

Eastbourne Borough Council

Planning Committee

3 January 2012

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 235 SEASIDE**
Display of fascia and projecting sign.
EB/2011/0430(ADV), ST ANTHONYS Page 3
RECOMMEND: APPROVE STANDARD CONDITIONS
- 2) 235-237 SEASIDE**
Change of use of Ground Floor from A1 (retail) to A5 (hot food
takeaway).
EB/2011/0442(FP), ST ANTHONYS Page 5
RECOMMEND: APPROVE CONDITIONALLY
- 3) 5 FARADAY CLOSE**
Formation of new vehicular access from Lottbridge Drive into 5 Faraday
Close.
EB/2011/0557(FP), HAMPDEN PARK Page 13
RECOMMEND: APPROVE CONDITIONALLY
- 4) 85 ST PHILIPS AVENUE**
First floor extension at rear.
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RECOMMEND: APPROVE CONDITIONALLY
- 5) SOVEREIGN HARBOUR COMMERCIAL AREA 1, THE CRUMBLES**
Retrospective permission for temporary storage of 150 boats.
EB/2011/0671(FP), SOVEREIGN Page 21
RECOMMEND: APPROVE CONDITIONALLY
- 6) MOTCOMBE GARDENS BOWLING CLUB, MOTCOMBE LANE**
Erection of a brick and flint storage building adjacent to the existing
pavilion. EB/2011/0692(FP), OLD TOWN Page 25
RECOMMEND: APPROVE CONDITIONALLY

L Palmer
Development Control Manager

21 December 2011

Planning Committee

3 January 2011

Report of the Planning Manager

Background Papers

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

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

Eastbourne Borough Council

Planning Committee

3 January 2012

Report of the Planning Manager

List of Planning Applications for Consideration

Planning Committee 3 January 2012

Item 1

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 illuminance, 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) Standard advertisement condition
- (2) Standard advertisement condition
- (3) Standard advertisement condition
- (4) Standard advertisement condition
- (5) Standard advertisement condition
- (6) Details of retained shopfront and fascia sign and associated time restriction
- (7) 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**.

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Item 2

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: 25/11/11 Press Notice(s): N/A		
Over 8/13 week reason: Committee deferral (25/10/11)		
Proposal: Change of use of ground floor unit at No.237 Seaside from A1 (retail) to A5 (hot food takeaway)		
Applicant: Mr Darren Godfrey		
RECOMMENDATION: Approve conditionally		

Reason for referral to Committee

Committee deferral and 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 Seaside which form a single A1 retail unit with 3 residential flats above. The site is situated on the eastern side of Seaside, close to the junction with Carlton Road, within Seaside District Shopping Centre. The application site is currently vacant.

Relevant Planning History

Application site

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

Similar decisions adjacent to application site:

245 Seaside

EB/2008/0495 Variation of condition 3 of planning permission
EB/2007/0615 to change hours of opening of café from
7.30am - 6.00pm to 7.30am - 11.00pm.
Refused at committee. 02/09/2008
Appeal allowed. 31/03/2009

EB/2007/0615 Change of use from A1 (retail) to A3 (café).
Refused at committee. 31/10/2007
Appeal allowed. 25/04/2008

EB/2006/0718 Change of use from shop (Use Class A1) to takeaway
(Use Class A5) and installation of galvanised extraction
flue at rear.
Refused at committee. 31/10/2006
Reason: That the proposed extraction flue due to its
proximity to the surrounding residential properties
would lead to an unacceptable level of noise and odour
that would harm the amenities of the occupiers of
surrounding properties and would therefore be
contrary to Policy HO20 of the Eastbourne Borough
Plan 2001-2011.
No appeal.

239 Seaside

EB/2006/0389 Change of use from Class A2 office to Class A3 Chinese
bakery and tea shop, with installation of external
extraction duct at rear of building.
Refused at committee. 18/07/2007
Appeal dismissed. 25/04/2008
Reason: That the proposed use would, by reason of
noise, general disturbance and odour, be detrimental
to the residential amenity which would result in an
adverse change in character of the area. The proposal
is therefore contrary to policies HO20 and UHT1 of the
Eastbourne Borough Plan 2001-2011.

