level hard surfaced play space to the rear of the central café within Manor Gardens in Gildredge Park.

The play area (application site) is laid out and used for/as two basket ball courts, and lie adjacent to other hard surfaced areas that are used for tennis. The basketball court is a level play area but due to it being formed across a sloping site it has resulted in the playing surface being approximately 1m higher than the adjacent footpath which runs to the rear of the existing café.

The application site and the adjacent tennis courts are bounded by wire mesh type fencing.

Given the existing site features (trees, hedges, buildings) the application site is in relatively secluded position and as such long range views of the application site are not readily available.

Relevant History:

There is no relevant planning history but the site was recently discussed at Cabinet

On the 7th September 2011 Cabinet resolved:

(1) That option 1A, for the conversion of the Basketball court at Manor Gardens to a skate park facility be approved and that the Senior Head of Tourism and Leisure be instructed to submit an application for planning consent and subject to the grant of planning permission take all other necessary steps to secure the construction of this facility.

For ease of reference the relevant extracts from the Cabinet report have been reproduced below:-

At the Cabinet meeting on the 7th September 2011 a report on the Play strategy for the town was debated.

In relation to this planning application consideration was given to the need for and the provision of a teen facility and a variety of locations across Old Town, Devonshire, Upperton and Ratton Wards were reviewed.

Within the Cabinet report 'The Play Strategy' consultation identified a significant need for facilities for teenagers in the West of Eastbourne. The East of the town has benefitted from investment within Shinewater Park (skate-park and enclosed sports area) and the Sovereign Skate-Park, in recent years, which have proved to be extremely popular with local young people. As well as helping to combat anti-social behaviour, these facilities have played host to a number of projects organised in partnership with East Sussex Youth Development Service, where young people have participated in a range of positive activities over a number of years. Unfortunately these two facilities are currently the only purpose built, free facilities, for this age group in the town.

The report went further to outline that there over 10,000 young people aged between 10 and 19 living in Eastbourne (2001 census – amongst the highest in East Sussex) with nearly 5,000 – some 50% - of these living in the western wards of the town. Accessing teen facilities often requires young people to travel on their bikes/skates/skateboards across the length of the town in order to make use of the facilities. Alternatively, young people will use less appropriate parts of their local area to create their own environment e.g. skating on the roads, paths, walls or kicking balls against houses etc

The Cabinet report went to outline that age related play is important and that purpose built facilities aimed at teenagers can provide a valuable outlet for young people. They are often too old or too young for traditionally provided play or recreational facilities and do not want to sign up to more formal ,structured activities. Ultimately, providing these facilities enables young people to develop their skills, socialise with their friends in a safe environment and keep fit.

The report analyzed three options for age appropriate play space; this followed discussions with officers and young people in the borough. These are:

Gildredge Park – with three possible sites being considered in Manor Gardens:

- Site A which is an existing basketball court immediately to the rear of the Café, for conversion into a skate park;*
- Site B two tennis courts, split level, slightly further north west to the café, for conversion into a skate park;*
- Site C which is nearer to the Gardens and Cottage, presenting the option to convert two existing tennis courts into a skate park;*

Longland Recreation Ground – with the option to convert two existing tennis courts into a Multi Use Games Area (MUGA);

Hartfield Square Park – with the option to also develop a skate park.

Following significant debate around the issue the Cabinet resolved the following:-

(1) That option 1A, for the conversion of the basketball court at Manor Gardens to a skate park facility be approved and that the Senior Head of Tourism and Leisure be instructed to submit an application for planning consent and subject to the grant of planning permission take all other necessary steps to secure the construction of this facility.

(2) To note the consultation proposals outlined above and also that local residents will be consulted as part of the statutory planning process.

(3) To note that the Cabinet would wish to see the existing basketball facility re-located to one of the adjoining tennis courts and that the Senior Head of Tourism and Leisure be asked to consult with users of these facilities and take further steps as necessary to secure the retention of a basketball court at Manor Gardens.

Proposed development

The application has been submitted by the Parks and Gardens Dept of the Council following the resolution from Cabinet on the 7th September 2011.

The application has been amended since it was originally submitted and now proposes two alternative schemes. The change to the application has followed consultation with likely users of the proposed facility. In proposing the two different schemes (and subject to both options being supported) would then enable both schemes to be fully explored prior to implementation.

