

## Eastbourne Borough Council

### Planning Committee

12 June 2012

### Report of the Head of Planning

#### List of Planning Applications for Consideration

- 1) 10 SPRING LODGE CLOSE, EASTBOURNE**  
Outline application for the erection of 2 no three bedroom terrace houses, together with the creation of 7 no car parking spaces off Spring Lodge Close  
EB/2012/0258(FP), ST ANTHONYS Page  
**RECOMMEND: APPROVE CONDITIONALLY**
- 2) LAND NORTH OF JUST LEARNING NURSERY, LARKSPUR DRIVE**  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
EB/2012/0264(FP), LANGNEY Page  
**RECOMMEND: APPROVE CONDITIONALLY**
- 3) 83-85 THE RISING, EASTBOURNE**  
Erection of two storey detached building containing two self-contained flats.  
EB/2012/0302(FP), LANGNEY Page  
**RECOMMEND: APPROVE CONDITIONALLY**
- 4) REDOUBT GARDENS, ROYAL PARADE, EASTBOURNE**  
Erection of a granite 1.5 metre high war memorial.  
EB/2012/0318(FP), DEVONSHIRE Page  
**RECOMMEND: APPROVE CONDITIONALLY**
- 5) 146 TERMINUS ROAD (TJ'S), EASTBOURNE**  
Use of roof area as Cafe/Restaurant  
EB/2012/0321(FP), MEADS Page  
**RECOMMEND: APPROVE CONDITIONALLY**
- 6) 9 - 11 BOROUGH LANE, EASTBOURNE**  
**&** Change of use from D1 to dual use D1 and D2 together with installation  
**7)** of two replacement sash windows, removal of chimney stack and lean-to conservatory in courtyard, other internal alterations and addition of window in kitchen.  
EB/2012/0339(FP), & EB/2012/0340(LB) UPPERTON Page  
**RECOMMEND: APPROVE CONDITIONALLY**

**8) FORMER SWANLEY COURT HOTEL, 18 - 20 TRINITY TREES,  
& EASTBOURNE**

- 9)** Erection of a new purpose built, six storey student accommodation building to provide 46 study bedrooms, including the replacement of the front boundary wall, retention of an existing tree and improved hard and soft landscape..

EB/2012/0360(FP), MEADS

Page

**RECOMMEND: APPROVE CONDITIONALLY**

J. F. Collard  
Head of Planning

01 June 2012

## **Planning Committee**

**12 June 2012**

### **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

12 June 2012

### Report of the Planning Manager

### List of Planning Applications for Consideration

#### Committee Report 12 June 2012

#### Item 1

<b>App.No.:</b> EB/2012/0258	<b>Decision Due Date:</b> 24 May 2012	<b>Ward:</b> St Anthony's
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 22 May 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b>	11 May 2012	
<b>Neigh. Con Expiry:</b>	11 May 2012	
<b>Weekly list Expiry:</b>	16 May 2012	
<b>Press Notice(s)-:</b>	N/A	
<b>Over 8/13 week reason:</b> Number of objections/request to speak by ward councillors		
<b>Location:</b>	10 Spring Lodge Close	
<b>Proposal:</b>	Outline application for the erection of 2 no three bedroom terrace houses, together with the creation of 7 no car parking spaces off Spring Lodge Close.	
<b>Applicant:</b>	H and G Land Property Consultants Ltd	
<b>Recommendation:</b>	Approve	

#### Planning Status:

- Within 250m of a landfill site
- Covenants

#### Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
HO2	-	Predominantly residential areas
HO6	-	Infill development
HO7	-	Redevelopment
TR11	-	Car Parking

- NE16 - Development within 250m of former landfill sites  
NE28 - Environmental amenity

**Site Description:**

This late 1960's end of terrace dwelling is located in the south east corner of Spring Lodge Close. It has a large side garden, situated in the space between two terraces which sit at right angles to each other. The terraces face onto an irregular shaped green bounded by a road with a small lay-by, which is generally heavily parked. Bishop Bell School lies to the south of the site separated by a public footpath, and a further terrace of dwellings lies to the rear (west) also separated by a public footpath.

**Relevant Planning History:**

App Ref:EB/2004/0548 Description: Erection of detached three bedroom dwelling together with provision of seven car parking spaces off Spring Lodge Close.

Decision: Allowed Date: 1 February 2006

App Ref:EB/2006/0182 Description: Erection of a two storey extension at side.

Decision: Approved Date: 23 May 2006

**Proposed development:**

Permission is sought to extend the terrace by the construction of two attached dwellings on the side garden of 10 Spring Lodge Close, in lieu of the previously approved detached dwelling. This has been made possible by the rerouting of the foul sewer crossing the site in agreement with Southern Water. The two dwellings would have the same footprint and height as the existing dwellings in the terrace, and would be of an almost identical design, however they would be 800mm wider, and the end dwelling would have a modest single storey extension at the side (facing the school).

A Site Safety Plan has been submitted, indicating that Keymer Close would be used for deliveries and works access during construction.

A further plan has been submitted showing a corner of the green hard surfaced to provide seven parking spaces.

The application is submitted in outline, with matters of access, appearance, layout and scale to be considered at this stage (landscaping is reserved for future determination).

**Applicant's Points:**

- The site is within the development boundary and does not lie within a flood risk area.
- The immediate neighbouring properties are end of terraced houses, of the same design. The side gable ends of 9 Spring Lodge Close to the east, and 27 Keymer Close to the west, face towards the site, with a school playground and car park to the south of the site.

- The surrounding buildings are all similar 1960s terraced houses, and all built in the same style. It is proposed to match the style and materials of the existing buildings.
- There are no mature trees, but it is proposed to retain the boundary hedgerow.
- Previous applications have been approved for a single detached dwelling to the south of the site, (ref. EB/2004/0548) and for a 2 storey extension to the side of no.10 (ref. EB/2006/0182).
- It is considered that adding two new properties to the existing terrace would be more in keeping than the above approved proposals.
- The proposal is further north than the previous approved application (EB/2004/0548) and therefore have a significant less potential effect of evening shadowing on 9 Spring Lodge Close.
- Pre-advice has been sought, in order to produce an acceptable scheme. The comments and suggestions have been taken into account and our drawings amended accordingly. There were concerns with regard to overlooking, and it was suggested that the first floor bedroom window facing No 9 Spring Lodge Close should be relocated to the proposed South Elevation. This has been carried out. Refer to design drawings.
- 7 No. parking spaces will be provided on Spring Lodge Close (refer to drawing no 83700/020) showing how the additional required car parking will be provided. Highways were shown the above drawings and indicated that the number of spaces proposed are more than adequate to serve this development.

### **Consultations:**

The Council's Estates Department has been notified the planning application, and states that the Borough Council is the freehold owner of the central grassed area in Spring Lodge, which is also part of the adopted highway. The proposed vehicle parking spaces will require part of the Council's land, however the Council, as landowner, has not consented to a disposal of part or the whole of this land.

(Email dated 5 April 2012)

### **Neighbour Representations:**

Thirty objections have been received, including one from the Spring Lodge Area Residents Association. The objections are summarised thus:

- Despite the developers mitigation plans, there would be unacceptable noise and inconvenience to residents during construction, as well as a danger to children
- The land was never intended to be built upon, and it was only incorporated into the garden of no.10 to prevent fly tipping and children playing on it
- The proposal would adversely affect sunlight, daylight and privacy to 9 Spring Lodge Close and 27 Keymer Close – it is inconceivable that any estate would be designed to be so close to and overlook each other in the overbearing and oppressive way now proposed – this demonstrates overdevelopment
- Lack of parking is already a major issue in Spring Lodge Close. The proposed scheme could only achieve additional spaces by an unrealistic and unenforceable parking arrangement that would also increase danger to children trying to cross the road

- The proposed parking arrangement claims to create 7 spaces but would destroy 6 current spaces and part of the green – uneconomic and unneighbourly – a net gain of one space for two 3-bed houses will only exacerbate the situation
- The loss of part of the green would have a negative impact on community life, as it is used for parties (royal wedding/easter egg hunt/Jubilee/Olympics); why should the developer gain at the residents loss?
- Negative visual impact on the area
- Adverse impact on trees (which should have a Tree Preservation Order)
- Damage to adjacent properties through the use of equipment such as pile drivers; dirt and dust from the building works

### **Appraisal:**

The main issues to be taken into consideration in determining this application are whether the development of the site is acceptable in principle, and whether the impact of the proposal on highway safety, and visual, residential and environmental amenity is acceptable.

#### Principle of development

Although garden land is no longer considered to be “brownfield”, this does not in itself prevent development where in all other respects, the proposals are acceptable. The National Planning Policy Framework supports sustainable development and expects local planning authorities to apply the presumption in favour of sustainable development, subject to adopted and up to date local policies. The current policies are “saved” by way of government direction, and due weight must also be given to policies in the emerging Core Strategy (which has recently undergone an Examination in Public, with the outcome awaited). The location and size of the site is considered to comply with Borough Plan policies in terms of infill and redevelopment. The previous appeal decision is also a material consideration in determining this application, since the decision is relatively recent, and examined the same issues. The Inspector took into account the size, location and design of the proposed detached dwelling and the impact it would have on nearby residents and concluded that it would not significantly harm the character and appearance of the area and would not contravene relevant development plan policies.

#### Highway safety

None of the dwellings in the terrace, or the adjoining terrace have vehicular accesses, since they face directly onto the green. The dwellings do have a garage court in the northern corner of the close, but the close remains heavily parked, as many people prefer to park in the street, or have two cars, thus parking is a major issue for residents. The proposed parking layout, whilst approved by the Inspector, only provides a net gain of three spaces. Improvements to this layout of parking at right angles to the footpath are currently being investigated, which would result in a safer arrangement and less loss of green space, and a net increase of five/six spaces. The results of this will be reported verbally at the Committee meeting. An increase of five or six spaces is considered acceptable for the provision of two three-bedroom houses.

#### Visual amenity



The proposed dwellings are almost identical to the remainder of the terrace, and as such would not appear to be out of character with the surrounding properties, and would maintain the uniformity of the terraces and the general layout. The precise siting of the dwellings is not ideal, since the main outlook from the front would be onto the flank wall of 9 Spring Lodge Close, and at the rear onto the flank wall of 27 Keymer Close, however, any future occupiers of the dwellings would be aware of these shortcomings. In terms of the streetscape however, it is not considered that such an extension to the terrace would visually disrupt the layout of the close to any significant or harmful degree as the building lines would be maintained. With respect to the impact on the communal green, it is considered that the level of on street parking already has a negative impact on the character and appearance of the area, and the loss of a relatively narrow strip of grass along its northern edge would have only a very limited impact on the recreational use currently enjoyed whilst providing additional on street parking sufficient to accommodate the proposed dwellings and possibly more.

#### Residential amenity

As stated above, the outlook of the proposed dwellings would be onto the flank walls of the adjacent properties, however there are no windows to habitable rooms (only landings) on these elevations, and therefore privacy for existing residents would be safeguarded. Turning to the impact of windows to habitable rooms, these have been fully considered so that the first floor windows overlook either where there is existing overlooking (the rear bedroom windows in the terrace already overlook 27 Keymer Close), or front gardens (which are overlooked by all), or, in the case of those facing the rear garden of 9 Spring Lodge Close, these are obscure glazed. In such an urban layout of small terraced dwellings, there will always be a degree of overlooking of front and rear gardens from immediate neighbours. As the agent has stated in the Design and Access statement, the dwellings are sited further to the north than the appeal proposal, which sited the dwelling approximately 2.5m from the side boundary; this distance has been increased to 7.3m (4.8m for the single storey element) thus improving the outlook from both adjoining properties when compared to the approved scheme. It is concluded that residential amenity would not be unacceptably harmed.