Proposed development

Permission is sought to change the use of the ground floor unit at No. 237 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 two separate units with No. 237 to be used as a 'Pizza Hut' takeaway and No. 235 remaining in A1 use (46m²). Both units are currently vacant. The applicant 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 237 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

Following the deferral of this application at committee on 25/10/11, members requested that local residents be notified by way of letter in addition to the original notice displayed adjacent to the site. As such, an extensive number of properties surrounding the application site have now been notified by way of letter. Since the last committee, the following representations have been received:

- **Petition of support** (26 signatures) commenting that the proposed change of use will provide more jobs and investment in the local economy bringing regeneration to Seaside retail area.
- **Petition of objection** (25 signatures) and **7 individual letters of objection (including 1 request to speak)**. The following concerns were raised:
 1. Late night disruption
 2. Noise and odours
 3. Lack of parking
 4. Saturation of take away food outlets within Seaside

Summary of information submitted by applicant since last committee report:

Noise:

- 80% of business is DELIVERY (approximately only 80 take away customers anticipated per week, equivalent to 11 orders per day and main take aways expected to be placed before 9pm)
- External fridge units to be housed in specialised housing units with silencers
- Internally built extraction fan significantly reducing external noise

Odours:

- Carbon filters to be fitted on extraction fan to help eliminate odours

Trading Hours:

- 12:00 hours to 23:00 hours

Rubbish:

- Daily inspections carried out internally and externally to maintain the health and hygiene

Appraisal

The main issue to consider in the determination of this application concerns the impact of the proposed change of use on the living conditions of local residents, with particular regard to noise, odours and general disturbance. Although planning permission has not been sought for any other A5 use within the block to which the application site relates, the following appraisal makes comparisons between similar proposals for A3 use at Nos. 239 and 245 Seaside and assesses the relative appeal decisions.

Policy

The proposed change of use complies with Policy SH7 of the Borough Plan 2001-2011 which states that A1 premises should predominate within District Shopping Centres. The application site forms part of a terrace (Nos. 233-249 Seaside) within which retail is currently the principal use; this would remain the case despite the loss of one A1 unit. The proposed change of use would facilitate the removal of a 'dead' frontage given the current vacancy of the site and provide employment for 20 new employees. In this way, the proposal will contribute to the vitality and viability of Seaside District Shopping Centre. Notwithstanding the above, it is noted that the Eastbourne Shopping Assessment in 2010 recommended the removal of Seaside (Whitley Road/Seaford Road) District Shopping Centre from the retail hierarchy as the parade no longer serves a local shopping function. This recommendation is being carried forward in the Proposed Submission Core Strategy and, as such, Seaside will no longer be designated as a District Shopping Centre in the future.

Noise, Odours & General Disturbance

Seaside (A259) is a busy main road which serves a principal traffic route into and out of the centre of Eastbourne. Accordingly, there is substantial background noise generated by vehicular traffic, particularly during the day. A large proportion of the parade's frontage is taken up with small shops, cafes and fast food outlets.

Although only one unit in the terrace containing the application site currently has permission to open in the evening (245 Seaside), there are several units within the blocks either side that operate late night. In light of this, there is little evidence to suggest that the late night operations of the proposed A5 unit until 23:00 would significantly impact upon the level of activity which may cause some noise and disturbance on the main road. Given the location of the application site within a District Shopping Centre and its extensive commercial frontage on the main road, residents must expect a certain level of activity in the evening. Nevertheless, it is considered necessary to condition the proposed hours of operation to protect the amenity of the adjacent residential area after 23:00.

Furthermore, there is no reason to believe that deliveries to the premises would be likely to differ materially to the other commercial premises along the parade creating additional noise and disturbance beyond that which already exists. The above views were supported by the Inspectorate in 2008 when assessing application EB/2007/0615 for a change of use from A1 (retail) to A3 (café) at No.245 Seaside and reiterated in 2009 when assessing the variation of condition to extend the opening hours of the cafe from 7:30 to 23:00 (EB/2008/0495).