The two development options are listed below and both propose a range of play equipment with the view to offer different challenges and play experiences.

Option A Skate equipment (7 pieces) will replace existing basket ball equipment. Max height of new equipment 1.66m (excluding hand rails). New equipment to be steel framed, infill steel base/side panels and capped with 'skatelite' ramp surfacing. No external illumination.

Option B Skate park equipment, solid form and constructed from concrete. No external illumination.

Consultations:

Conservation Area Advisory Committee:- The application was reported to CAAG on the 11th October 2011. Both of the development options were debated and CAAG resolved that on conservation grounds Option A would be preferable as it would be less permanent and thereby more readily reversible and therefore less impactful upon the long term character of the Old Town Conservation Area.

County Highways:- They do not wish to restrict grant of consent.

There is already a car park that serves Gildredge Park accessed from The Goffs, in close proximity to the site of the proposed Skate Park. The car park currently appears to operate without issue, and bearing in mind the development is unlikely to increase the number of car trips to the site a great deal, there are no grounds for an objection on Highway grounds

Environmental Health:- a full noise impact survey should be carried out by a professional company and controlled via a planning condition in order to benchmark the noises resulting from the use against existing background noise levels.

Neighbour Representation

As the submission was amended during the life of the application there have been two separate rounds of consultation. At each stage, the consultation involved the following:-

- Residents within the vicinity of the site were consulted via a direct letter.
- 12 site notices were posted in the locality, one at each entrance to Gildredge Park and Manor Gardens, two at the application site and one at the cross roads of the footpaths within Gildredge Park
- Press notice

The above consultation regime was adopted in order to give the widest possible exposure to the application possible. This consultation has resulted in both letters of objection and also support.

32 Objection standard response notifications have been received from local residents

29 Objection responses to Local Residents Survey from local residents. The main issues drawn out from this correspondence is outlined below

21 Objection individual responses received and forwarded to Councillor Liddiard. The main issues drawn out from this correspondence is outlined below:

50 letters of objection have been received, the main points from the correspondence are outlined below in no particular order:- -

- Noise
- Loud voices causing disturbance
- Should have strict opening times
- Development needs to be soundproofed
- Teenagers may hang out in the young kids play area
- Surrounding street already used by skaters, this would increase if the development were to go ahead
- Skaters on the road would conflict with other users of the footpaths and roads
- Large areas in Gildredge Park for the development to be located, no need for it to go in Manor Gardens
- Manor gardens very quiet and tranquil area this would be ruined by the development
- Parking problems in the area would be acerbated by the proposed development
- Manor garden should be left for the older generation to enjoy
- Development would be an eyesore
- Anti social behaviour may develop
- Underage drinking may develop
- Litter would increase
- Localised vandalism would increase
- Council should be developing the park for all sectors of the community and not just one minority group
- Political will should not outweigh local opinion
- Gangs would congregate
- Bad language
- Development should be in recreation ground
- Would conflict with other users in the park
- Development would appear alien to the long term aim of restoring Manor Gardens to its former glory
- Challenge the suitability of this facility in an area designated principally for public relaxation and enjoyment, by all regardless of age and needs, with no areas segmented for one sex/ one age group at the expense of other users
- Eastbourne already boasts 3 skate park facilities, which well exceeds that offered in Brighton and Hastings, why is another necessary
- Manor Gardens is home to two listed buildings, and indeed abuts a Conservation Area. As such surely the introduction and indeed over crowding of this park is prejudicial to the Conservation status
- Such a site of key importance should be retained for the people of Eastbourne, in a similar manner to other parks, and not vandalised for political gain, and the enjoyment of few.