#### Environmental amenity

There is a leylandi hedge on the appeal site, which has very limited value; the hedge is shown to be retained, and would be subject to a landscaping plan, and it is considered that in such a tight space, its retention during the building works may be difficult. It is considered that more appropriate boundary planting should be sought on this southern boundary, which would be more beneficial to the area and future occupants. There is a mature Sorbus on the green adjacent to the proposed parking area, and its retention will need to be taken into account in conjunction with the revised parking proposals. It is considered that there would be a neutral impact on environmental amenity.

#### **Human Rights Implications:**

**It is considered that the impact on residential amenity would be within acceptable limits.**

#### **Conclusion:**

The proposed development is considered acceptable in terms of its impact on highway safety, and visual, residential and environmental amenity, and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Approval of reserved matters to be sought
- (2) Submission of reserved matters
- (3) Submission within 3 years
- (4) Commencement of development
- (5) Approved plan numbers
- (6) Provision of parking before occupation of dwellings
- (7) Compliance with Site Safety Plan
- (8) Hours of operation
- (9) Samples of materials
- (10) Submission of ground contamination investigation/remediation
- (11) Floor levels and roof height to match terrace
- (12) Tree protection during construction
- (13) Obscure glazing to front first floor windows of unit 10B
- (14) No other windows than those approved
- (15) Submission of details of boundary treatment

Informatives:

**SUMMARY OF REASONS FOR DECISION**

**The proposed development is considered acceptable for the following reason:**

**There would be no adverse impact on highway safety, and visual, residential and environmental amenity, and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.**

SUBMISSION OF DETAILS RESERVED BY CONDITION.

**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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date: 30 May 2012

B & DC Manager:..... Date:

**Committee Report 12 June 2012****Item 2**

<b>App.No.:</b> EB/2012/0264	<b>Decision Due Date:</b> 29 June 2012	<b>Ward:</b> Langney
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 24 May 2012	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b> 11 May 2012		
<b>Neigh. Con Expiry:</b> 11 May 2012		
<b>Weekly list Expiry:</b> 16 May 2012		
<b>Press Notice(s)-:</b> 16 May 2012		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> Land north of Just Learning Nursery, Larkspur Drive		
<b>Proposal:</b> Erection of a residential care home (Class C2) with parking and new vehicular access.		
<b>Applicant:</b> David Phipps Healthcare		
<b>Recommendation:</b> Approve		

**Reason for referral to Committee:**

Major development, number of objections and requests to speak at Committee

**Planning Status:**

- Main sewer crosses the site
- Archaeologically sensitive area
- Flood zone 2/3
- Compensatory flood storage area

**Relevant Planning Policies:**

UHT1 Design of development  
 UHT2 Height of buildings  
 UHT4 Visual amenity  
 UHT7 Landscaping  
 NE23 Nature conservation  
 NE28 Environmental amenity  
 HO17 Supported and special needs housing  
 HO20 Residential amenity  
 TR11 Car parking  
 US4 Flood protection and surface water disposal

**Site Description:**

The application site comprises an irregular piece of principally undeveloped land on the west side of Larkspur Drive, 0.4ha in area, adjacent to the Just Learning Nursery. There is a sewage pumping station in the south east corner of the site, and the whole of the western boundary adjoins the Willingdon and West Langney Sewer. The site slopes down from south to north, and from east to west; a post and rail fence in front of a sparse hedgerow forms the boundary with Larkspur Drive, and the site is mostly covered in scrub, but with a reed bed along the western boundary.

**Relevant Planning History:**

App Ref: EB/2003/0023	Description: Erection of 14 residential units
Decision: Refused	Date: 22 July 2003

App Ref: EB/2009/0514	Description: Erection of a residential care home (Class C2) with parking and new vehicular access.
Decision: Withdrawn	Date: 20 October 2009

App Ref: EB/2009/0407	Description: Erection of a residential care home (Class C2) with parking and new vehicular access.
Decision: Dismissed	Date: 14 June 2011

**Proposed development:**

Permission is sought to construct a two storey 24 bed care home close to the western boundary of the site, with a new access from Larkspur Drive and a car park with 10 spaces at the front of the building. The existing pumping station with its own vehicular access would be maintained and unaffected by the proposed development.

The proposed building would have a linear form, stepped back at one end under a double pitched roof; the front part of the building would be 40m wide, and the rear 35m wide, with an overall depth of 14m. The 5m wide casting way would be maintained between the rear of the building and the Willingdon and West Langney Sewer. The building would be finished in timber cladding under a natural slate roof, and the windows would be grey powder coated aluminium. A private secure boardwalk garden would be located at the southern end of the building, and an enclosed yard formed adjacent to the kitchen at the northern end.

Along the southern boundary an overflow swale is proposed leading from the pumping station into the open water course. The steepest parts of the site adjacent to Larkspur Drive would be landscaped and secured by a 900mm high post and rail fence on that boundary.

**Applicant's Points:**

- This proposal represents a fresh approach to the design of a building to respond to the particular characteristics of this unique site
- This application seeks to address the concerns of the Inspector, who dismissed the appeal solely on the grounds of design, having deemed all the other matters acceptable.

- The current proposal responds to the Inspectors comments which refer principally to the design of the elevations and their poor relationship to the character of the surrounding context
- In line with the Inspector's comments that the size and position of the building was acceptable, the scheme had adhered to the overall height and position on the site to preserve views from Larkspur Drive and from the nearby houses towards Eastbourne Park
- All the buildings on the west side of Larkspur Drive (Premier Inn, The Mill public house, the nursery school and the Causeway School) are very different in their design, roof form and materials, with no precedent for a design solution, except their variety
- Of these buildings, the most successful are those with traditional roof proportions, and therefore it was decided to give the current proposal a simple unfussy form and massing, as might be found on a traditional agricultural building, and which would give the building a scale appropriate to the large horizontal scale of the open expanse of the park landscape
- To reinforce this, one basic wall material has been chosen – naturally weathered timber cladding - and natural slate for the roof. The roof design follows a traditional vernacular double pitched form, allowing a steeper pitch, thus avoiding the bungalow-like expanse of roof in the previous scheme and maintaining the height identified by the Inspector as acceptable, yet introducing interest and variety
- The elevation facing Eastbourne Park is very simple with the equality in fenestration that the Inspector called for; this also responds to the expansive landscape which it addresses. The elevation facing Larkspur Drive is more complex, reflecting the varying mix of functions on this face of the building and relates to the busier, smaller scale context of the housing estate on the other side of the road
- Whilst the design, scale, massing, roof form and materials are based on traditional vernacular architecture to achieve a character appropriate to its context, the architectural language is contemporary and elegant
- There is a broad evidence base to demonstrate the need for such accommodation for the elderly both nationally and locally; EBC's Strategic Housing Market Assessment recognises that household growth in the district will be driven by single households, and a significant proportion of these will be for the elderly. There will be a need for a greater range of options for older people, and the current scheme will support this in a sustainable location
- The proposed development will provide employment in an area (Langney) where there are relatively low business opportunities
- A unilateral undertaking has been supplied with the application, which adequately deals with a financial contribution towards compensatory flood storage
- An archaeological assessment and site investigations have been carried out to the satisfaction of the County Archaeologist (there were no finds or further implications)
- Ecological surveys have been carried out, and established that appropriate mitigation measures can be taken to safeguard the reptiles on the site

- A Flood Risk Assessment has been carried out, and the required Sequential and Exception Tests satisfactorily met in consultation with the Council
- A Transport Statement and a Travel Plan Statement have been produced, demonstrating the sustainable location of the site and the adequacy of the parking provision

**Consultations:**

The Assistant County Archaeologist confirms that although the site is situated within an Archaeologically Sensitive Area, an archaeological evaluation excavation has shown the site to be of low archaeological potential and is unlikely to impact on the waterlogged Prehistoric remains to the south. For this reason he has no further recommendations to make in this instance.

(Letter dated 27 April 2012)

The Environment Agency has no objections to the scheme subject to a number of conditions to control the impact on water quality and the environment.

(Letter dated 9 May 2012)

Environmental Health has no observations to make on the application.

(E-mail dated 19 April 2012)

The Highway Authority has no objections to the proposal, noting that the visibility splays exceed the minimum requirement, and that the level of on site vehicle and cycle parking will also be within current guidelines and policies. The likely level of traffic generation for the site is also set out with reference to the TRICS database. This has shown that a residential care home of this size generates few traffic movements throughout the day and during peak times there are likely to be 2/3 additional trips which can be accommodated by the existing highway network; conditions to secure the provision of the splays, car and cycle parking before occupation and wheel washing facilities during construction works should be imposed.

(Memo dated 10 May 2012)

**Neighbour Representations:**

Nineteen letters and emails of objection have been received as a result of neighbour notifications and a notice posted on site. The objections are summarised thus:

- It would conflict with the Eastbourne Park Plan
- Further building was refused in 2003, as it would detract from the framework of the Plan and would totally block the view of the park – this proposal is two storeys which would be even more restrictive
- It would set a precedent and put pressure on other sites not allocated for building, which would encroach on and diminish Eastbourne Park
- Unsatisfactory drainage, which may lead to flooding of nearby properties
- Unreasonable alterations to the sewerage system, exacerbating recent problems
- Inadequate parking facilities in Larkspur Drive; residents already park on the grass verges
- Dispute the findings of the traffic survey; there are often long queues in Larkspur Drive and another access will only make matters worse

- The development would damage the habitat of a variety of wildlife – insects, lizards, grass snakes, butterflies, cormorants, kingfishers, weasels and mink
- The area is of archaeological importance, and could be as important as the Mary Rose or the Roman sites in Bath
- The land is green belt, and should not be built on; the original agreement in the Eastbourne Park Plan that it should remain as a public viewpoint should be adhered to
- There is no direct bus service to the hospital, so people from a care home would have to travel into town or cross a major road to access a bus to the hospital for appointments
- Totally unsuitable location for a care home, especially next to a nursery (Letters & e-mails dated 23 April to 19 May 2012)

### **Appraisal:**

The main issues to consider in determining this application are the principle of development on the site, the impact on the character and appearance of the area, visual and environmental amenity and highway safety.

The National Planning Policy Framework must also be taken into account. This recent government document supports sustainable development and expects local planning authorities to apply the presumption in favour of sustainable development, subject to adopted and up to date local policies. The current policies are “saved” by way of government direction, and due weight must also be given to policies in the emerging Core Strategy (which has recently undergone an Examination in Public, with the outcome awaited).

The appeal Inspector’s decision is also a material consideration, since it is relatively recent and clearly set out the single reason for dismissal.

#### Principle of development

The site is located within the Built-up Area Boundary, however it is not within the Eastbourne Park boundary; it has no particular allocation on the Borough Plan Proposals Map. The site is not included in the Strategic Housing Land Availability Assessment, nor is it to be considered in the review of Eastbourne Park (both are part of the Local Development Framework). The Inspector made it clear that there was no objection in principle to the site being developed as a care home.