Since the last committee, the applicant has submitted further details regarding, inter alia, the extraction system which will comprise an internal fan at ground floor level where any noise could be contained within the building and carbon filters to help eliminate odours. In addition, the external fridge units will be contained within specialised housing units with fitted silencers. Above the ground floor level, the flue will adjoin one of the rooms of the flat above, terminating above eaves height. In light of the above and subject to a condition which restricts noise emitted by the extraction system, it is considered that the proposed use would not result in material harm to local residents due to noise or smell with particular regard to the residential accommodation at first floor level and No.2 Carlton Road (located 9m from the rear elevation of the application site). The above views were supported by the Inspectorate in 2008 when assessing the impact of the proposed flue at 245 Seaside (EB/2007/0615) and in 2009 under application EB/2008/0495.

The concerns expressed by a number of residents with respect to littering and the potential impact upon health and safety are acknowledged, however, this is a matter which would be adequately covered by other legislation.

Parking

In view of the accessible location of the premises, the proposed change of use would not place material pressure on the demand for on-street parking in the locality to a level that would unacceptably affect the living conditions of local residents. This view is supported by the Highways Authority and previous appeal decisions.

Appeal dismissed at 239 Seaside (EB/2006/0389)

When assessing the above application for the change of use of No. 239 Seaside from Class A2 office to Class A3 Chinese bakery and tea shop, with installation of external extraction duct at rear, the appeal was dismissed the following reasons:

- In addition to a capped top below the ridgeline of the property, the proposed flue was positioned in close proximity to openings serving residential rooms;
- Limited evidence submitted relating to the likely noise and odour that would be emitted via the extraction system;
- Lack of details provided on the method and effectiveness of soundproofing of the proposed storeroom; and
- Lack of evidence as to whether the goods to be sold would be baked on the premises and, if so, whether this would take place before or after the specified opening hours.

When comparing this appeal with the current proposal at Nos. 235-237 Seaside, the applicant has submitted sufficient information to indicate that the proposed change of use would not materially or unacceptably harm the living conditions of local residents by reason of noise, odour or general disturbance, particularly in view of the relative distance of the proposed extraction flue from the rear elevation of No. 237 Seaside and adjacent residential openings.

Conclusion

In conclusion, the proposed change of use would not materially or unacceptably harm the living conditions of local residents by reason of noise, odour or general disturbance or adversely impact upon highway safety. Accordingly, the scheme would comply with policies HO20 and SH7 of the Eastbourne Borough Plan 2001-2011.

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 12:00 hours to 21:00 hours
- (3) Ventilation/extraction details
- (4) Ventilation/extraction noise restriction
- (5) Refuse details
- (6) Details of the retained shopfront and fascia sign
- (7) 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 3

App.No.: EB/2011/0557	Decision Due Date: 28/11/11	Ward: Hampden Park
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 04/11/11		
Neigh. Con Expiry: N/A		
Weekly list Expiry: 03/11/11		
Press Notice(s) Expiry: N/A		
Over 8/13 week reason: Deferral by Chair		
Location: 5 Faraday Close		
Proposal: Formation of new access from Lottbridge Drove into 5 Faraday Close		
Applicant: TAM (Faraday) Ltd		
Recommendation: Approve		

Planning Status:

- Eastbourne Borough Council
- Archaeologically Sensitive Area
- Floodzone 2 & 3

Relevant Planning Policies:

Planning Policy Guidance

PPG13 Transport

Eastbourne Borough Plan 2001-2011

UHT1 Design of New Development
 UHT4 Visual Amenity
 HO20 Residential Amenity
 BI7 Design Criteria
 TR2 Travel Demands

Site Description

The application site comprises a vacant commercial unit situated to the west of Lottbridge Drove, currently accessed via Faraday Close. The site is located close to the Mountfield Roundabout bounded by the former Half Moon Public House to the north, business units to the south and a bus stop with a playing field behind to the east.

Relevant Planning History

- EB/2010/0287 Reconfiguration of cladding to north west elevation (non-material amendment to permission EB/2009/0338) for the proposed sub-division and some demolition of existing large industrial unit to create 11 smaller units with internal alterations and dependent external/updated elevational changes. Approved conditionally. 30/06/11
- EB/2010/0061 Provision of separate entrances to Units 8 & 9. Approved conditionally 03/03/10
- EB/2009/0338 Proposed sub-division and some demolition of existing large industrial units to create 11 smaller units with internal alterations and dependent external/updated elevational changes. Approved conditionally. 18/08/09