- The current facilities are not redundant, but in daily use, and to remove a well used basket ball facility, and reduce tennis courts to accommodate a skate park, (used at best by 0.5% of Borough residents) seems, even viewed politically, complete madness.
- Wheels on existing pavements around the park will cause them to deteriorate quickly then increasing the costs of repair
- The basketball court is busy most days – we will be losing this facility. It is used by local groups as well as foreign students
- The proposed site is too small an area for scooters and BMX bikes to perform manoeuvres safely. This site will alienate these other groups and the location seems to have been picked with only skate boarders in mind
- Introduction of the skate park is likely put off elderly, frail or infirm visitors to the gardens for fear of being knocked over by youngsters on wheels
- Of late that groups of young families are picnicking in the park and generally Gildredge Park feels a lot more used. However, it is not big enough to hold a noisy skateboard park which will be too near too many residents
- Manor Gardens is home to a large community of birds. I believe that the noise from the skate park will scare them away
- Manor Gardens is a unique area within Eastbourne. There is nowhere else like it. Adding a skate park is not in keeping with this unique amenity.
- Skate parks are urban area which attracts graffiti artists and undesirables. This is not conducive to the beauty of the Manor Gardens area Loss of amenity - The basketball courts are used and the sport is an internationally recognised sport represented at the Olympics. My daughter has played there regularly.
- Affect privacy of existing and proposed owners of property in the area. Destruction of mature hedges and trees in order to get material and equipment to the proposed site
- Skateboarding is predominantly an activity for boys.
- Destroying two perfectly good basketball courts (enjoyed by boys and girls).
- This will also take away A large open area which lends itself to a lot of other activities when not being used to play basketball.
- Taking away 2 free to use tennis courts in order to reinstate one basketball court as one tennis court does not have the right dimensions for a basketball court.
- This will result in an overall reduction of sporting facilities for girls. The danger of mums and dads with prams and elderly people unsteady on their feet being run over by skate boarders using the pathways to get to the skate park. This may well result in many people becoming too frighten walk in Manor Gardens depriving them not only from using the area taken up by the skate park, but the whole of Manor Garden.
- In the winter it will be dark when the skateboarders get out of school and the gates will be locked. This will create an even bigger security problem than we already have in the garden at night.

- The added attraction of a skate park in the area will necessitate the erection of a security fence to keep undesirable elements out. It might be necessary to have regular police patrol with dogs, to check the park as it is difficult with so many areas to hide. This fence will be unsightly and destroy the overall friendly and relaxed feeling of Manor Gardens, which we all enjoy so much
- In order to try to stop skate boarders skating on the pathways on their way to and from the skate park, unsightly signs will have to be put up and further helping to destroy the ambience of Manor Gardens
- 'Within the principles of 'Designing out Crime.' youth and other facilities should be ideally visible and overlooked'.
- Skate parks should be out in the open, part of the park scene or street scene. If the lottery money must be spent on a skate park rather than any other games facility for teenagers, then that and the extra funding would be far better spent building a super Skate park at the site in Cross levels Way which would be easily accessible to more young people
- Would attract the older and more experienced skateboarders as well as younger ones
- Age has rights, as well as youth. One need not be disadvantaged to satisfy the other. The Council needs to think of other facilities for youth in Eastbourne. An ice rink (yes, expensive, but capable of being self-funding, and used by everyone) is worth considering. The desperate need to spend the lottery money is no excuse for destroying beauty, as well as putting youth at risk in the very secluded location suggested for the skate park
- Scheme has been thrust on the local community without consultation
- Need to divert the monies to Hampden Park
- No emergency access is this negligent Scheme
- Will import a lot of social problems from other parts of the town
- The desire of young people in Eastbourne for a skate park is understood, but the proposed site in Manor Gardens is most unsuitable and opposed by the vast majority of residents in the adjoining area, and the submission of the planning application at this time, surprisingly supported by the Old Town Ward Councillors, is ill considered, particularly when other more suitable sites could and should be considered
- Access and travel to Manor Gardens will also be an issue with skateboarding noisily and dangerously along the pavements to reach the park adding to the danger of accidents.
- The close proximity to the children's play area is of great concern and any use of bad language and associated anti- social behaviour will have a serious impact on younger children and their parents