#### Character and appearance

Larkspur Drive forms a main spine road through this part of North Langney and marks the abrupt difference between urban development to the east and the rural landscape of Eastbourne Park to the west. Consequently, many roads to the adjoining residential estate join Larkspur Drive at 90° from rising land, which provides regular views across the Levels into Eastbourne Park. The estate is characterised by two storey dwellings, typical of its time (late 60’s/70’s), arranged in groups and cul-de-sacs with wide green verges and small grassed amenity areas. The rural landscape is interrupted by three buildings at the junction with Willingdon Drove (Premier Inn, The Mill and Just Learning Nursery), however, due to the significant change in ground levels here, the latter two buildings sit well below the road, and a significant distance from it, so that their impact is somewhat mitigated. The appeal Inspector opined that the

care home would be a significant presence in the foreground of any long views towards the park and would also appear as a prominent feature when seen from Eastbourne Park. Given this prominence, he considered that the detailed design of the home took on a particular importance, but that the appeal proposal did not possess sufficient intrinsic merit to successfully shoulder that burden. However, he had no objections to the size or height of the building, only the design. The current proposal has addressed the Inspectors concerns regarding design, in that it has been simplified and uses hardwood timber cladding with a slate roof which would sit much more comfortably within the landscape. Although the building would have two storeys, it would be on a lower ground level than the adjacent nursery, so that the ridge of the roof would be 1.6m above that of the nursery. The combination of these two factors results in a development that would have an acceptable impact on the character and appearance of the area.

#### Visual amenity

The Inspector also considered that there would be a significant gap between the care home and the nursery which would enable some quite wide ranging distant views to be obtained from Larkspur Drive, and that views from the housing estate on the opposite side of Larkspur Drive would be unlikely to be much affected. Whilst the development would have an impact on some existing views of Eastbourne Park it would not prevent all such views nor would it have any significant enclosing affect on Larkspur Drive or the residential areas beyond.

#### Environmental amenity

The current submission is accompanied by ecological surveys, the principle finding of which is that the site hosts a number of reptiles, which are protected species. The reptile report suggests that the slow worms, grass snakes and lizards on the site can be removed from the developable area and retained elsewhere on the site, with improvements to the environment, such as hibernacula. The agent is confident that despite the short term displacement of the reptiles to the adjoining land, the longer term contribution of the site to reptile habitat can be maintained.

#### Highway safety

A Transport Statement and a Travel Plan Statement have been submitted with the application, and the Highway Authority has not raised any concerns in respect of highway safety. It is considered unlikely that a home of this nature would result in any unacceptable degree of additional congestion on the road network. The proposal complies with the parking standards for a development of this nature, and the proposed visibility splays are more than adequate.

#### Other matters

The nearest residential properties would 30m away on the opposite side of Larkspur Drive; as such it is considered that there would be no direct impact on residential amenity as a result of the development.

A full archaeological survey and flood risk assessment has been submitted with the application and found to be satisfactory. The proposal would require a financial contribution towards compensatory flood storage within Willingdon Levels, and the necessary unilateral undertaking has been submitted with the application.



**Human Rights Implications:**  
**None.**

**Conclusion:**

It is acknowledged that the site is difficult to develop due to the constraints of shape, topography, its location on the Willingdon Levels (including the boundary with the Willingdon and West Langney Sewer) and the presence of both a pumping station and a main sewer pipe on part of the site. Nevertheless, it is considered that the current proposal has adequately addressed the sole concern of design raised by the Inspector on the previous scheme, and there would be no adverse impact on visual, residential or environmental amenity, or on highway safety. As such it complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

1. Commencement within 3 years
2. Development to be carried out in accordance with the approved plans
3. Hours of operation (building works)
4. Provision of wheel washing facilities
5. Development in accordance with the Flood Risk Assessment
6. Protection of 5m castingway
7. Construction of visibility splays, parking and cycle store before occupation
8. Implementation of wildlife/habitat mitigation measures
9. Submission of samples of materials
10. Submission and implementation of a landscaping scheme
11. Submission of details of external lighting (no illumination adjacent to castingway)

**Informatives:**

**SUMMARY OF REASONS FOR DECISION**

The proposed development is considered acceptable for the following reason: It would have no adverse impact on visual, residential or environmental amenity, or on highway safety, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

A unilateral undertaking has been submitted to secure a financial contribution towards compensatory off site flood storage provision in Willingdon Levels.

**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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date: 31 May 2012



## Committee Report 12 June 2012

### Item 3

<b>App.No.:</b> EB/2012/0302	<b>Decision Due Date:</b> 12/06/12	<b>Ward:</b> Langney
<b>Officer:</b> Suzanne West	<b>Site visit date:</b>	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 24/05/12 <b>Neigh. Con Expiry:</b> 24/05/12 <b>Weekly list Expiry:</b> 23/05/12 <b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Committee		
<b>Location:</b> 83-85 The Rising		
<b>Proposal:</b> Erection of two storey detached building containing two self-contained flats		
<b>Applicant:</b> Mr. Z. Karmali		
<b>Recommendation:</b> Approve		

#### **Reason for referral to Committee:**

- Request by Cllr Tester

#### **Planning Status:**

- Predominantly Residential Area

#### **Relevant Planning Policies:**

##### Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of New Buildings
UHT4	Visual Amenity
HO1	Residential Development within the Existing Built-Up Area
HO2	Predominantly Residential Areas
HO6	Infill Development
HO7	Redevelopment
HO11	Residential Densities
HO20	Residential Amenity
TR2	Travel Demands
TR6	Facilities for Cyclists
TR11	Car Parking
NE11	Energy Efficiency
NE28	Environmental Amenity
US4	Flood Protection and Surface Water Disposal

**Site Description:**

The application site, approximately 0.04 hectares, lies within an established residential area characterised by a mix of semi-detached and terraced two storey dwellings, flats and bungalows of 1970s vernacular. The built form is staggered in height to follow the gradient with No.83-85, a semi-detached dwelling subdivided into 2No. 1 bedroom flats, set at a higher level than No.87, a semi-detached bungalow directly adjacent to the site to the north-east. The site is bounded on all three elevations by public highway with Austen Walk public footpath to the north-east (flank) and north-west (rear) and Hide Hollow Cemetery beyond to the rear. The land proposed for development relates to the northern section of the site which does not form part of the garden curtilage of No.83-85 and currently serves as open space. At present, there is no on-site car parking for existing residential properties.

**Relevant Planning History:**

EB/2011/0629          Erection of three two bedroom flats.  
Withdrawn. 28/11/11.

**Proposed development:**

This application is a re-submission of the original scheme EB/2011/0629 (withdrawn) to erect 3No. two bedroom flats comprised of two terraced buildings, stepping down from two to one storey, attached to No.83-85.

Following extensive pre-application advice, the scheme has been amended to loose one unit and construct a two storey building, subdivided into 2No. two bedroom flats, with a communal garden area. Each new unit will accommodate a living/dining area, kitchen, two bedrooms, one bathroom and storage facilities (53m<sup>2</sup>) with one car parking space per unit and one shared visitor space allocated in the existing nearby parking area to the south-west of the site. Cycle and refuse storage will be located to the rear, accessed via a secure gate leading from Austen Walk, and each unit will have independent access with a new ramp from Austen Walk leading to the principle entrance of the building. The building will be detached from No.83-85 by 1.2m to retain the existing flank access serving No.85 (first floor flat).

The building will project 2.6m forward of No.83-85 to extend 10.3m in depth and 6.9m in width with the ground floor level 1.2m higher than the road. The roofline will sit 1.2m below the existing ridgeline to measure 7.5m in height (4.7m to eaves) with a separation distance of 12.7m from No.87 to the north-east.

The palette of materials will match existing to include facing brickwork, painted render, interlocking concrete tiles and white PVCu fenestration. Window/door openings are proposed on all elevations at ground floor level with only the front and rear elevations comprising openings at first floor.

**Consultations:**Environmental Health:

No objections.

(Email, 04/05/12)

### Highways Authority:

'The site lies within Zone 4 of the East Sussex County Council, Parking Standards at Developments, Supplementary Planning Guidance. As such the parking provision should be 75% - 100% of the standard for the development type. In this case it is 1 space per flat plus 1 space per 3 units for visitors. The proposal is to provide 3 spaces for this development which is acceptable for the zone it is in.

The site is located on a well served bus route, with a service approximately every 15 minutes that links to the Town Centre, DGH, Sussex Downs College and Hampden Park station amongst others. Bus shelters are already installed in The Rising and are located approximately 90m and 165m away from the site. The site is also within relatively close proximity of Langney Shopping Centre with the associated shops and services, and can be reached on foot by utilising the existing footways and traffic islands to cross Langney Rise. The site can therefore be considered to be in a sustainable location in terms of public transport provision and proximity to shop sand services.'

*(Memo, 10/05/12)*

### **Neighbour Representations:**

Two objections have been received from nearby residents who raise the following concerns:

- Loss of light, outlook and privacy;
- Insufficient parking provision, particularly in evenings and at weekends;
- Impact on drainage system; and
- Potential subsidence.

### **Appraisal:**

#### Principle of Development

The subject plot of land forms part of the curtilage of No.83-85 and currently serves as open space. The site is located within a predominantly residential area and, as such, the principle of residential development is acceptable subject to other material considerations.

In light of the recent publication of the National Planning Policy Framework (NPPF) which stipulates a presumption in favour of sustainable development and the sustainable location of the site, significant weight is given to the proposed redevelopment for residential use. The scheme will provide a valuable contribution to the overall housing delivery targets and is located in a sustainable location with good public transport links in accordance with the objectives of the NPPF.

The type of accommodation proposed is appropriate for the area with several other properties within the vicinity subdivided into flats.

#### Visual Amenity

The new building has been carefully designed to reflect the 1970s architecture that characterises this part of Langney.

The building will incorporate a simple design with materials to match existing, stepping down in height from No.83-85 to follow the existing pattern of development to will read as a continuation of the built form. The 2.6m projection forward of the existing building line is considered modest enough to allow sufficient amenity space to remain between the highway and front facade to ensure the proposed layout harmonises with the streetscene. The mass and bulk of the building will be similar to neighbouring properties, albeit marginally narrower, and as such the scale of the development will not be unduly prominent.

The communal garden will be enclosed by 1.8m close board fencing on all elevations, set back 5.5m from the highway to retain an open frontage. Although a large portion of the outdoor amenity space will be enclosed, the reduction in the amount of development now proposed under this revised scheme is considered to maintain a healthy gap between the new development and No.87 to the north-east with elements of the original 'open' character retained. It is recommended that future development on the site is restricted by way of condition to ensure the 'open' elements are preserved.

#### Residential Amenity

The proposed units will provide a good standard of accommodation with a ample outdoor amenity space for future occupiers. The fenestration layout, boundary screening and separation distances proposed will ensure the scheme does not result in any significant loss of light, outlook or privacy for adjoining residents, with particular regard to the occupiers of No.87 directly adjacent.

#### Highway Issues

The Highways Authority has confirmed the allocation of 3 parking spaces in a nearby parking area to the south-west of the site will adequately serve the development. A transport contribution is not required given that the site is already in a sustainable location in terms of pedestrian and public transport access.

#### Sustainability

The development will be constructed to exceed Level 3 of the The Code for Sustainable Homes with reference to thermal efficiency and carbon emissions. Consideration has been given to different renewal energy options including Combined Heat and Power (CHP) and a Heat Recovery System/Air Source Heat Pump.

#### **Human Rights Implications:**

It is considered that there would be no adverse impact on the amenities of adjacent or nearby residents as a result of the development.

#### **Conclusion:**

In conclusion, the development is acceptable in terms of the loss of open space, the scale and design of the replacement buildings, the impact upon nearby residents and provision of parking. The development will make a valuable contribution to the towns housing stock.

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time limit
- (2) Hours of work on site
- (3) Details of cycle & refuse storage
- (4) Windows in NE flank elevation
- (5) Materials
- (6) Fencing /wall
- (7) Approved plan numbers

#### SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on visual and residential amenity or highway safety. The development accords with the relevant policies in the Eastbourne Borough Plan 2001-2011.