Proposed development

Permission is sought to form a new access road from Lottbridge Drove into 5 Faraday Close. The proposal would introduce an anti-clockwise one-way system and require the relocation of 5 car parking spaces. The new road will be located 33m south of the Mountfield Roundabout and will be used as an in-road only. A new central island will be constructed to prevent vehicles crossing the carriageway to ensure access is only possible when approaching from the south. In accordance with the Road Safety Audit, sign posts will also be installed on the island to instruct drivers to keep left. At the widest point, the access will measure 10m to provide the necessary turning space for articulated lorries and narrow to 4m within the site. On site, traffic-calming measures are proposed to slow down the traffic and on-site vehicles will be instructed to give way to in-coming traffic. Dropped kerbs and buff coloured tactile paving is proposed either side of the new access to warn pedestrians that they are crossing an access point.

Consultations

Highways Authority: 'As this application is for an 'in only' access, which will only be accessible to northbound traffic, this proposal should not interfere with the free flow or safety of traffic using this section of Lottbridge Drove. In addition the design has been subject to independent Safety Audit and the concerns raised have been addressed in the submitted design. The design will also have to be subject to a Stage 2 Audit prior to construction and a Stage 3 Audit after construction, subject to the proposal gaining planning permission. The Highway Authority therefore does not wish to restrict grant of consent to the application.'

(Memo, 28/10/11)

Borough Arboriculturalist: No comments at the time of writing this report.

Sussex Police: No objections.
(Letter, 25/10/11)

Southern Water: No objections subject to an informative requiring a formal application for connection to the public sewerage system.
(Letter, 31/10/11)

Economic Development: Supports the proposal stating that '*a direct link to Lottbridge Drove would certainly improve the business potential and ideally lead to eventual modernisation of the building.*'
(Email, 18/10/11)

County Archaeologist: No objections.
(Letter, 24/10/11)

Neighbour Representations

Two site notices were displayed adjacent to the application site. No representations have been received.

Appraisal

Following extensive pre-application discussions with County Council, a Road Safety Audit was undertaken identifying several amendments which have been implemented in the proposed scheme. The Highways Authority are now satisfied that, with the new road only being accessible to northbound traffic, the proposal should not interfere with the free flow or safety of traffic using this section of Lottbridge Drove. The design of the scheme has also been subject to an independent Safety Audit and the concerns raised have been addressed. Subject the grant of planning permission, the design will also be subject to a Stage 2 Audit prior to construction and a Stage 3 Audit post construction.

The application site has been vacant for several years and, despite the grant of planning permission in 2009 for the subdivision of the building into 11 smaller units which has not yet been implemented, the unit remains vacant. The proposed scheme for a new access road will provide better access to this site in line with national and local policies and guidance which encourage improved transport infrastructures for sustainable economic growth. The new access road will provide an easy one-way system into the site utilising the extensive frontage onto Lottbridge Drove which should help bring this commercial unit back into use.

The application site is partially screened by trees that line the southern section of frontage onto Lottbridge Drove and provide an important landscape value. The siting of the new access road will ensure all trees are retained to protect the visual amenity of the area.

For the above reasons, the proposed scheme is welcomed.

Human Rights Implications:

None.

RECOMMEND: Permission be granted subject to the following conditions:

- (1) Three year commencement
- (2) Approved Plans

INFORMATIVES

- (1) Section 278 Legal Agreement
- (2) Compliance with Traffic Management Act 2004
- (3) Application for connection to the public sewerage system

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Item 4

App.No.: EB/2011/0607	Decision Due Date: 2 December 2011	Ward: St. Anthony's
Officer: Jane Sabin	Site visit date: 28 November 2011	Type: Minor
Site Notice(s) Expiry date: N/A		
Neigh. Con Expiry: 27 November 2011		
Weekly list Expiry: 23 November 2011		
Press Notice(s)-: N/A		
Over 8/13 week reason: Referred to Committee by Chair		
Location: 85 St Philips Avenue		
Proposal: First floor extension at rear		
Applicant: Mr. & Mrs. Lee		
Recommendation: Approve		

Reason for referral to Committee

- Could not be decided under delegated authority as the Chair has a personal & prejudicial interest in application.

Planning Status

- Flood zone 3

Relevant Planning Policies

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

Site Description

This semi detached, 1930's dwelling is located on the north west side of St Philips Avenue, close to the junction with Woodgate Road.