- ROSPA recommends that the facility should be sited so that it is overlooked (this gives some informal supervision) and is away from overhanging trees. The Tony Hawk Foundation recommends that skate parks should be located near the street rather than tucked away in the back of a larger park area. Hidden locations attract elements other than skateboarders, and can lead to problems the skaters don't create, but may be blamed for
- Other users of the park would be at risk of being hit by skateboarders
- Access for emergency vehicles
- An entrance fee should be charged this would help to reduce anti social behaviour
- No formal policing of the site
- not all young people have little regard to other users of the park
- affect the setting of a nearby listed buildings
- increase in insurance premiums
- disillusioned with politics and not sure why local people are not listened to area
- surrounded by dwelling houses, flats and nursing homes
- graffiti within the site and on the approaches to it would detract from the character of the Conservation Area
- scheme may place greater pressures on the police and community wardens to monitor the site
- Council should impose noise restriction controls and will place greater burden in monitoring these
- Metal frame play equipment would resonate more than other methods of construction and thereby be more intrusive to residential amenity
- better located at Cross Levels Way where the sports park and the Sussex Downs College are
- Old Town Rec would be better as open all year round and accessible to all emergency vehicles
- wonderful park to take walks in this would be spoilt with the skate park
- park used by an number of different groups carrying out differing activities the delivery of a skate park would completely change the environment of the park
- Would impact upon the wildlife friendly park
- Location of the skate park in a secluded position would make it difficult to supervise
- No public consultation prior to the scheme coming forward
- Scheme would be gender bias in favour of boys
- Lottery money would be better spent encouraging youngsters to get involved in more traditional sports like athletics, boxing or martial arts, it is likely that these would be around for a longer period of time than skateboarding.
- Would not five a side or net ball be more beneficial
- Why not located with the open recreational part of Gildredge Park
- The Park is for all sectors of the community not a specific client group

- 17 YO living close to the site has not been consulted and neither has their school, those that have been consulted have a vested interest in the outcome
- Loss of multiple green rooms within an urban environment is an asset that should not be lost
- The proposed location for the facility in the gardens is half way down a hill. It is inevitable that skateboarders will use the paths leading to the proposed facility to skate thus putting the safety of the general public at risk.
- How much vegetation will be lost to deliver this proposal

6 letters of support has been received with the main points being summarised as:-

- Skate park would be a good thing
- Would be good for families visiting the park
- Nothing in the park for older children to play on
- Basketball area needs to be kept
- It's a wonderful idea
- It will give some people something to do
- More schemes of this nature need to be provided as too much is for the elderly generation
- Add to the range of facilities within the park
- Kids would feel safer using this facility than the one in Cross Levels Way
- Noise would carry much more in the open aspect of Longland Rec
- The whole family would benefit, young kids on play equipment and older children could use skate facility
- A concrete skate park is exactly what the users will want
- Concrete facility would be longer lasting and quieter
- Would be an asset to the local community
- There would remain a number of quiet place with Manor Gardens
- The actions of the users of the skate park would be mitigated by other users of the park
- Scheme as a positive result of positive youth engagement
- Site benefits from a balance between accessibility with sound muffling caused by existing vegetation
- Would be of great value to the local skaters and school children who have worked hard to make this scheme viable
- Park is already used for youth activities
- Important that open spaces provide activities for all ages
- If sited in the park would be more accessible than more remote skate parks either at Sovereign Baths or Cross Levels Way
- I wish it were available when my children were growing up
- Nature of equipment is unlikely to encourage teenagers, they would go to the bigger site at the Sovereign Centre
- Should support the youth the same way that Europeans do

Appraisal:

The main issues to consider in this application relate to:

- **Need for the use**

It is an integral function of Local Government to provide/assist in the delivery of services and facilities for all sectors of the community.

The Play Space Strategy as reported to Cabinet on the 7th September (as a background paper) has demonstrated that there is a marked deficiency in the provision of play space for teenagers within the western part of the Borough.

The Cabinet of the 7th September 2011 looked at the range of facilities that could be provided and also explored a range of locations. The report that follows will explore whether the proposed location is acceptable in planning terms.

In addition to the above there is an established identifiable current requirement, from a particular client group, for the provision of a skate board facility. This identifiable requirement and the instruction from Cabinet has culminated in the submission of this application.

In summary therefore there is an identifiable need for the development in the western part of the borough.

- **Use better located in other locations**

There has been correspondence received suggesting that the skate park facility would be better located in other parts of the town for example Longland Recreation Ground & Cross Levels Way. Whilst acknowledging the particular wishes of some correspondents the applicant is seeking planning approval for the skate park to be located upon the existing basket ball court in Manor Gardens and as such the scheme has to be assessed and evaluated on the merits and impacts of the proposal as submitted.