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





## Committee Report 12 June 2012

### Item 4

<b>App.No.:</b> EB/2012/0318	<b>Decision Due Date:</b> 12 June 2012	<b>Ward:</b> Devonshire
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 8 May 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b>	31 May 2012	
<b>Neigh. Con Expiry:</b>	31 May 2012	
<b>Weekly list Expiry:</b>	31 May 2012	
<b>Press Notice(s)-:</b>	6 June 2012	
<b>Over 8/13 week reason:</b>	N/A	
<b>Location:</b> Redoubt Gardens, Royal Parade		
<b>Proposal:</b> Erection of a granite 1.5 metre high war memorial		
<b>Applicant:</b> The Royal Sussex Regimental Association		
<b>Recommendation:</b> Approve		

#### **Planning Status:**

- Town Centre and Seafront Conservation Area
- EBC covenants

#### **Relevant Planning Policies:**

UHT1 - Design of development  
 UHT4 - Visual amenity  
 UHT15 - Protection of conservation areas

#### **Site Description:**

The application site forms a section of grass at the southern end of the Redoubt Gardens i.e. the part closest to the junction with Cambridge Road. The area is exclusively laid to grass, bounded on the seaward side by coastal screen planting.

#### **Relevant Planning History:**

None.

**Proposed development:**

Permission is sought to erect an inscribed, light grey granite block in the centre of the grassed area, 1.2m high, 0.5m wide and 0.25m deep, surmounted by a boulder brought back from Burma by veterans, 0.2m high, 0.4m wide and 0.16m deep. The stone and block is to be a memorial for military personnel who participated in the Burma Campaign in World War II.

**Applicant's Points:**

- Veterans of the campaign used to meet annually, but not enough remain, although there are many surviving relatives
- Convenience of a memorial means that they can visit at any time
- It is acknowledged that many who took part feel that they were part of a "Forgotten Army", so in light of the declining numbers of Pinwe veterans the Royal Sussex Regimental Association considers it fitting that a memorial is erected without delay
- The Redoubt Gardens was chosen as the location since it is close to the museum which houses material relating to the Burma campaign and because of its accessibility and quiet nature which will afford moments of quiet reflection for those who wish
- The design is modest and simple as is befitting for a memorial, with clear lettering at a height suitable for all
- No additional signage is proposed; details of the memorial will be passed on to the War Memorials Trust and the United Kingdom's National Inventory of War Memorials

**Consultations:**

The Council's Arboriculturist confirms that there are no tree related issues involved in the proposal.

(E-mail dated 15 May 2012)

The Conservation Officer raises no objections to the proposal, noting that the design for the memorial is acceptable in terms of its size and scale and materials; the position of the memorial is also acceptable as it is located on a section of open grass in the main gardens adjacent to the Redoubt. It will be easily accessible from both the promenade and the street but will be screened by planting.

(Memo dated 18 May 2012)

At their meeting on the 17 May 2012, the Conservation Area Advisory Group raised no objections to the application.

**Neighbour Representations:**

None received as a result of the statutory advertisements.

**Appraisal:**

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

The Redoubt Gardens are small in scale with a subdued nature. The size and simplicity of the memorial, as an unfussy, slim granite block rising straight out of the ground (0.3m will be below ground), is considered appropriate for this location. The gardens are enclosed by planting on both the road and seaward sides, so there will be no long views of the memorial, and it would be separated from the Redoubt itself by the Pavilion Tearooms, thus it is considered that there would be no impact on the character and appearance of the conservation area.

**Human Rights Implications:**

None.

**Conclusion:**

The modest size and simple design of the proposed memorial is considered appropriate for its setting, and therefore would have no adverse impact on the character and appearance of the conservation area.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Time limit
- (2) Approved drawing numbers

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: It would have no adverse impact on the character and appearance of the conservation area, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

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



## Committee Report 12 June 2012

### Item 5

<b>App.No.:</b> EB/2012/0321	<b>Decision Due Date:</b> 14/06/12	<b>Ward:</b> Meads
<b>Officer:</b> Suzanne West	<b>Site visit date:</b> 01/03/12	<b>Type:</b> Full
<b>Site Notice(s) Expiry date:</b> 04/06/12 <b>Neigh. Con Expiry:</b> 03/06/12 <b>Weekly list Expiry:</b> 06/06/12 <b>Press Notice(s)- :</b>		
<b>Over 8/13 week reason:</b> The application is within the target date		
<b>Location:</b> 146 Terminus Road		
<b>Proposal: Use of the roof area as café restaurant, including barrier screen and new stair access.</b>		
<b>Applicant: Mr A Maylon</b>		
<b>Recommendation:</b> Approve subject to conditions as listed below		

#### Site and Surrounding Area

The application site is located within a Eastbourne Town Centre and forms part of TJ's Night Club.

The night club is accessed direct from Terminus Road with an access door adjacent to The Millets store, this access delivers patrons to the first floor nightclub and second floor wine bar/bistro. There is an existing external smoking area to the rear that is accessible from both the first and second floor uses.

The site lies adjacent to a range of commercial uses (including Debenhams Department Store) on the ground and upper floors in this part of the town centre. There appears to be no residential accommodation in the immediate vicinity of the application site.

#### Relevant Planning Policies:

National Planning Policy Framework

Very strong support for uses that help to support the town centre first aims/ambitions

Relevant policies in the Eastbourne Borough Plan 2001-2011:

NE4 Sustainable Drainage Systems  
NE5 Minimisation of Construction Industry Waste  
NE6 Recycling Facilities  
NE11 Energy Efficiency  
NE12 Renewable Energy  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity  
HO9 Conversions and Change of Use  
HO20 Residential Amenity  
SH1 Retail Hierarchy  
SH3 New Retail Development  
TC6 Town Centre Shopping Areas  
US2 Water Resource Adequacy

Emerging Core Strategy Policy C1: Town Centre Neighbourhood Policy; and  
Emerging Town Centre Area Action Plan Policy TC22: Development Opportunity  
Site Five.

**Relevant Planning History:**

The application address has had numerous applications over the years however there are no materially relevant decisions to this application.

**Proposed development:**

This application proposes to use the roof area of the existing building as an extension to their existing first floor wine bar bistro use.

An existing roof lantern would be removed, a new access stair would utilize some of the void created and capped with a new 'conservatory' structure and the remainder of the roof made good. The floor space of the roof some 143sqm would provide space sufficient for 13 tables and some 50 covers.

In addition the scheme proposes a 850mm glass screen on top of the existing parapet wall around the perimeter of the roof, the scheme also includes a bar/servery area.

In consultation with the Councils Licensing Manger the applicant has agreed to the following limitations over the use.

- (1) Background music will only be played in the second floor bar whilst the roof garden is open. No amplified or live music shall take place during this time. There will be no speakers in the roof garden.
- (2) No more than 60 persons including staff shall be allowed in the roof garden at any time, unless an evacuation of the premises is taking place.

- (3) cafe bar licensing conditions, whereby waiter/ess service to table for food and beverages shall be in place for the roof area. No vertical drinking shall be permitted.
- (4) Substantial refreshment (food) shall be available throughout the trading times of the venue, regardless of where you are within it, up to 02.30
- (5) 5 the roof terrace shall be closed to patrons from 23:15 to 10.00 the following day.
- (6) a minimum of 1 SIA registered door supervisors will operate from the roof terrace area from 19.00 until 00.00 or any closing time earlier than 00.00
- (7) toughened glasses shall be used for the service of beverages to the roof area,

### **Consultations:**

**Environment Health Officer:-** No objection in principle but should close at a reasonable hour and the applicant should be reminded of their obligations for food safety and general hygiene issue.

**Licensing Manager:-** No objections to the proposal subject to the limitations 1-7 as listed above

**Economic Development Officer:-** There is the potential for increased localised employment and also an increase in the local spend from this expanded business; this would help to support the local economy and add a further attraction to the town centre that may help to support the wider viability aims of the town centre.

### **Neighbour representation:-**

None received

### **Appraisal:**

The main issues to consider in the determination of the application relate to the following:-

- The principle of the new development
- Impacts of competition upon the exiting traders within the town
- Parking
- Design and external alterations
- Residential amenity

### **The principle of the new development:-**

There are no objections to the principle to additional café/wine bar/bistros looking to locate and or expand within the town centre as it is considered that both directly by increased footfall and indirectly by the increase in job opportunities and the local spend of the business that they would help to support the local economy.

Members should be aware that whilst the applicant has been submitted by TJ's Nightclub, this use is restricted to the first floor and the second floor use and the potential use of the roof area would essentially operate serving a different clientele. In this particular case therefore it is considered that subject to the limitations suggested by the Licensing Manager and agreed by the applicant then there should not be any material off site impacts of the proposal.

**Impacts of competition upon the existing traders within the town and an over proliferation of similar uses within the town:-**

Members will be aware that whilst there are a number of similar business operating within the town any issues over direct competition are not material and should not be given significant weight in the determination of this submission.

In addition planning policy seeks only to control the extent ground floor uses within the town centre with the ambition of limiting the extent of non retail floorspace; this proposal is not therefore affected by this policy.

It is accepted that there are a number of similar establishments within the town; notwithstanding this it is considered that this facility would be something new for the town and would if successful would become a destination in and of itself which would increase the footfall within the town centre. Any use which would help to support the health and vitality of the town centre should be supported and would be in accordance with the aims and ambitions of the NPPF.

**Parking:-** The site currently operates without off street customer parking and the site cannot accommodate any off street vehicle parking and does not therefore promote any, it relies fully on existing town centre parking facilities to meet its parking demand.

There are no objections to this.

**Design and external alterations**

Given the elevated position of the proposal the external visual impact would be from the glass screen around the edge of the parapet wall; this is considered to be a visually lightweight structure; which should not impact upon the character of the host property in particular or the wider area in general.

**Residential amenity:-**

There are no residential units in the vicinity of the site and given the limitations as agreed with the licensing manager there should not be any material amenity issues that warrant/justify a refusal of permission.

**Human Rights Implications:**

None



**Recommendation:**

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Commencement of development
- (2) Samples of materials screen and conservatory
- (3) Background music will only be played in the second floor bar whilst the roof garden is open. No amplified or live music shall take place during this time. There will be no speakers in the roof garden.
- (4) No more than 60 persons including staff shall be allowed in the roof garden at any time, unless an evacuation of the premises is taking place.
- (5) Cafe bar licensing conditions, whereby waiter/ess service to table for food and beverages shall be in place for the roof area. No vertical drinking shall be permitted.
- (6) The roof terrace shall be closed to patrons from 23:15 to 10.00 the following day.
- (7) Toughened glasses shall be used for the service of beverages to the roof area

**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 12 June 2012

### Item 6 & 7

<b>App.No:</b> EB/2012/0339 and EB/2012/0340	<b>Decision Due Date:</b> 19 June 2012	<b>Ward:</b> Upperton
<b>Officer:</b> Lisa Rawlinson	<b>Site visit date:</b> 13 March 2012	<b>Type:</b> change of use and listed building
<b>Site Notice(s) Expiry date:</b> 13 June 2012 <b>Neigh. Con Expiry:</b> 13 June 2012 <b>Weekly list Expiry:</b> 13 June 2012 <b>Press Notice(s):</b> 13 June 2012		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> 9-11 Borough Lane		
<b>Proposal:</b> Change of use from D1 to dual use D1 and D2 together with installation of two replacement sash windows, removal of chimney stack and lean-to conservatory in courtyard, other internal alterations and addition of window in kitchen		
<b>Applicant:</b> Mr Mark Hellicar		
<b>Recommendation:</b> Approve subject to conditions		

#### Planning Status:

- Grade II Listed Building
- Old Town Conservation Area

#### Relevant Planning Policies:

The Borough Plan Proposals Map (2001-2011) identifies the application site as being within the Old Town Conservation Area and the following policies are considered relevant to the application:

Policy UHT1	-	Design of New Development
Policy UHT4	-	Visual Amenity
Policy UHT15	-	Protection of Conservation Areas
Policy UHT17	-	Protection of Listed Buildings and their settings
Policy UHT19	-	Retention of Historic Buildings

A Planning Brief for the Towner Art Gallery was adopted by the Council in December 2002. The Brief identifies the planning constraints associated with the building and its parkland setting and identifies a number of possible alternative uses.