Relevant Planning History

There is no planning history for the property, however it has the benefit of a conservatory at the rear and a covered way/utility room at the side (which appears to have been built in conjunction with a similar addition to the adjacent property), constructed under permitted development rights.

Proposed development

Permission is sought to construct a first floor addition at the rear above an original single storey part of the building using matching bricks. It would be 3m wide and 2.8m deep under a flat roof 5.2m above ground level.

Consultations

N/A

Neighbour Representations

One objection has been received from the occupiers of the adjacent property, who consider that the design would be out of keeping as there are no other first floor additions in the surrounding area, and that the proposal would result in loss of light to their kitchen and overshadowing to the top of the garden.

(Letter dated 14 November 2011)

Appraisal

The proposed extension would have no impact on light to or the outlook from the kitchen window of the adjacent property as it is in the same plane. Any overshadowing of the garden would be minimal and only then during the winter months. The only window that would be affected would serve a first floor bedroom, and as the proposed extension would be outside a line drawn 45° from the edge of the window, it is considered that the impact would be well within acceptable limits. It is therefore concluded that there would be no adverse impact on residential amenity.

In terms of design, the provision of a flat roof keeps the overall height low, and as there is a relatively narrow gap between the two pairs of semi-detached dwellings of 2.8m, the flat roof would not be a prominent feature from the public highway. It is considered that this would be beneficial for the objector, who has a dormer at roof level, as a flat roof would not impede the outlook from this dormer. The view from the rear would be little different from the many large flat roofed dormers that are becoming common in the area in conjunction with hip to gable extensions (as is the case with both properties either side of the application site). Whilst first floor additions are not common, there have been two permissions granted for two storey rear extensions on this particular block within the last seven years (at 55 St Philips Avenue and 100 Ringwood Road).

Human Rights Implications

It is considered that the impact on the adjoining property would be within acceptable limits.

Conclusion

There would be no adverse impact on visual or residential amenity, and the proposal is considered to be acceptable.

Recommendation: GRANT subject to conditions

Conditions:

- (1) Commencement within 3 years
- (2) To be carried in accordance with relevant plan numbers
- (3) Submission of samples of materials

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 5

App.No.: EB/2011/0671	Decision Due Date: 24.12.11	Ward: Sovereign
Officer: Katherine Quint	Site visit date: 29.11.11	Type: Minor
Site Notice(s) Expiry date:	7 December 2011	
Neigh. Con Expiry:	7 December 2011	
Weekly list Expiry:	7 December 2011	
Press Notice(s):	N/A	
Over 8/13 week reason:	Called to committee due to objections	
Location:	Sovereign Harbour Ltd, Commercial Area 1, The Crumbles	
Proposal:	Retrospective permission for temporary storage of 150 boats	
Applicant:	Premier Marinas Eastbourne Ltd	
Recommendation:	Approve subject to conditions	

Planning Status:

- Flood zone 3
- Former waste disposal site
- Tree Preservation Order
- Land allocated for Class B1 (office) development

Relevant Planning Policies:

Eastbourne Borough Plan 2001-2011 (Saved Policies 2007):

- | | | |
|------|---|-------------------------------------|
| BI4 | - | Retention of Employment Commitments |
| UHT4 | - | Visual Amenity |

Proposed Submission Core Strategy (2006-2027):

- | | | |
|-----|---|--|
| C14 | - | Sovereign Harbour Neighbourhood Policy |
| D3 | - | Tourism and Culture |

Site Description:

The application site comprises land situated on the western side of Pacific Drive and to the south of Pevensey Bay Road. A residential area sits north west of the site, accessed off Tanbridge Road which crosses Langney Sewer. The site covers an area of 0.46 hectares. The land is enclosed by trees and shingle banks and is currently used for the storage of boats.

Relevant Planning History:

App Ref: EB/2002/0542 Description: Temporary storage of boats for a period of two years
Decision: Granted Date: 14/10/02

App Ref: EB/2005/0154 Description: Renewal of temporary permission for storage of up to 150 boats
Decision: Granted Date: 09/05/05

App Ref: EB/2009/0320 Description: Retrospective permission for temporary storage of 150 boats
Decision: Approved conditionally Date: 05/11/09

Proposed development:

The applicant seeks retrospective permission for temporary storage of 150 boats at commercial area 1 for a period of 5 years. Permission was first granted in 2002 and has since been renewed twice.