As with all planning applications a judgement would need to be taken after evaluating all issues in the case and if found that the balance of the decision was weighted in favour of approval then the scheme should not be resisted due to the perceived benefits of alternative sites. In summary the planning legislation states there is a presumption in favour of planning permission unless material planning considerations indicate otherwise.

- **Principle of additional active recreational facilities within Gildredge Park/Manor Garden**

Both Gildredge Park and Manor Gardens provide facilities for both active and passive recreation. It is considered therefore that set against this backdrop the provision of additional active recreational facilities within Gildredge Park/Manor Gardens would add to the range of available activities within the park and as such would not be objectionable in principle.

- **Wider community benefit**

As with all areas of Public Open Space within the Borough both Gildredge Park and Manor Gardens are maintained by the Parks and Gardens Department for the use and enjoyment of all sectors of the community. The proposed skate park facility will, if supported, be implemented and maintained for the public benefit by the Parks and Gardens Department. There is no intention that the facility will be run/managed by a particular independent third party group/club. On this issue there is no objection to the principle of the provision of new active recreational facility for the benefit of the wider community.

If supported and delivered the skate park would mitigate the identified shortfall of teenager recreational facilities within the borough, this has been a long held ambition for the Council.

- **Loss of existing sporting facility**

The application proposes a skate board facility to be located on the existing basketball courts, within Manor Gardens. The basket ball facility would be relocated to the adjacent tennis courts. It is accepted that the proposal would therefore reduce the quantum of tennis courts within the park, however there will remain (free to use) tennis courts, basketball facility and if supported the new skate facility within this part of the park.

It is considered therefore that the provision of the new skateboard facility would not result in the loss in the range of existing sporting facilities within the park.

- **Appearance and impact upon Manor Gardens**

As outlined in the description of development above the application has been revised since it was originally submitted and now proposes a scheme in the alternative. This means that the applicant is seeking planning permission for two schemes.

Both schemes propose the use of the existing basketball courts as the application site however they differ in the external appearance and method of construction for the play equipment.

Option A relates to the scheme as originally submitted and proposes a range of pieces of equipment over a new tarmac surface. The equipment is to be formed using a steel frame encased by timber and capped with a 'skatelite' surface.

Option B relates to the revised scheme and proposes a range of pieces of play equipment formed from concrete over a concrete base.

In visual terms both the schemes will be more prominent than the level surface of the existing Basketball Court however a judgement has to be drawn as to whether the external appearances of either or both schemes would be detrimental to the visual appearance of the site and surrounding area.

On both schemes it is accepted that they would appear stark when first installed but would weather over time to a more muted hue. In terms of durability and maintenance which may impact upon the visual appearance of the site over time then Option B is preferable.

As outlined above the site does not command long range views and as such it is considered that the scheme whether Option A or B would not in and of itself be visually intrusive within the wider context of the Gildredge Park in general or Manor Gardens in particular.

In addition as the application site is an existing hard surfaced play space that is bounded by high mesh netting and divorced visually from the listed buildings within Manor Gardens, it is considered that the impacts of the existing facility upon the historic building and gardens at Manor Gardens is acceptable. The introduction of scheme Option A or B would not materially change the visual character of the historic gardens and therefore the proposal is considered not to breach policy UHT9: Protection of Historic Parks and Gardens & UHT15 Protection of Conservation Areas of the Local Plan.

• **Noise and residential amenity**

A high proportion of the correspondence received comment that Manor Gardens is a quiet & peaceful part of the park and this would be destroyed and disrupted by the provision of a skate park as it is perceived that the use and activity associated with the proposal would create a material noise disturbance.

The likely noise disturbance as identified by the correspondents is considered to fall into two broad categories

- (i) that associated with the skate boards themselves resonating through the use of the equipment and
- (ii) the loud voices from the users of the facility both at the site and to and through access points to the park.

The application proposes two alternative schemes, Option A constructed from metal frame and timber cladding and Option B constructed from concrete. It is likely that either option would create different noise patterns than that which currently exists with the current use of the site as a basketball court. It is also likely that with Option A having a voids beneath some of the equipment would potentially resonate more than Option B (solid concrete).