The Brief acknowledges that the Grade II listed building has significant qualities and that some original features still remain. However, some alterations have taken place over the years which are less than sympathetic. Therefore any alterations to the physical fabric of the building should enhance its special interest and cause no further harm.

**Site Description:**

The former Towner Art Gallery (9-11 Borough Lane) is a Grade II listed building which occupies a prominent position in the north-west corner of Manor Gardens and adjoins Borough Lane on its western boundary.

**Relevant Planning History:**

App Ref: EB/2007/0280 & EB/2001/0281(LB)	Description: conversion of the former gallery to provide eight self-contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall
Decision: Approved subject to conditions	Date: July 2007

App Ref: EB/2008/0129 & EB/2008/0131(LB)	Description: Conversion of existing building to provide eleven self-contained flats with seven car parking spaces and removal/re-erection of parts of the existing courtyard wall and revised siting of vehicular access
Decision: Approved subject to the prior conclusion of a S.106 Agreement to secure a financial contribution towards potential off-site highway improvement works and subject to conditions	Date: May 2008
App Ref: EB/2011/0579	Description: Proposed internal and external repairs
Decision: Approved subject to conditions	Date: 16 November 2011
App Ref: EB/2012/0199	Description: Installation of gas meter cabinet on external wall within courtyard
Decision: Approved subject to conditions	Date: 23 April 2012

**Proposed development:**

Planning permission and listed building consent are sought for the change of use from D1 to dual use D1 and D2 together with the following internal and external alterations:

### **Lower Ground Floor**

- Installation of window at end of corridor over door, this is concealed externally by the privvy walls
- Installation of matching window in kitchen to provide more natural light
- Removal of existing conservatory to assist with fire escape

### **Ground Floor**

- Alterations to upgrade the doors from the staircase along the fire escape route to outside

### **First Floor**

- Alterations to upgrade the doors from the staircase along the fire escape route to outside and also the main staircase doors
- Removal of internal walls (non load bearing) to form an open landing/lobby
- Formation of two new walls to enclose staircase
- Fire door to Class Room 2 from staircase
- Class Room 2 open up walling to reveal existing window
- Fire door to Class Room 1 from staircase
- Long Gallery form new fire partition with fire door in top left hand corner
- Class Room 1 ceiling moulding panelling/cornice to be adapted to suit new wall. Provide additional cornice infill to match
- Provide new fire door Class Room 1 to Projection Room
- Class Room 1 replacement of two sash windows, altering brick chimney breast (later adaptation). Re-form window reveals and cills as adjacent windows in room
- Cornice in room to be matched in
- Class Room 3 upgrade doors
- Staircase remove end wall, internal doors and solid panel in central well  
Reinstate matching balusters, and handrail

### **Second Floor (staff flat)**

- Alterations to upgrade the doors from the staircase along the fire escape route to outside and main staircase doors
- Bedroom 2 new fire door and frame attached to wall to avoid top step
- Lounge remove lightweight partition and door
- Bedroom 3 infill opening in wall adjacent to door
- All floors within the flat and staircase to be covered in 4mm tempered hardboard (upgrading fire resistance)
- Ceiling in staircase to be upgraded to 1/2 fire resistance, and new ceiling hatch

### **Generally**

- Door treatment (fire doors - Envirograf specification) to both sides of doors

### **Applicant's Points:**

- The removal of the existing chimney stack and partial chimney breast on the first floor will enable the two sash windows on the first floor to be replaced, matching the existing style of the windows on the elevation facing Borough Lane.

The windows will be an exact match in size and mouldings, with single glazing, and hidden draught strips. All painted gloss white to match. The chimney stack was an add-on during the building's history, and is now redundant. The stack has had various support strapping for its stability, therefore removal would maintain the original elevation features to Borough Lane.

- The formation of internal walls dividing spaces up to form Classrooms on the First Floor covers some of the ceiling plaster mouldings – a feature which will be retained. The new stud walling will be cut around these mouldings to preserve the historic features. On completion of the fire rated stud walling intumescent sealants will be used both sides in white.
- The works will include upgrading the fire resistance of the original doors to the staircases, escape routes from the second floor and all the internal Flat doors. A number of doors within the Flat are modern and of no historic interest and therefore will be either removed or replaced with matching panelled doors (fire rated where required). For the existing painted doors, the mouldings will be preserved and intumescent paper applied and totally decorated in intumescent paint, keeping the historic existing hinges and handles. All other ironmongery will be new ie. Locks. The existing oak doors will be cleaned up and treated with intumescent clear paint maintaining the same natural look in a satin finish.
- The ceilings will be modern replacement of the polystyrene insulated board, and skim coat finish in the Flat. The existing floor will be upgraded by applying a 4mm tempered hardboard covering over the access to the flat and all rooms within the flat.
- All other areas of flooring will be the existing planks sanded and sealed. The existing Flat arrangement will be altered to provide a better fire escape facility, upgrading the floor, walls and ceiling for fire protection. This will form a separate entrance from the Chamberlain School of English. Due to the nature of the existing building, the flat will be only accessible for ambulant persons. The flat will be used for a number of School teachers for their short term stay.

### **Consultations:**

The **Planning Policy Officer** has confirmed the following:

*'The application site is located in the Old Town Conservation Area as identified on the Eastbourne Borough Plan (2001-2011) Proposals Map. It is located in the neighbourhood of the Old Town (as identified in the Submission Core Strategy), which has been identified as one of the more sustainable neighbourhoods in the Borough.*

*The change of use is for a dual D1 and D2 use to allow the venue to be used for weddings etc. There is no policy objection to this change of use.*

*The building is a Grade II listed building and therefore must comply with Policy UHT17, which states that planning permission for alterations or extensions to a listed building will be granted only where works would preserve the inherent character of the listed building and its features of special architectural or historic interest.*

*As the proposal is located within the Old Town Conservation Area, it must comply with Policy UHT15: Protection of Conservation Areas, which states that planning applications within a conservation area, or affecting the setting of a conservation area, will be required to preserve or enhance the character or appearance of the area.*

*In addition, the proposal should comply with Policies UHT1: Design of New Development and UHT4: Visual Amenity.'*

The Council's **Conservation Officer** has confirmed the following:

- *'The new windows are acceptable as they are like for like – replacing those which have been covered up by the chimney.*
- *Regarding the proposed removal of the chimney stack, it is a later addition currently strapped and causing problems and therefore raises no concerns.*
- *The proposed removal of the lean to conservatory acceptable, it is later in date and does not add anything to the building and is not significant*
- *The proposed change of use has no conservation impact.*
- *Regarding the proposed addition of a new kitchen window, the key is for it to be done like for like copying the one immediately next to it. It is therefore recommended that a condition should be attached to any grant of consent requiring a method statement to be submitted and approved, prior to commencement including some structural information.*
- *Regarding the proposed window at the end of the corridor, care needs to be taken with the arch but there will be no visual impact on the property or views of it.*
- *Finally with regard to the fire doors, it is noted that some are to be replaced with new 2 and 6 panel doors and it is considered that more information is required. I would suggest getting photographs of every door and a sample of the 1 and 2 panel doors. Care also needs to be taken if there are any original hinges to be retained.'*

At a meeting of the Conservation Area Advisory Group on 17 May, members raised no objections to the applications.

**Neighbour Representations:**

None at the time of writing this report (22 May 2012).

**Appraisal:**

The main issues to consider in the determination of these applications are:

- Whether the proposed dual D1/D2 use of the property is acceptable in terms of its impact on the amenities of the locality
- Whether the proposed internal and external alterations are acceptable in terms of the impact on this Grade II listed building and the character and appearance of this part of the Old Town Conservation Area.

The property already has an authorised D1 (non-residential institution) use and can therefore be used as a language school, without the need for planning permission. The proposed addition of a D2 (assembly and leisure) use would allow the owners to use the buildings for functions, such as weddings and christenings as well as hold exhibitions.

It is considered that subject to conditions restricting the hours, and preventing amplified music being played in the garden the proposed use of the building for the aforementioned functions is acceptable. However, the D2 use class also includes such uses as cinemas, music and bingo halls and gymnasiums and for this reason it is recommended that any grant of consent should exclude such uses in the interests of residential amenity and the general amenity of the area.

The proposals include alterations to the accommodation on the second floor flat for use by the teachers accompanying the foreign language students and in order to ensure it does not form a separate unit of self contained accommodation, it is recommended that a condition is attached to any grant of consent to prevent this happening in the future.

The proposed internal and external elevations are detailed in full above. There is no objection to the proposed removal of the chimney stack which is redundant and obscures the two sash windows at first floor level which are proposed to be replaced on a like for like basis.

There is no objection to the proposed removal of the lean to which is a later addition to the property and is in a poor state of repair.

There is no objection to the new partitions to create classrooms.

There is no objection to the provision of the new window at the end of the corridor as it is concealed from public view and subject to the new kitchen window replicating the existing window alongside it, the proposal is considered to be acceptable and as this is faces onto the private courtyard, it will only be visible when the security gates are open.

Finally, there is no objection to the proposed alterations to make the doors within the building comply with fire regulations. However for the avoidance of doubt, it is recommended that conditions be attached to require photographs of each door to be submitted along with a sample of the one and two panel doors.

For the above reasons, it is considered that the proposed internal and external alterations will have no detrimental impact on the Grade II listed building and no harmful effect on the character and appearance of the Conservation Area.



**Human Rights Implications:**

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

**Conclusion:**

The proposed change of use from a D1 to a dual D1/D2 use will allow the owners to use the language school for other uses when the school is not in use, for example for weddings and other functions. Subject to controlling the nature of uses and restricting the hours of use, the proposal is considered acceptable. In addition, the proposed internal and external works will have no harmful impact on the Grade II listed building or the character and appearance of this part of the Old Town Conservation Area. The proposed development therefore complies with all relevant policies of the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** planning permission and listed building consent subject to the following conditions:

**In respect of EB/2012/0339:**

- (1) Commencement within three years
- (2) Approved plans – 9481/01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12
- (3) Restricted D2 use
- (4) Flat on second floor to be ancillary accommodation for language school only
- (5) Restricted hours
- (6) No amplified music in garden
- (7) New kitchen window to match existing window and method statement required
- (8) Works to match existing
- (9) Activity not to be audible beyond site boundary
- (10) Hours of building operations
- (11) Care to be taken with arch when new window inserted at end of corridor
- (12) Further details of fire doors to be submitted including a photo of each door
- (13) Sample of one and two panel doors to be submitted and approved

**In respect of EB/2012/0340(LB):**


- (1) Commencement within three years
- (2) Approved plans – 9481/01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12
- (3) New kitchen window to match existing window and method statement required
- (4) Works to match existing
- (5) Care to be taken with arch when new window inserted at end of corridor
- (6) Further details of fire doors to be submitted including a photo of each door
- (7) Sample of one and two panel doors to be submitted and approved

Informatives:

The proposed development is considered acceptable for the following reasons:

The proposed dual use of the building and the proposed internal and external works will ensure the preservation and enhancement of the Grade II listed building and they will have no harmful effects on the character and appearance of this part of the Old Town Conservation Area. The proposed development therefore complies with all relevant policies of the Eastbourne Borough Plan 2001-2011.