Applicant's Points:

The yard typically operates Tuesday to Saturday 8am to 6pm, although occasionally opens on Mondays and Sundays during busy periods in the Winter.

Consultations:

Planning Policy (07.12.11):

Response: No objection to principle but request a shorter temporary period

The application site is identified on the Borough Plan Proposals Map as a Retained Employment Commitment (Policy BI4). Whilst Policy BI4 broadly states that B1, B2 and B8 uses would be acceptable, it specifies that Sovereign Harbour by virtue of a planning consent (EB/1995/0267) should only be used for B1 use.

The Proposed Submission Core Strategy identifies the site within as an Employment Opportunity Site and a Key Area of Change (Figure 15: Neighbourhood 14 Sovereign Harbour Key Diagram).

Planning Policy is satisfied that the grant of planning consent for the temporary use of the site for B8 (storage) would have no harmful effect on the character and appearance of the area, nor would it prejudice the site from future development for B1 use. The principle of a temporary consent is therefore accepted.

It is, however, requested that the consent be limited to a maximum of 2 years to ensure that it does not prejudice the comprehensive redevelopment of the site as set out in the Eastbourne Plan and emerging Sovereign Harbour SPD.

Neighbour Representations:

Sovereign Harbour Residents Association (04.12.11):

- The site is appropriate for boat storage and other maritime activities. However, an extension of temporary use for as long as 5 years is completely inappropriate.
- Completion of the Eastbourne LDF and negotiations with the land owner are expected to result in a clear plan for remaining Harbour sites in the near future. Therefore an extension of 1 year would be more appropriate.

Local resident - Objection (11.12.11):

- It is an important element in the Borough's available employment land bank and, by keeping it tied up in this way, the land owners are able to avoid their obligation to market it for the required purpose. A further five year extension to the temporary consent would further exacerbate this situation, and would be contrary to the Sovereign Harbour Neighbourhood vision in the emerging Core Strategy.
- If this site is to continue in use as a boat store, it should only be on a permanent basis, as part of a Master Plan for the completion of the harbour development.
- Agents have indicated in their Core Strategy comments that, if no business use could be found, they would seek permission for residential development on this land, additional to the maximum of 150 new homes recommended in the Neighbourhood 14 plan.
- I would not wish to endanger the commercial viability of the marina operation, but this application is a cynical attempt to engineer a situation that would put the commercial imperative of the land owner before the needs and aspirations of the local community. It should therefore be refused.

Appraisal:

- The current use as boat storage does not negatively impact on the visual character and appearance of the area and is well screened from neighbouring residential and commercial areas.
- I am in agreement with the Planning Policy comments in that temporary use of the land as boat storage is appropriate as long as it does not prejudice the site from future development for B1 use, as set out in the Eastbourne Borough Plan and emerging Core Strategy.
- A condition will be required to limit the temporary period to two years. The two year period has been recommended following advice from Planning Policy, on the basis that in two years' time the Core Strategy and Sovereign Harbour SPD will be developed to the point of providing a clear position on longterm, future development.

Human Rights Implications: None

Conclusion:

The proposal is not considered to be detrimental to the area, and by virtue of its position, use and temporary nature, and the required condition to limit consent to two years, the proposal meets the policy requirements referenced from the Eastbourne Plan 2011-2011 (Saved policies, 2007), and the Proposed Submission Core Strategy (2006-2027).

RECOMMEND: Permission be granted subject to the following conditions:

GRANT subject to conditions

Conditions:

- (1) Development begun within 3 years
- (2) In accordance with procedural documents, received 28.10.11: - SOP 040 Safe operating procedure Site waste minimisation statement (October 2011)
- (3) Time limited - ending 03 January 2014

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

The proposal is not considered to be detrimental to the area, and by virtue of its position, use and temporary nature, and the required condition to limit consent to two years, the proposal meets the policy requirements referenced from the Eastbourne Plan 2011-2011 (Saved policies, 2007), and the Proposed Submission Core Strategy (2006-2027).

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**.