In terms of assessing the likely impacts upon residential amenity The application site is located broadly equidistant from Borough Lane, The High Street and The Goffs and a survey of the proximity of the closet buildings has confirmed the following:-

- Closest property is 64 metres
- 5 properties are less than 100 metres
- 18 properties are between 100 and 200 metres
- 21 properties are between 200 and 300 metres

- The average distance of properties within the land parcel defined by Borough Lane, Compton Place Road, Dittons Road, The Goffs and the High Street is approximately 223 metres

It is accepted that these distances are not to the plot boundary but to the external wall of the buildings themselves and it is also acknowledged that these properties are not all in single family accommodation.

The site is located within the relatively secluded position with the park that is surrounded by mature landscaping, this added to the distances to the buildings that abut Manor Gardens and Gildredge Park are such that the use of the site should not result in a material loss of residential amenity through noise pollution sufficient to refuse consent.

Notwithstanding this officers from the Environmental Health Department have recommended that the issue of noise should be controlled via planning condition.

- **Litter**

Litter collection and the provision of appropriate rubbish bins would remain the responsibility of the Council, and although not explicitly referred to in the submission the provision of additional rubbish bins at and within the vicinity of the site would be controlled via planning condition.

- **Anti social behaviour**

A number of objectors to the scheme have commented that the proposed facility would become the focus for youths and young adults to congregate and as such there would be the propensity for anti social behaviour to increase at and within the vicinity of the site.

It is accepted that at times there are incidents of anti social behaviour within all of the areas of Public Open Space that the Council own and manage it is not always inevitable therefore that the provision of a new facility would result in an increase in antisocial behaviour. There is no evidence available to the Council that that the users of the skate park are inherently antisocial and as such a refusal based on this issue could not be justified.

In terms of the durability of the two options it is clear that the concrete option (Option B) would be more durable and with the lower risk for vandalism (fire damage).

As outlined above the gates to Manor Gardens would continue to be closed at dusk. This added to the non illumination of the site would help to mitigate the issue of antisocial behaviour.

- **Access to the site for construction, users and emergency vehicles**

In order to construct either option a temporary access way will be created through Gildredge Park to the site. The precise details of this access way have yet to be established; however the precise details will be controlled and formally established at the planning condition stage via a construction mitigation & method statement.

Notwithstanding the above an initial assessment has been undertaken by officers with the Parks and Gardens Department; this has outlined that a temporary access could be formed through Gildredge Park without impacting upon any existing mature trees. The access way would however result in the removal of a length of evergreen hedge immediately adjacent to café; this loss of hedging would be replaced post construction and would be controlled via planning condition.

A full health and safety audit would be in place prior to the use becoming operational and notwithstanding this all emergency services are content with the access arrangements that currently exist to and within Gildredge Park and Manor Gardens.

- **Hours of use**

There are no operational hours proposed within this application, however the access to Manor Gardens is closed at dusk and as there is no external illumination proposed within this submission activity at the site would be self limiting.

CONCLUSIONS

The application proposes the development of a skate park facility within Manor Gardens.

The scheme is proposed in the alternative and it is considered that either of the options would not give rise to a material loss of amenity to the character of the site in particular or the wider area in general sufficient to refuse planning permission.

The delivery of the facility would help to meet the Councils long term aim of meeting the need for a teenage recreational facility within the western part of the Borough.

On balance therefore the scheme is considered to be acceptable.

Human Rights Implications:

It is considered that the proposed development would not have adverse Human Rights implications.

Recommendation:

Option A

GRANT subject to conditions

Conditions:

- 1) Time Limit
- 2) Details of the layout of the play equipment to be submitted
- 3) Details of external appearance of play equipment to be submitted
- 4) Construction method statement including access details
- 5) No external illumination
- 6) Number and location of refuse facilities to be submitted
- 7) Noise impact report to be submitted
- 8) Cycle parking facilities
- 9) Gates to be locked to the skate park at same time as Manor Gardens

Option B

GRANT subject to conditions

Conditions:

- 1) Time Limit
- 2) Details of the layout of the play equipment to be submitted
- 3) Details of external appearance of play equipment to be submitted
- 4) Construction method statement including access details
- 5) No external illumination
- 6) Number and location of refuse facilities to be submitted
- 7) Noise impact report to be submitted
- 8) Cycle parking facilities
- 9) Gates to be locked to the skate park at same time as Manor Gardens

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.**