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



## Committee Report 12 June 2012

### Item 8 & 9

<b>App.No's.:</b> EB/2012/0360, EB/2012/0359	<b>Decision Due Date:</b> 14/06/12	<b>Ward:</b> Meads
<b>Officer:</b> Chris Cave	<b>Site visit date:</b> 13/06/12	<b>Type:</b> Full, Conservation
<b>Site Notice(s) Expiry date:</b> 13/06/12 <b>Neigh. Con Expiry:</b> 14/06/12 <b>Weekly list Expiry:</b> 14/06/12 <b>Press Notice(s)- :</b> 14/06/12		
<b>Over 8/13 week reason:</b> Application is within the target date		
<b>Location:</b> : Former Swanley Court Hotel, 18-20 Trinity Trees		
<b>Proposal:</b> EB/2012/0360 - Erection of a new purpose built, six storey student accommodation building to provide 46 study bedrooms, including the replacement of the front boundary wall, retention of an existing tree and improved hard and soft landscape.  EB/2012/0359 - Demolition of the existing building		
<b>Applicant:</b> Hanlon Rhodes Partnership		
<b>Recommendation:</b> EB/2012/0360 – Approve, EB/2012/0359 - Approve		

#### Planning Status:

- Conservation Area

#### Relevant Planning Policies:

##### National Planning Policy Framework

In March 2012, the Government's publication of the 'National Planning Policy Framework' document replaced all previous Planning Policy Statements and Planning Policy Guidance. The Government's intention is to provide a more simplified national planning policy framework with a presumption in favour of sustainable development. *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life..."* (paragraph 9). Furthermore, where development proposals are in accordance with the Development Plan, these should be approved without delay (paragraph 14).

In responding to 'core planning principles' identified in paragraph 17, among other considerations.... *"Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and*

*respond positively to wider opportunities for growth". Within this context there is a need "to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings". There is also a need to "encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value" as well as "conserving heritage assets in a manner appropriate to their significance". There is also a requirement to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".*

As regards conserving and enhancing the historic environment, when determining planning applications, Local Planning Authorities *"should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance"* (paragraph 128).

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset (for example, a Conservation Area), this harm should be weighed against a public benefit of the proposal, including securing its optimum viable use (paragraph 134). Paragraph 138 recognises that not all elements of a Conservation Area will necessarily contribute to its significance, although loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated as causing either 'substantial harm' or 'less than substantial harm' as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area (paragraph 138).

## **ii). The Regional Spatial Strategy**

The Regional Spatial Strategy for the South East of England (The South East Plan) was adopted on 6<sup>th</sup> May 2009 and was intended to cover the period up to 2026. The Coalition Government has however, confirmed its intention to revoke policies contained in the South East Plan, but for the time being it remains a material planning consideration. Therefore, the following South East Policies have been taken into account;

- Policy SP1 (Sub-regions in the South East)
- Policy SP2 (Regional Hubs)
- Policy SP3 (Urban Focus and Urban Renaissance)
- Policy CC4 (Sustainable Design and Construction)
- Policy CC6 (Sustainable Communities and Character of the Environment)
- Policy BE6 (Management of the Historic Environment)
- Policy TC1 (Strategic Network of Town Centres)
- Policy TC2 (New Development and Redevelopment in Town Centres)
- Policy SCT1 (Sussex Coast – Core Strategy)

## **Local Planning Policies**

At the local level, the Eastbourne Borough Plan was adopted on 19<sup>th</sup> September 2003 and was intended to cover the period up to 2011. Its policies are now

'time expired' under the provisions of the Planning and Compulsory Purchase Act 2008, but on 25<sup>th</sup> September 2007, the Secretary of State confirmed that the majority of them should be 'saved' for development control purposes until they are replaced by new and updated policies contained in the Local Development Framework Development Plan Documents. The following saved Local Plan Policies have been taken into account;

Policy UHT2 Height of Buildings  
Policy UHT4 Visual Amenity  
Policy UHT15 Protection of Conservation Areas  
Policy HO2 Predominantly Residential Use  
Policy HO7 Redevelopment  
Policy HO15 Dedicated Student Accommodation  
Policy HO20 Residential Amenity  
Policy TR6 Facilities for Cyclists  
Policy TR7 Provision for Pedestrians  
Policy TR11 Car Parking  
Policy TR12 Disabled Parking  
Policy B1 Spatial Development Strategy and Distribution  
Policy B2 Creating Sustainable Neighbourhoods  
Policy C1 Town Centre Neighbourhood Policy  
Policy D1 Sustainable Development  
Policy D2 Economy  
Policy D3 Tourism  
Policy D8 Sustainable Travel  
Policy D10 Historic Environment  
Policy TC9 Development Quality  
Policy TC10 Building Frontages and Elevations  
Policy TC11 Building Heights, Landmarks and Tall Buildings  
Policy TC12 Servicing Access and Storage  
Policy TC15 Parking in the Town Centre

On 31<sup>st</sup> January 2012, the Borough Council submitted two Local Development Framework Development Plan documents to the Secretary of State for independent examination. These documents comprised the Eastbourne Plan (or Core Strategy) and the Town Centre Area Action Plan (TCAAP).

The Core Strategy sets out the Council's spatial vision for the town up to 2027. When formally adopted, it will provide the basis for considering future planning applications and replace some of the existing strategic planning policies contained in the current adopted Local Plan. Within the Core Strategy, the pattern of historical growth in the town has led to the Council deciding to follow a 'neighbourhood' approach to the development of separate visions for each of the 14 neighbourhoods identified. The application site is located within the Town Centre Neighbourhood ('Neighbourhood 1'). Within this context, the relevant draft policies are;

Policy B1 (Spatial Development Strategy and Distribution)  
Policy B2 (Creating Sustainable Neighbourhoods)  
Policy C1 (Town Centre Neighbourhood Policy)  
Policy D1 (Sustainable Development)  
Policy D2 (Economy)

Policy D3 (Tourism and Culture)  
Policy D8 (Sustainable Travel)  
Policy D10 (Historic Environment)  
Policy D10a (Design)

As the application site is located within the Town Centre Neighbourhood, the draft policies contained in the TCAAP (which also cover the period up to 2027) are also relevant as follows;

Policy TC9 (Development Quality)  
Policy TC10 (Building Frontages and Elevations)  
Policy TC11 (Building Heights, Landmarks and Tall Buildings)  
Policy TC12 (Servicing Access and Storage)  
Policy TC15 (Parking in the Town Centre)

### **Site Description:**

The site is the Swanley Court Hotel site which is located on the northern side of Trinity Trees within Eastbourne's Town Centre and Seafront Conservation Area. The 0.065 ha site has an 18m frontage to Trinity Trees and an overall depth of approximately 37.3m. It is flanked by a 3 storey Victorian style building used as a language school ('Didac') to the west and by a modern, 6 storey block of flats at Windermere Court to the east. On the opposite side of the road is the Holy Trinity Church and to the rear of the site backing onto Lismore Road, development has commenced on the construction of a 3 storey residential scheme of 8 apartments following the clearance of former garage and storage buildings on the land. Swanley Court Hotel itself is set back approximately 10.8m from the road behind a hard surface parking forecourt. It comprises a 4 storey Victorian style building faced in white painted render under slate tiled roof. The site has a split level with the lower ground floor of the building being partly below the road frontage.

### **Relevant Planning History:**

App Ref: EB/2008/0360	Description: Erection of three storey building to comprise eight one-bedroom flats
Decision: Approved conditionally	Date: 20/05/08
App Ref: EB/2007/0854	Description: Conversion of hotel to eleven flats, involving demolition of two rear extensions and erection of a four storey extension at rear and extension to roof
Decision: Approved conditionally	Date: 04/03/08
App Ref: EB/2007/0367	Description: Erection of three-storey office building plus basement storage area, with three parking spaces
Decision: Approved	Date: 17/07/12

App Ref: EB/2007/0365	Description: Erection of a three storey block of four flats with four parking spaces
Decision: Approved conditionally	Date: 17/07/07
App Ref: EB/2007/0105	Description: Change of use from hotel (Class C1) to offices (Class B1) for a temporary period of 30 months, together with repositioning of vehicular access to Trinity Trees
Decision: Approved conditionally	Date: 23/04/07
App Ref: EB/2006/0590	Description: Conversion of hotel to eight flats and one maisonette
Decision: Approved conditionally	Date: 25/09/06

### **Proposed development:**

The proposal is to demolish and clear the existing building from the site in order to construct a modern, 6 storey building to provide 46 study bedrooms for students, with no more than 4 students sharing a communal kitchen and dining area.

The replacement building would be broadly rectangular in shape and would occupy a slightly smaller footprint than that of the existing building. It would be set back 11m from the public footpath that runs along the northern side of Trinity Trees and would be set back between 2m and 2.5m from the site's two side boundaries. The northern elevation of the building would be set back 5.8m from the rear boundary of the site.

The split level nature of the site will be retained, with the lower ground floor level being approximately 1.7m lower than that of the road frontage. The new building would have 6 floors of accommodation, each with a similar layout. The study bedrooms would be located to the front and to the rear of the building. They would be grouped around a central communal kitchen and dining area served by stairs and lift access (to all floors) within the core of the building.

The layout of the building is as follows:

Lower Ground. Six ensuite study rooms, two of which are wheelchair rooms, in one cluster. Two communal rooms provided for flexibility when accepting large groups of students.

Store and office. Ground. Eight ensuite study rooms, two of which are wheelchair rooms, in one cluster. Two communal rooms provided for flexibility when accepting large groups of students.

First. Eight ensuite study bedrooms in one cluster. Two communal rooms provided for flexibility. Store room.

Second. Eight ensuite study bedrooms in two clusters. Two communal rooms, one in each cluster. Store room.

Third. Eight ensuite study bedrooms in two clusters. Two communal rooms, one in each cluster. Store room.

Fourth. Eight ensuite study bedrooms in two clusters. Two communal rooms, one in each cluster.

The proposed building has been located on the plan such that a generous front courtyard is provided. This approach was taken for two main reasons. Firstly the buildings along the street have large front gardens, an original design to enhance the importance of the original buildings and our intent is to replicate this approach. Secondly, we are proposing that the front courtyard perform a series of roles, from parking to gathering and from access to refuse storage and a smaller courtyard would appear cluttered and inhospitable

### **Appearance**

It is proposed to combine modern materials and forms with those drawing their influence from the traditional materials and forms prevalent in the area. Whilst it is proposed to demolish and replace the existing building on the site, the design is proposed to pay homage to the building that is being replaced, with similar pitched roofs as capping and projecting bays, albeit in a modern form. The material palette is proposed to be as follows; Roof- light grey, standing seam zinc with regular seam widths to the roof element and varying seam widths to the wall element. The top storey has been designed to read as part of the roof in order to assist in decomposing the apparent mass. Rainwater goods- light grey zinc box gutter and rainwater pipes.

The box gutter is intended to serve a dual purpose to provide a definite termination of the rendered elevations as well as accepting and dealing with the rainwater run-off from the roofs. Walls- white through-coloured rendered insulation to the lower five stories, formed over highly modelled fenestration to mirror the deep reveals of the traditional buildings in the area whilst still expressing the internal layout of the building- that of a series of clusters. It is proposed to use a modern version of the acrylic through coloured render that utilises silicone additives to assist in keeping the walls clean. It is also proposed to use as small an aggregate size as possible for the render to closely mirror the original painted stucco of the original building.

Windows and doors- aluminium and timber framed double glazed with narrow profile frames so as not to appear too heavy in relation to the timber framed, sliding sashes to the original buildings on the street. An additional benefit to this choice of narrow frame is the increased daylight factor experienced by the occupant. It has been decided to use white frames to mirror the white painted timber frames in the street.