Planning Committee Report 3 January 2012

Item 6

App.No.: EB/2011/0692	Decision Due Date: 29 December 2011	Ward: Old Town
Officer: Jane Sabin	Site visit date: 6 December 2011	Type: Minor
Site Notice(s) Expiry date: 16 December 2011		
Neigh. Con Expiry: 17 December 2011		
Weekly list Expiry: 21 December 2011		
Press Notice(s)-: 21 December 2011		
Over 8/13 week reason: Request to speak at Committee		
Location: Motcombe Gardens Bowling Club, Motcombe Lane		
Proposal: Erection of a brick and flint storage building adjacent to the existing pavilion.		
Applicant: Mr. J. Dobbs		
Recommendation: Approve		

Planning Status:

- Old Town Conservation Area
- Archaeologically Sensitive Area

Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
NE28	-	Environmental amenity
HO20	-	Residential amenity

Site Description:

Motcombe Gardens is located in the heart of the Old Town Conservation Area, and for very many years has had bowling greens on the eastern side of the park on the boundary with Lawns Avenue and Motcombe Lane.

Relevant Planning History:

App Ref:EB/1998/0211	Description: New single-storey club house.
Decision: Approved	Date: 23 June 1998

Proposed development:

Permission is sought to construct a small storage building 2m deep and 2.4m wide under a hipped and pitched roof 3.3m high at the ridge. The store would be constructed of brick and flint with a slate roof to match the pavilion, and would be located adjacent to it and the boundary wall fronting Motcombe Lane. One tree (a purple plum) would have to be removed to facilitate the development.

Applicant's Points:

- The location of the site in a conservation area has informed the appearance of the building, taking into account the local and listed buildings; it will match the materials a design of the pavilion
- Careful consideration has been given to the form and layout to maximise the use of such a small space without impacting on the pavilion
- The adjacent tree is already affecting the pavilion and it has been agreed with the Council that it will be removed, even if the store is not constructed

Consultations:

The Conservation Officer has no objections in principle to the proposal, but notes that the loss of the tree would reduce the amount of greenery which characterises this section of Motcombe Lane and the park.

Nevertheless, the storage cupboard would help to maintain the defined boundary of the park. The proposed location of the storage building sits so that its eaves nearly touch the eaves of the pavilion. It is considered that this location does not enhance the conservation area, and revision on its precise position along the boundary wall should be re-considered. The orientation should also be reconsidered, as currently it sits square to the angled wall, creating a wedge shape between the wall and the rear of the storeroom. If angled this would reduce the risk of rubbish collecting behind it and it would link in with the neighbouring pavilion, where the rear wall follows the boundary line. The materials are acceptable, as they fit with the traditional material used within the area. The use of flint on the rear elevation is an improvement as this provides a more attractive surface to front the streetscape. Samples will be required. The building is much smaller than the pavilion and this reduced size is considered to limit its impact on the building and the streetscape. The design matches with respect to style of the pavilion and is fitting, allowing it to blend in with the surrounding built environment. The proposal is acceptable, subject to the approval samples of the proposed flint and brick, as well as tiles and ridge tiles. There should also be further consideration over the location and orientation of the storage building.

(Memo dated 15 December 2011)

The Arboricultural Officer states that the tree indicated for removal is managed as part of the public tree stock and was being monitored due to a stem decay fungus *Phellinus tuberculosus*, which causes brittleness of the wood and failure of the structural integrity.

Crown reductions had been undertaken on the tree in the past to reduce the likelihood of failure but the presence of this decay fungus will always result in the eventual need to remove a tree. Additionally the ground conditions around the roots of the tree have been altered in the past and the tree is in a raised bed.

Therefore the tree is classified as a category C Specimen, (BS5837 Trees in relation to Construction 2005) and should not pose a constraint. Replacement planting with a similar species would be beneficial to the future street scene. The main concern is that any construction activity, if the application is approved, such as the storage of materials, soil and the mixing of cement should not impact on the trees or access within the park.