Front boundary wall- white painted rendered masonry low walls and piers with reconstituted stone copings and black painted metal railings to match those found elsewhere on the street.



Vehicle crossover- blue 'stable block' pavements as required by the council and as used elsewhere in the conservation area.

Front courtyard- light grey resin bound aggregate laid within granite sett borders and boundary hedge planting to provide a green edge to the side and front boundaries. To prevent unauthorised vehicular access, a lockable and removable bollard will be installed in the centre of the access.

Access ramps and steps- resin bound aggregate to ramp surface within fair-faced concrete guarding. The guarding is designed to be dual purpose- both wheelchair access and external seating. The access steps will be fair-faced concrete with anti-slip and visually contrasting nosing inserts.

Railings along the line of the lightwell- black metal narrow section balusters and handrail to closely resemble the traditional iron balusters to other buildings on the street.

Lower external area- resin bound aggregate. Rear courtyard- resin bound aggregate and an area of lawn with three native trees, with two metre clear stems, planted to provide shade and visual relief.

Rear boundary wall- painted rendered masonry with precast concrete coping. The side boundary walls are constructed in original facing brick and will be retained and repaired where required.

The application is supported by a number of supporting documents the content of these reports are summarised below:-

## **Design and Access Statement**

### Introduction

This design and access statement is submitted in support of a planning application for the demolition of the former Swanley Court Hotel and the construction of a purpose built, six storey student accommodation building.

The existing building, originally constructed as two separate houses, is situated on the North side of Trinity Trees, almost directly opposite the Holy Trinity Church.

It is unknown exactly when the building was constructed but reference to historic maps suggest the building was constructed after the Holy Trinity Church was completed in 1838. It is therefore assumed the building was constructed in the late 1800's.

Two applications to convert the buildings into flats have been approved, one in August 2006 and a more recent one in December 2007. The building has remained disused and empty for around six years.

Trinity Trees contains a mixture of residential and commercial buildings. A language school is situated to the left of the site and a six-storey apartment block is situated to the right. The street is fairly typical of the 'new' town of

Eastbourne in that it is relatively wide and tree lined, with all the buildings possessing a large front garden. The buildings along the street vary in height and roof treatment but all are largely unified by the predominant use of painted stucco. Even the modern buildings, excepting the modern block of apartments adjacent to the application site, have employed the use of painted or through colour render.

Our *parti*, or concept approach, proposed a replacement building with a central access and a single, central, shared stair and lift. This type of entrance arrangement can be seen on other buildings in the street, The front and rear spaces are valuable and the desire is to provide as much open space as possible. The existing front courtyard has been covered in tarmac and this, coupled with a non-original boundary wall, currently present a low value boundary condition which detracts from the feel of the conservation area.

The open space to the rear will be used as external communal space for the occupants of the building, accessible by way of external steps or by the internal stair and access door positioned to the front of the building. The occupants of the lower ground floor rooms to the rear of the building will have full-height glazed doors to allow them to access the rear garden directly from their rooms.

The plan form was developed, following the original *parti* sketch and utilising lessons learnt on similar student accommodation building schemes, namely those involving the provision of study bedrooms with ensuite shower rooms and sufficient space for comfortable study, sleeping and relaxing and the need to provide storage space. Equally, the provision of communal kitchen, dining and lounge spaces is based on an understanding of the amount of space required for each of the occupants to occupy the space safely.

The approach to space planning the study bedrooms and communal rooms has taken into account the policy documents relevant to bedrooms and communal rooms in 'Houses In Multiple Occupation', published and provided by Eastbourne District Council. Each half of the building on the second, third and fourth floors will contain a 'cluster', a grouping of four to six ensuite study bedrooms and a communal room with each 'cluster' being accessed from the central stair and lift lobby. The study bedrooms on the lower ground, ground and first floors are grouped into single 'clusters' per floor to allow larger groups to occupy the same cluster, in addition to housing the wheelchair accessible units. In this way, nine separate 'clusters' are provided in the building.

### **Heritage Statement**

The building is located on the Northern side of Trinity Trees and benefits from a southerly orientation, with views towards Holy Trinity Church on the opposite side of the road. The Holy Trinity Church was built in 1838 to a design by Decimus Burton and it is the second oldest church in Eastbourne.

It is not immediately apparent when the building on the application site was constructed and the early print on this page shows terraced buildings at the end of Trinity Trees in 1885 so it is safe to assume the building was constructed towards the latter part of the 1800s.

As stated earlier in the Design and Access statement, it is not clear when the building ceased to be used as a pair of residences but judging by the applications on the planning file for conversion to guest house and hotel accommodation and more recently back to apartments, it is clear that the economic fortunes of Eastbourne have played a part in the gradual demise of the building.

Further to this, the permission to convert the building to apartments, given in 2007 has not led to an immediate conversion and improvement, presumably due to the high cost to convert and the uncertainty of future sales. The building currently stands empty and has done for at least six years.

Notwithstanding this, we have only proposed the demolition of the buildings following a careful study of the existing and permitted envelope, with a view to converting the building. A selection of the drawings produced are set-out in this section

A proposal to demolish a building in a conservation area is clearly going to be perceived as having a significant impact on the conservation area but this statement seeks to demonstrate that the impact can be positive.

### **Statement of the Asset.**

The asset can be split into two components- the existing buildings and the Conservation Area they are currently sited in. The passage of time and subsequent neglect has not been kind to the existing buildings and the landscape setting has suffered particularly badly, with the original boundary having been demolished and the forecourt and rear area having been converted to tarmac covered parking areas.

The existing building and landscape setting detracts from the character of the wider Conservation Area and is blighting the neighbouring buildings.

### **Impact on the Heritage Asset.**

The approach to demolish the original building presents a high impact to the existing buildings and to the Conservation Area.

The proposals will have a significant impact on the heritage asset but the demolition and construction of a high quality replacement building will bring about significant benefits to the cultural, social and economic life of the town, as well as providing an opportunity to enhance the setting of the Conservation Area.

The development appraisal further demonstrated that, due to constraints on development funding, depressed development values and the purchase price of the building, a conversion scheme would not be financially viable. The cost data gleaned from empirical data of similar projects, by the applicant for this project, completed and in progress in Hastings and St Leonards on Sea was used as a

benchmark to measure the financial viability of the conversion of the application buildings.

The fact that the building has been allowed to sit empty and become increasingly dilapidated for some six years, means that the cost to reverse the decline has increased.

The opportunity to develop a brownfield site with good transport links and in close proximity to a busy town centre at a sustainable density lends additional weight to the argument for demolition and rebuilding.

As previously stated, Eastbourne derives a large part of its tourist economy from the student market and the proposed building seeks to provide a high quality purpose-built accommodation building to house the current and projected increased intake of students studying at the University of Brighton and the well established language schools in the area.

The proposed building has been located on the plan such that a generous front courtyard is provided. This approach was taken for two main reasons. Firstly the buildings along the street have large front gardens, an original design to enhance the importance of the original buildings and our intent is to replicate this approach. Secondly, we are proposing that the front courtyard perform a series of roles, from parking to gathering and from access to refuse storage and a smaller courtyard would appear cluttered and inhospitable.

The length of the building has been generated largely from the internal arrangements and the provision of adequate room sizes but also with an eye on avoiding extending too close to the sight line of the adjacent apartment block. Equally, the desire to provide an external amenity area influenced the design process.

In considering the impact of the proposed building on the neighbouring buildings, consideration has been given to the proposed building to the rear and in particular the wall immediately opposite our site. The wall facing our site has one obscured glazed window per floor, providing secondary daylight to a living room behind. As the proposed building has been located one metre away from the new boundary wall and as the windows are obscured glazed and provide secondary daylighting to the room, it is considered that the proposed construction of our scheme will have no material impact on the proposed building at the rear of the site.

### **Energy Efficiency.**

The orientation of the site provides an ideal opportunity to install photovoltaic or solar panels and to integrate them with the new fabric to assist in reducing the energy consumption needs of the building. The applicant is currently investigating the costs of installing photovoltaic panels and it is envisaged that they could be installed on the central portion of the roof-scape so as to be concealed from the street. The design of the roof has taken into account the possibility of such an installation so as to pose minimal overshadowing and the subsequent reduction in efficiency of the panels.

## **Scale**

The final massing of the proposed building was decided upon following extensive massing studies.

Designing tall brings with it a responsibility to consider the effect a tall building will have. We have taken measures to ensure the building does not read as one large mass, choosing to present it as two halves either side of a deep, vertical slot. The prevalent 'horizontalness' of the area has been expressed in the horizontal openings formed by combining the windows of each 'cluster' into one.

We have taken advantage of the split level site to provide accommodation at lower ground, thereby assisting in keeping the overall height of the building to a minimum.

A key component of the design approach was to present a strong capping to the building as well as ensuring the bottom, middle and top of the building are clearly expressed and legible.

The choice of materials for the roof storey is made to ensure the accommodation at this level reads as part of the roof. The pitch of the roof takes its cue from the pitch of the roof to the original building and the height is derived from the need to provide a over-run height to the lift.

## Landscape

The current landscape setting is very poor, starting with the low quality front boundary treatment and tarmacadamed front courtyard and extending to the tarmacadamed rear courtyard. Our approach is to provide a high quality and robust landscape setting for the proposed building, building around the retention of the existing mature tree to the front, which provides a strong visual benefit to the conservation area. The desire is to avoid designing an institutional landscape, but also to provide one that allows universal access.

Firstly we intend to replicate the style of original boundary walls along the street such that the kerbside feel of the conservation area is improved and to enhance the front courtyard by way of visually pleasing materials and forms. In this way it is hoped that an element of mundanity, the parking requirement, is transformed into a high quality courtyard, suitable not only for visitor, maintenance and wheelchair parking but also for occasional gathering, particularly relevant as the courtyard is South facing and our belief is that it should be populated as much as possible. The choice of materials are made to provide a human scale to the courtyard area. Hence smaller panels of resin bound aggregate are proposed, bordered by granite setts.

Resin bound aggregate has been chosen for its visual, robustness and water permeable qualities. It is recognised that surplus water from hard paving can significantly increase the loading on drains in the area, causing local flooding. Equally, the surface run-off can contain contaminants that can then affect the water quality in rivers and water courses if allowed to run straight into the drains. It is intended that rainwater falling onto the areas of proposed hard

standing can return to the ground to form groundwater or drain to borders and lawn areas.

The existing site levels and the desire to work with them has led to the need to provide steps from the upper courtyard to the lower area leading towards the rear of the site. It is proposed to follow a simple palette of materials here, taking some cues from traditional materials such as black painted ironwork and stone. The steps down to the lower area, as well as the steps up to the building, are proposed to be formed in visual quality in-situ concrete with antialip and visually contrasting nosings. We didn't want the route down from these steps to provide the occupants with a low quality experience and hence have designed the steps as an extension of the guarding along the edge of the lightwells, with long views provided to the proposed tree planting to the rear courtyard.

The sequence of external space starts with the improved front boundary wall. We intend to follow a similar style to the adjacent language school, with pyramidal capped piers, low walls and metal railings above, all in materials to follow the palette prevalent in the area. The area immediately behind the wall will receive native hedge planting to provide a softer, green barrier behind which the front courtyard can take shape.

The vertical access zone, comprising a series of steps and ramps up to the front door and steps down to the lower area, is formed in resin bound aggregate bounded by fair-faced concrete guarding and steps. The guarding is designed to be dual use, as stated and illustrated above. The steps will receive recessed anti-slip and visually contrasting nosings. The railings alongside the ramp and to the lightwell will be constructed in black metal slender balusters and handrail to closely resemble the railings used on the boundary wall.