(Memo dated 14 December 2011)

Neighbour Representations:

Three representations have been received as a result of neighbour notifications and the statutory advertisements. The comments, mainly of objection, are summarised thus:

- Whilst the plans show a sympathetic building, there are concerns that this would make existing parking problems worse as a result of increasing the membership of the bowls club
- The tree should remain
- The conservation area is one of great beauty and is a quiet and peaceful place and the well-being and safety of visitors to the park is of paramount importance
- Any increase in membership of the bowls club and the proposed increase in visiting teams would greatly affect both the traffic flow, congestion and parking. These are, even at the present time, a major problem - (Motcombe Swimming Pool is a few metres away) - and there are considerable safety concerns with parking on both sides of narrow Motcombe Lane and also in the surrounding roads. At times the whole area is totally "clogged up" with so many additional cars belonging to club members & their visitors and on occasions even full size coaches during the 6+ months bowling season - to add even more would be madness.
- The suitability of the positioning of the 4.5m (over 14') high storage building comes into question - sadly we understand permission has already been granted by the council for the removal of the beautiful blossom tree (where the proposed store will stand) due to stem decay fungus - the building will have a very negative impact and will cause severe loss of amenity by changing the landscape enjoyed by both the local residents and the many "passers by" who stop on the pavement, often for some considerable time, to admire the bowling green, its players and the direct view across to St. Mary's Parish Church.

- our cottages at Nos: 11 / 12 / 14 Motcombe Lane have been very sympathetically architecturally designed to fit into and enhance this conservation area and are much admired for their position overlooking the Gardens - the proposed site for the building would instantly remove these exceptional views and leave us with a blank wall / slated sloping roof instead. We would be very happy for any members of the planning department/committee etc: to visit us at No:11 to see for themselves before making any decisions exactly what the impact would be and the devastating effect it would have if permission were to be granted
- Furthermore, despite proposals to match the existing architecture the fact remains that this will be an unattractive utility building and will only serve to emphasise the ugly appearance of the rear of the main pavilion -- we wonder for what purpose this storage building is required as we know the upkeep of the greens etc: is undertaken by outside contractors who bring their own equipment.

(Letter and emails dated 1-6 December 2011)

Appraisal:

The main issues to take into consideration in determining this application are the impact of the proposal on the character and appearance of the conservation area, and the impact on residential amenity.

The loss of the tree is regrettable, but its life expectancy is short due to fungal decay. Therefore no objection can be made to its removal, subject to a replacement being provided.

The structure is designed to compliment the pavilion, but is of a much smaller scale, and therefore would have a reduced impact on the character and appearance of the area. It is considered that the main impact would be on views from Motcombe Lane itself, due to the proximity of the structure to the wall and railings combined with the loss of the tree. The ground level within the park is lower than street level, with the result that not all of the new store would be visible above the existing boundary wall; the railings sit 1m above the wall, and the top of the roof would project 80cm above the railings. The store is shown to be sited very close to the pavilion, so that the roof would be very close to the overhanging eaves, resulting in an uneasy relationship between the two structures. It is considered that this gap should be increased slightly, so that there would be sufficient space for the provision of a shrub like buddleia (which can be regularly coppiced) as well as a replacement tree on the other side of the new store; the provision of these would go some way to compensate for the loss of the diseased tree and to soften the appearance of the structure.

With regard to the increase of the membership of the club, the displacement of the existing storage facility to the new building would only provide a limited increment to the floor space of the pavilion, and the membership could easily be increased whether the development goes ahead or not.

Notwithstanding this, the agent has confirmed that the proposed development would provide better facilities for existing members and that any objection based on increasing the membership is misguided. The objectors are correct in their observations in respect of the existing parking congestion in Motcombe Lane, however it is considered that the provision of a store of this size would have no discernible impact on the current situation.

With respect to residential amenity, it is considered that the new structure is a sufficient distance away from nearby residential properties not to have any adverse impact on outlook. Loss of views into the park is not a planning consideration.

Human Rights Implications

It is considered that there would be no adverse impact on residential amenity.

Conclusion

It is considered that the proposed development is considered to be acceptable in terms of size and design and its impact on the character and appearance of the conservation area, however further consideration needs to be given to the precise siting of the structure and the provision of replacement planting.

Recommendation: GRANT subject to conditions

Conditions:

- (1) Commencement within 3 years
- (2) Approved plan numbers
- (3) Samples of materials
- (4) No storage of building materials within the park
- (5) Replacement tree and shrub planting

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on the character and appearance of the conservation area or on residential amenity, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

INFORMATIVE: Submission of formal application to discharge conditions

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**.