### **The Application Site**

The application site is not allocated for any specific purpose in the adopted Local Plan, although on the Plan's Proposals Map it is identified as being within a 'predominantly residential area' (the subject of Policy HO2, which resists the loss of residential use). The former use of the Swanley Court Hotel by Swanley Town Council was presumably as a residential home or similar, and was not as a conventional hotel use with public, fee paying guests. It is likely therefore, that the lawful use falls within Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 and not Class C1 (Hotels) or Class C3 (Dwelling Houses).

Student accommodation falls within Class C4 (Houses in Multiple Occupation - HMO) where a dwelling is occupied by between 3 – 6 unrelated individuals as their only or main residence, and where basis amenities such as a kitchen or bathroom are shared. For larger HMOs occupied by more than 6 people, this would fall outside Class C4 and would compromise a 'sui generis' use (i.e. a separate class of its own). The proposed use of the application site for student accommodation would not result in loss of a dwelling, as the existing lawful use falls outside Class C3 and there would therefore, be no conflict with Local Plan Policy HO2.

### **The Proposed Use**

The adopted Local Plan seeks to resist the loss of existing 'dedicated student accommodation' (Policy HO15) because *"The Council is concerned that any loss of the dedicated communal accommodation would place additional strains on the private rented sector and could lead to difficulties for the general population seeking low cost accommodation"* (paragraph 6.38).

The emerging Core Strategy states that *"Eastbourne has recently seen an increasingly diverse population established, with many younger families having moved into the town. In addition, the University of Brighton campus has been established in the town, together with several language schools for foreign students"* (paragraph 1.1.4).

There is a strong demand for student accommodation in Eastbourne which adds to the wider demand for rented accommodation within the town. The Eastbourne campus of Brighton University has almost 3000 students and in addition, there are numerous language schools (including one immediately adjoining the site) which together attract many foreign students to the town, especially during the summer months, which further adds to the demand for suitable student accommodation. Apart from Brighton University's Welkin Hall site; there is no other purpose built student accommodation in the town.

### **Proposed Building Design and Appearance**

The planning application is accompanied by a Design and Access Statement produced by the scheme architects. This explains the design process that has taken place in evaluating the site and surrounding area to produce a modern replacement building that will preserve or enhance the character or appearance of the Conservation Area.

It is acknowledged that the new building will be taller than the building that it will replace. It will however, be no higher than the adjoining apartment building at Windermere Court and will generally be in keeping with the varied heights of other buildings along the northern side of Trinity Tress.

### **Residential Amenities**

Adopted Local Plan Policy H20 sets out various criteria for assessing development proposals in relation to their likely impact upon residential amenities including loss of outlook, overlooking and loss of privacy, overshadowing and loss of light together with noise and disturbance.

Any replacement building on the application site will have some impact upon the amenities of the occupiers of the immediately neighbouring buildings and in relation to the new building being constructed to the rear of the site. The existing building already gives rise to a degree of impact and therefore, the main consideration is whether the replacement building will have any greater impact and if so, whether this would cause any unacceptable harm.

These considerations are examined in the Design and Access Statement and in addition, daylight and overshadowing studies have been produced. This

assessment confirms that although there will be some impact on neighbouring properties, this would not be so significant as to give rise to demonstrable harm or justify the refusal of planning permission.

### **Energy Efficiency**

The Design and Access Statement summarises the energy efficiency measures proposed.

### **Access, Parking and Servicing**

The existing access and parking area at the front of the site will be retained. The Council's 'Parking at Development in Eastbourne' SPG sets out the car parking standard for student hostels, but published in March 2004, it is now substantially out of date and does not reflect emerging policies that seeks to reduce car use, particularly within sustainable town centre locations. There is a limited amount of parking that can be provided on the site, but cycle storage space has been provided and the town centre facilities are within easy walking distance as are bus and rail services.

### **Reasons for Granting Planning Permission**

This Planning Statement is one of a number of documents that accompanies a full planning application (and Conservation Area Consent application) to demolish the former Swanley Court Hotel on the northern side of Trinity Tress in Eastbourne town centre. The proposal is to replace it with a purpose designed, six storey building to provide student accommodation comprising 46 study bedrooms with communal facilities.

The existing building on the site has been disused for a number of years and has fallen into disrepair and as such, it is having a blighting effect on neighbouring properties and the surrounding area generally. In being located just inside the eastern boundary of the Town Centre and Seafront Conservation Area, the existing building does not make any significant or positive contribution to its character or appearance and it is not capable of being reused for any economically viable purpose.

There is therefore, an important opportunity to rejuvenate the site by providing a new building 'of its own time' that will make a more effective use of the previously developed land in a form that will preserve or enhance the character or appearance of the Conservation Area. The redevelopment and architectural concept of the proposal is fully explained in the Design and Access Statement produced by the scheme architects.

This Planning Statement identifies and examines existing and emerging planning policies that have been taken into account in preparing and submitting the planning application. The site is ideally suited to house much needed student accommodation, thereby helping to take the pressure off the general supply of rented accommodation in the town. The site is conveniently located in relation to existing facilities of the town centre (including public transport) and the proposal will add to the diversity of uses that help to support the local economy,



including the vitality and viability of the evening and night time economy within the town centre.

The use can be accommodated on the site without having any unacceptable impact upon neighbouring occupiers, and satisfactory arrangements can be made for access, servicing and disabled parking. Although the proposal involves the demolition of a building within the Conservation Area, this needs to be balanced with the opportunity to provide a better, purpose designed building in its place that will help meet an identified need within a central and sustainable urban location. In accordance with the recently published National Planning Policy Framework, the presumption should therefore, be in favour of granting planning permission.

### **Consultations:**

The following have been consulted and at the time of drafting the officers report the following representations had been received; any further that are received will be reported to orally to committee

The Design Review Panel considered the pre-application submission and presentation and provided the following feedback.

- The DRP confirmed that they do not wish to see the existing building retained.
- A modern style building is favoured over an apologetic pastiche style.
- The proposed building is to provide a definite top/middle/ bottom, an element of design that was discussed at the pre-application presentation.
- Having the front bays extending to the roof does not appear to provide a strong enough 'capping' to the building.
- The front courtyard must be dual use and not appear like a car-park, which would combine with the on-street parking to reduce the visual quality of the conservation area.
- The means of enclosure at the boundary wall to be designed so that it works with the conservation area.
- Hard and soft landscape is to be well designed.
- The panel confirmed that they would not be concerned with overlooking of the tallest, six storey option, as long as the building is appropriately designed.
- If insulated render is to be used, it is to be designed such that it resists staining.
- The application must contain a traffic statement, a statement of significance for the existing building and an explanation of why it is necessary to demolish the building.
- Photomontages of the proposed building in context are required, rather than suggested.

### **Conservation Officer**

The demolition of the existing building and the erection of the new building is considered to be acceptable as the new scheme represents an architectural improvement which improves the character of the street scene.

Department of Trees and Woodland – no response  
Head of Environmental Health – no response  
Housing Support Manager – no response  
Local Highways – no response  
Planning Policy – no response  
Ancient Moments Society – no response  
Economic Development – no response  
Victorian Society – no response  
Sussex Police – no response

### **Neighbour Representations:**

None received, any received will be reported orally to committee

### **Appraisal:**

#### The Principle

It is considered that as the existing building is in a state of disrepair and listed on the Difficult Properties Group and the proposed building represents a visual improvement, the application for demolition and the application for the erection of the building is acceptable in principle.

#### National Planning Policy Framework

One of the main issues listed in The National Planning Policy Framework is Sustainable Development and it is considered that as the new building is located in a sustainable location, in the town centre, and incorporates energy efficiency measures, the applications accord with National Policy.

#### Visual Amenity

It is considered that the application is acceptable in terms of the impact on visual amenity. The existing building is in a poor state of disrepair, is on the Difficult Properties Group and makes no positive contribution to the character of the conservation area. It is considered that the proposed new building is acceptable in terms of design as it is modern in appearance and fits in with the character of the street scene, which is defined by varied uses from residential to commercial of various ages.

#### Access

The desire is to provide a building that is accessible to all, including those in wheelchairs. To this end, parking spaces can be made available for wheelchair users and the access to the front door has been designed with gradients suitable for wheelchair users. The external doors to the front of the building, at ground and lower ground floors, will be automatically opening by way of a push button on the outside and inside so that wheelchair users are able to open the door automatically. The threshold to all external doors will also comply with the requirements of Approved Document Part M.

Once inside the building, all occupants will be able to transfer between floor by way of stairs designed to cater for ambulant disabled or by way of a passenger lift sized to allow use by a wheelchair user and an assistant.

Purpose made wheelchair accessible study bedrooms are provided at lower ground and ground floors, coupled with wheelchair accessible communal rooms. Wheelchair users will be able to visit friends on other floors as the access corridors, door widths and communal spaces have been designed with wheelchair visitors in mind. Wheelchair users will be able to access the rear courtyard and lawn area by way of the wheelchair accessible doors to the lower ground units or by descending in the lift and exiting the building through the external door to the front.

### Residential Amenity

The impact on residential amenity is deemed to be acceptable. There is sufficient distance between the application property and the properties to the front and rear to protect any issues of overlooking, invasion of privacy or any overbearing impacts. There are numerous windows in each of the side elevations, however, as it faces a language school to the west and a block of apartments to the east, it is deemed to be acceptable. In addition the impact on the properties to the west and east in terms of impact on outlook is acceptable as the building line of the proposed development does not extend much further than the front or rear building line of the adjacent neighbouring properties.

### Design Review Panel

In response to the points raised by the DRP, the decision has been taken to proceed with a demolition and redevelopment scheme and a statement has been provided as to why this route has been necessary. The proposed building uses a mixture of building mass and fenestration treatment to provide a definite top/middle/bottom. At the same time, the traditional rules of diminishing window sizes has been followed and a strong 'capping' has been provided. The front courtyard and boundary wall has been designed to present a high quality mixture of hard and soft landscape and a subsequent improvement of the setting within a conservation area, an approach extended to the rear of the proposed building.

The approach to designing a tall building brings with it a prerequisite requirement to consider overlooking and the desire to avoid this has underpinned the design process.

### Student Accommodation and Economy

The accommodation is proposed for student accommodation for the University and or language school students it is considered that it will benefit these establishments University in terms of offering more accommodation for students and also in one communal area.

### Supporting the vitality and vibrancy of the Town Centre

In addition, it is also considered that it will benefit the local economy as attracting students to the town centre will benefit the town centre shopping and nightlife area and thereby help to support the health and vitality of the existing shops and business within the town.

#### Noise and Disturbance

It is considered that the impact on noise and disturbance is acceptable as there are surrounding residential properties in the area and are therefore of a compatible use.

#### Highways

As the flats are located in a town centre location close to other modes of transport there is no requirement for car parking.

#### **Human Rights Implications:**

None

#### **Conclusion:**

This application is recommended for approval. The impact on residential amenity is deemed to be acceptable as the proposed development is located adjacent to a block of flats and a commercial premise and therefore overlooking is not considered an issue. The impact on visual amenity is acceptable as it is felt that the proposed building replaces a building which is in a state of disrepair. It is considered that the impact on noise and disturbance is acceptable as there are similar uses in the area and as the block of flats is located in the town centre, there is no requirement for car parking.

#### **Recommendation:**

Erection of new building

#### **GRANT**

Conditions

- 1) Expiration three years
- 2) Hours of demolition
- 3) Samples of materials
- 4) Footpath and kerb reinstated
- 5) Details of boundary walls
- 6) Accordance with plans.

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

Demolition of Existing Building

**GRANT**

Conditions

- 1) Commencement of development
- 2) Demolition of method statement

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

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date:

B & DC Manager:..... Date:

