

**Eastbourne Borough Council**

**Planning Committee**

**10 July 2012**

**Report of the Head of Planning**

**List of Planning Applications for Consideration**

- 1) REGENCY PARK, WARTLING ROAD**  
Erection of five storey block of 42 apartments (to replace block E as approved under EB/2006/0860 with new design and increase in 6 units)EB/2012/0344, DEVONSHIRE Page 3  
**RECOMMENDATION: APPROVE CONDITIONALLY**
- 2) WISH TOWER CAFÉ, KING EDWARDS PARADE**  
Construction of temporary cafe structure with catering facility and seating for around 50 - 60 covers located within proposed building and also on external deck and patio area EB/2012/0351 (FP), MEADS Page 13  
**RECOMMENDATION: APPROVE CONDITIONALLY**
- 3) 36 PEPPERCOMBE ROAD, EASTBOURNE**  
Erection of part single, part two storey extension to the rear with sun terrace at first floor level in association with reconfiguration of internal layout including bedrooms on ground floor and kitchen and living room on first floor. EB/2012/0354(HH), OLD TOWN Page 27  
**RECOMMENDATION: APPROVE CONDITIONALLY**
- 4) 2 WATTS LANE, EASTBOURNE**  
Creation of vehicular hardstanding to the side of the property in association with demolition of section of front wall. EB/2012/0358(HH), UPPERTON Page 31  
**RECOMMENDATION: APPROVE CONDITIONALLY**

J. F. Collard  
Head of Planning

03 July 2012

## **Planning Committee**

**10 July 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.

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**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 10 July 2012**

**Item 1**

<b>App.No.:</b> EB/2012/0344	<b>Decision Due Date:</b> 01.08.12	<b>Ward:</b> Devonshire
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> 29.05.12	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b>	12.06.12	
<b>Neigh. Con Expiry:</b>	13.06.12	
<b>Weekly list Expiry:</b>	13.06.12	
<b>Press Notice(s)-:</b>	20.06.12	
<b>Over 8/13 week reason:</b>	Within date	
<b>Location:</b>	Regency Park (Former coach and lorry park), Wartling Road	
<b>Proposal:</b>	Erection of five storey block of 42 apartments (to replace block E as approved under EB/2006/0860 with new design and increase in 6 units)	
<b>Applicant:</b>	Taylor Wimpey (South East) Ltd	
<b>Recommendation:</b>	Approve	

**Planning Status:**

- Residential development site
- Known former landfill site
- Flood zone 3

**Relevant Planning Policies:**

National Planning Policy Framework (April 2012):

With the adoption of the NPPF, greater weight should be given to sustainable developments, having regard to the environmental, economic and social impact of the proposal. Where a proposal is acceptable in principle, every effort should

be made to work up a scheme that addresses any outstanding planning issues, and that addresses the longterm needs of a place, as identified in the Local Plan / Core Strategy.

The following policies are relevant to the application at Regency Park:

- 6. Delivering a wide choice of high quality homes:  
Para 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 7. Requiring good design:  
Para 58 - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'

Eastbourne Plan: Core Strategy Policies:

- B1 - Spatial Development Strategy and Distribution
- B2 - Sustainable Neighbourhoods
- C3 - Seaside Neighbourhood Policy
- D1 - Sustainable Development
- D5 - Housing

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

- UHT1 - Design of new development
- UHT4 - Visual amenity
- HO4 - Housing Allocations
- HO7 - Redevelopment
- H013 - Affordable Housing
- HO20 - Residential Amenity
- TR11 - Car Parking

### **Site Description:**

Regency Park is a triangular shaped piece of land situated at the eastern end of the Seafront. The land is bounded to the north by Lottbridge Drove, to the east by the sovereign roundabout, to the south by Wartling Road and to the west by residential properties in Bede Close and Alexandra Road.

The application site relates to a 0.93ha area within the 3has of Regency Park, accessed via Groombridge Avenue. The site (running along the north east edge of the development) is currently enclosed by temporary fencing, and looks out towards Lottbridge Drove playing field, Royal Parade roundabout and the Sovereign Centre. All of the Regency Park development, apart from Blocks D and E, has been built out. Within the application site, work on Block D has started – to the north-west of the site, the affordable housing block has already been completed. To the south east of Block E (to which the application relates) is a sizeable tree belt, conditioned to be retained in the approved permission.

## Relevant Planning History:

App Ref: EB/2012/0162 Description: Retention Of Hit And Miss Fence For A Temporary Period Along Lottbridge Drove And Surrounding The Future Locations For Blocks D And E, To Segregate The Public From The Construction Works

Decision: Approved conditionally Date: 13/04/12

App Ref: EB/2006/0860 Description: Approval Of Reserved Matters Application For Erection Of 225 Dwellings And Replacement Community Hall Pursuant To Condition 1 Of Planning Permission EB/2004/0274

Decision: Approved conditionally Date: 06/03/2007

App Ref: EB/2004/0274 Description: Outline Application For Proposed Residential Development Comprising A Maximum Of 225 Units, Together With Access Off Wartling Road.

Decision: Approved conditionally Date: 26/08/2004

## Proposed development:

The application seeks permission to increase the intensity of development on Block E of the undeveloped part of the site (0.93 has) from 36 units to 42 units, increasing the total units across the site from 225 to 231 net residential units. This is being achieved through reconfiguration of the internal layout of each of the floors, adding one unit to each and two to the fourth floor. In addition, an area of 53.5m<sup>2</sup> is being reclaimed from the 4<sup>th</sup> floor, for the revised layout / additional unit - extending out onto the roof terrace, and increasing the height on this level only. Other than this there is no other extension or additional floors added to the approved scheme and the footprint remains the same.

### Accommodation schedule

FLOOR	ORIGINAL APPLICATION	PROPOSED APPPLICATION
1	8 x 2 bed  Total 8 flats	2 x 1 bed 6 x 2 bed 1 x 3 bed  Total 9 flats
2	8 x 2 bed  Total 8 flats	2 x 1 bed 6 x 2 bed 1 x 3 bed  Total 9 flats
3	8 x 2 bed  Total 8 flats	2 x 1 bed 6 x 2 bed 1 x 3 bed  Total 9 flats
4	6 x 2 bed 1 x 3 bed  Total 7 flats	2 x 1 bed 6 x 2 bed 1 x 3 bed  Total 9 flats
5	3 x 2 bed 2 x 3 bed  Total 5 flats	1 x 1 bed 3 x 2 bed 2 x 3 bed  Total 6 flats
<b>TOTAL</b>	<b>36 flats</b>	<b>42 flats</b>

**Applicant's Points:**

- For clarification, Block E (EB/2012/0344) is the only one being submitted for revisions. Block D will be built as per the current approved scheme and is being mobilised now.
- It was confirmed in pre-application advice that no additional affordable housing units would be required, as there has been 'over-delivery' on other areas of the development.
- The response from perspective buyers for a proportion of the completed blocks of flats has been unfavourable, with feedback focusing on the small and dark kitchen units, the lack of bathroom facilities for some of the two bed flats, and the large variation in sq footage, with two bed flats ranging from 57 sqm to 80 sqm. Other problems with this particular block (block E) include under-sized parking bays and a lack of outdoor amenity space for a flat on the 5th floor.
- This proposal aims to improve the scheme by reorganising the space within the existing building envelope so that there is less variation in flat sizes. As well as providing all 2 and 3 bed properties with an en-suite facility to the master bedroom, kitchens have been enlarged to provide appropriate space to suit the flat size as well as being opened up so that the problem of lack of light is rectified. The rationalisation of flat sizes accommodates 42 flats each with one parking space and outdoor amenity space.

**Summary Information:**

Area of Regency Park:	3has
No. Existing units:	225 units approved in 2004 (Block E: 36 units over 5 floors)
No. Proposed units:	231 in total (Block E: 42 units over 5 floors)
Net gain/loss of residential units:	increase of 6 units
No. bedrooms per unit:	mixture of 1, 2, 3 bedrooms
Existing density in approved permission:	75 dwellings/ha across Regency Park
Proposed density:	77 dwellings/ha across Regency Park
Number of affordable units proposed:	78 units delivered (35%, which includes 10 units over requirement and contribution towards 3 wheelchair units). Therefore no further contribution required for the 6 additional units.
Existing parking spaces in approved permission (Blocks D&E):	78 spaces (inc 5 visitors spaces) for 73 apartments
Proposed parking spaces (Blocks D&E):	84 spaces (inc 5 visitors spaces) for 79 apartments

**Consultations:**

Representations were sought from the Trees Team, Environmental Health, Legal Services, Strategic Housing, Highways, Planning Policy, the Environment Agency, Development Contributions team, Sussex police and Southern Water. The following responses were received:

**Planning Policy (01.06.12):**

The Seaside neighbourhood has been identified as one of the more sustainable neighbourhoods in the Core Strategy (Policy B2) therefore can support a higher level of future housing development. The development would:

- (i) Meet the requirements of the spatial developments strategy (Policy B1);
- (ii) Create sustainable neighbourhoods (Policy B2), for which the development would help “offer a choice of housing opportunities locally.”

The proposal in principle supports the vision for Seaside neighbourhood (Policy C3) by providing new housing through redevelopment and providing opportunities for improving the quality of the public realm. The principle of a block of flats at this part of the site has already been confirmed by its previous permission. The reconfiguration and additional footprint on the 4<sup>th</sup> storey of the building proposed through the revised scheme will have minimal impact compared to the previous permission. It is therefore considered that the application will also have a negligible impact on residential (Policy HO20), visual (Policy UHT4) and environmental (Policy NE28) amenity.

Planning Policy support the provision of an extra 6 residential on this site to provide additional housing to meet the Council’s spatial development strategy.

**Trees Team (15.06.12):**

The retention of the tree belt to the south of the proposed apartments 129 – 164 was a condition of the original permission and should be a condition of any approval.

Given the footprint of the building has not changed, construction impact will not increase to the detriment of the retention of the trees. The tree belt requires management, there are a number of dead specimens and a thinning operation would be beneficial to favour the trees that will reach maturity, but this landscape character should be retained.

If this application is to be approved I would recommend the following conditions: Tree protection, Landscaping scheme and Retention of tree belt.

**Highways (21.05.12):**

The original application required the access to the site at the junction with Wartling Road to be altered to improve access for vehicles as well as pedestrians and cyclists. This work has been completed and appears to operate successfully. NB. Roads within the site are not adopted public highway.

This proposal adds 6 dwellings to the apartment block already approved with the associated increase in traffic. This increase will be minor and can be accommodated within the existing highway network.

The proposal also increases the number of car spaces on site to 48 [*refers to Block E only*]. This is acceptable as it is in accordance with the ESCC Parking Standards which recommends for a development of this type in this location there should be 42 – 56 spaces provided.

I do not wish to restrict grant of consent subject to the condition requiring parking to be in place before occupation of the block.

**Strategic Housing (14.06.12):**

As part of planning approval EB/2006/0860 for 225 residential units, the affordable housing requirement under the S106 agreement was for 67.5 units (30%). Through negotiations with the developer we achieved 68 units of social rented housing on this site, the full requirement.

During the build further discussions took place with the Registered Provider (Home Group) and Taylor Wimpey (developer/site owner) and a further 10 units of social rent was provided. This avoided mix tenure in a block of flats, which usually results in higher services charges which may be unaffordable to our client group. Also through negotiation the developer provided (at a small extra cost) 3 further units suitable for wheelchair users.

A S106 contribution on the 6 extra flats would be 1.8 units for social rent. As we have already achieved 10.5 units over and above the policy requirement we will not be seeking any further contributions on planning application EB/2012/0344.

**Environment Agency (18.06.12):**

Flood Risk: There would be no material exacerbation of flood risk as a consequence of this proposal. We therefore do not wish to oppose this development on flood risk grounds.

Surface Water Drainage: Decision to be taken by Local Authority.

**Neighbour Representations:**

Consultation was carried out by letter to 353 households across Regency Park, as well as a number of properties along Wartling Road and the chair of Regency Park Residents Association.

6 objections were received, summarised as follows:

**Parking and infrastructure:**

- The development already suffers from inadequate parking and narrow access roads - parking issues and road safety are already major issues for local residents. In the real world this leads to increased social tension and neighbour disputes are common.
- There is no space for visitor parking
- The sewers struggle to cope in this area. When the second block was built the sewers overflowed into the bin stores and backed up to the first levels of the flats.
- Additional pressure on local infrastructure – schools, surgeries, water supply etc.

**Scale and size of unit:**

- Concerns over the scale of the building and its impact on surrounding properties.
- How much smaller does the accommodation have to get before it is unfit? Why not just reconfigure the design to retain the agreed 36 units to solve the issue? An additional 6 units in this block is unsustainable.



**Overdevelopment:**

- Regency Park is already overdeveloped, and to add another 6 units is not viable for the area.
- There are too many units and too little parking. The estate will become choked with cars and tensions will rise from too many people being crammed into too smaller space. The evidence is already clear to see on the estate without stuffing as many people as possible into a building.
- The Wartling Rd SPG adopted by the council is quite clear that the maximum units for this development is 225. 231 is over this limit.
- The increase could have a bearing on S106 monies, outdoor play space, higher levels of crime.

**Trees and green space:**

- In order to provide additional parking for the 6 units, green space around the block has been encroached upon, creating an even more dense 'concrete jungle'.
- The retention (and protection during construction) of the established tree planting on the south east corner of the site is paramount. It is essential that all of the planning conditions set out in earlier permissions are reinforced.

**Appraisal:****• National Policy changes:**

In light of the adoption of the NPPF, the proposal at the density of 77 dwellings p/ha maximises the residential potential of the site without impacting detrimentally on other occupants, and is a step towards addressing the housing need in Eastbourne. The proposal is acceptable in principle, in line with a presumption in favour of sustainable development, and is supported by consultation responses from internal and external representatives. The specific planning considerations to be appraised, in relation to the impact on the site and surrounding area of 6 additional units, are detailed below.

**• Parking and infrastructure:**

Representation from Highways has confirmed that road networks in and out of the site have been built out as required and that the addition of 6 extra units will have minimal impact on movement on site. Undercroft parking will be provided under Block D and Block E, and a surface car park will be available to both. The total amount of revised parking for the two blocks equates to 84 spaces (including 5 visitor spaces) for 79 apartments. This is an increase of 6 spaces from the original application, and accords with the ESCC parking standards.

**• Scale of block and size of unit:**

There will be no increase in the footprint, and the block remains the same scale as the development approved in 2004.

Unit floor space averages 55-65m<sup>2</sup>, with the one-bed units measuring 47m<sup>2</sup>, and the largest unit measuring 98m<sup>2</sup> with a private roof patio. This is in-line with HCA space standards (March 2010) and the apartment sizes are consistent with recently approved applications across Eastbourne. The mix of 1, 2, 3-bed units across 5 levels is considered appropriate within the block, and additional private amenity space has been provided for several of the larger units – many of the other units have balconies.

- **Increased density:**  
The Wartling Road SPG, approved in December 2003, states that a maximum of 225 units is appropriate for the site. Since adoption, national policy has moved towards maximising sites and increasing density where it is appropriate for the site and surrounding area. The increase of 6 additional units across 5 floors is considered to have minimal impact on the block as a whole. It is being achieved through reconfiguration of the existing layout and the reclaiming of roofspace on the 4<sup>th</sup> floor. The overall density of the site will increase from 75 dwellings p/ha to 77 dwellings p/ha, and there is adequate space to accommodate additional waste facilities, amenity space and parking spaces.
- **Trees and green space:**  
A key element of the site is the tree belt closest to the main roundabout which was conditioned to be retained in the original application. The addition of 6 units has no impact on this decision, and the trees should therefore be retained and arrangements made for maintenance to be routinely carried out, as per the original decision notice. This is supported by the Trees team representation and though neighbour consultation responses.
- **Affordable Housing:**  
An additional 10 units were delivered on the site as a whole and a contribution was made to provide 3 units for wheelchair users. Ordinarily an additional number of units would require a renegotiation of the S106 obligation, but the applicant has already provided and built out on-site over and above the 30% requirement. This is supported by the Strategic Housing and Planning policy representations, and no further contributions are considered to be necessary.
- **Recommendation:**  
The application is recommended for approval, subject to conditions relating to parking and trees, and carrying over any conditions of the original permission which relate directly to the area within which Block E sits.

**Human Rights Implications:** None

**Conclusion:**

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. The proposal by virtue of the size of units, provision of parking, waste storage and amenity space provides a suitable standard of living space and does not impact detrimentally on neighbouring occupants. The development is at a scale and density that is appropriate to the site as a whole and neighbouring buildings, and is supported by the retention of the tree belt and surrounding green space. Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007).

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

**Conditions:**

- Time limit
- Facing materials to be submitted
- Hard and soft landscaping in accordance with approved scheme
- Car parking prior to occupation in accordance with approved layout
- Tree Protection: General
- Tree Protection: Fencing 2.4m weld mesh fence as per BS5837 2012
- Tree Protection: Earthworks
- Details of storage and refuse collection
- Boundary treatment
- Construction times
- Construction method statement
- Restriction of development close to Crumbles Sewer
- Foul and surface water details to be submitted
- Discharging surface water through trapped gullies
- Details of protection / diversion of public sewer
- Details of pathways, cycle routes and street lighting
- Vehicle washing equipment during construction
- Surface water method statement - monitoring / remediation work
- Surface water method statement - if contamination identified
- In accordance with approved plans

**Informatives:**

- Discharge of conditions
- Connection to the public sewerage system
- Investigation if sewer found during construction

**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 10 July 2012

### Item 2

<b>APPLICATION SITE: Wish Tower Restaurant King Edwards Parade, Eastbourne</b>		
<b>App.No</b> EB/2012/0351		<b>Ward:</b> Meads
<b>Officer:</b> Leigh Palmer	<b>Site visit date:</b> Numerous including meetings with agent/applicant	<b>Type:</b> Full
<b>Over 8/13 week reason:</b> Out of time given the need for consultation and the timetable of Planning Committee		
<b>Proposal:</b> - Planning Permission is sought for the Construction Of Temporary Cafe Structure With Catering Facility And Seating For Around 50 - 60 Covers Located Within Proposed Building And Also On External Deck And Patio Area		
<b>Applicant:</b> Eastbourne Borough Council		
<b>RECOMMENDATION:</b> Planning Application: Permission be granted subject to conditions		

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

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

- Policy UHT1 – Design of New Development
- Policy UHT2 - Height of Buildings
- Policy UHT4 – Visual Amenity
- Policy UHT8 – Protection of Amenity space
- Policy UHT10 – Design of Public Areas
- Policy UHT13 – External Floodlighting
- Policy UHT15 – Protection of Conservation Areas
- Policy UHT17 – Protection of Listed Buildings and their Settings
- Policy UHT20 – Archaeological Sites and Scheduled Monuments
- Policy TO5 – New Tourist Accommodation
- Policy TO7 – Preferred Area for Tourist Attractions and Facilities
- Policy TO8 – New Tourist Attractions and Facilities
- Policy TO9 – Commercial Uses on the Seafront
- Policy US5 – Tidal Flood Risk

The Core Strategy is currently awaiting the Inspectors recommendation for modifications and ultimately their decision on its soundness following its Examination in Public. Whilst it may still be subject to change until the conclusion of this process Policy C1 Town Centre Neighbourhood Policy has as one of its main provisions as the desire to develop the Wish Tower Restaurant into a destination to compliment tourism uses in the area...

In addition paragraph 3.2.9 comments: - *The Town Centre makes a large contribution to the tourism industry in Eastbourne. The neighbourhood contains some of the town's most popular tourist attractions and these facilities should be enhanced in order to maintain an attractive and viable seafront offer, including through the redevelopment of the Wish Tower Restaurant as a landmark building in a key location on the seafront...*

### **Site Description:**

The Wish Tower Restaurant is located in a prominent position in an environmentally sensitive location. It is within the Town Centre and Seafront Conservation Area, immediately next to the Wish Tower Martello Tower, which is a Scheduled Monument.

The former Wish Tower Restaurant and adjoining sun lounge comprised a single storey structure measuring approximately 41.5m by 19m and is 4.5m high, with attached toilets and other accommodation measuring 26m by 6.7m and 2.7m high. The site area is approximately 1000 sqm. The restaurant and sun lounge are constructed of brick, with glazed 2 front and sides and what appears to be a fibre glass covered flat roof. The toilets and other accommodation are constructed of brick with felt covered flat roofs.

At the time of writing this report the Wish Tower Restaurant and Sun Lounge were undergoing a process of demolition.

### **Relevant History:**

A planning brief was issued in July 2000 which explored the planning constraints associated with the restaurant and adjacent Martello Tower and will also provided advice to any future prospective developers on the redevelopment potential for the site. This planning brief was updated via a Planning Advice Note Feb 2009.

Planning permission and Scheduled Ancient Monument Consent have been given (subject to conditions) for the demolition of the Wish Tower Restaurant and Sun lounge.

### **Proposed development:**

The decision on the demolition of the existing Wish Tower restaurant was conditional on the submission and implementation of a temporary offer in the short term and that this temporary offer shall be removed within three years of the demolition consent if no permanent replacement is secured.

This application proposes a new building, decking and seating to be sited on part of the former Wish Tower site to be used as a short term temporary catering offer until such time as a permanent solution/building can be sourced and delivered on site.

The location of the new cafe is at the west end of the original building. The structure is orientated generally north south to take advantage of the westerly views gained from its elevated position on the seafront towards Beachy Head. It benefits from an external deck seating area to the south giving views out to the beach and sea.

### **Use**

The applicant's requirements are for a 50-60 cover capacity facility served by appropriate counter and kitchen facilities. Precise numbers will be dictated by external table and seating numbers dependant on weather.

### **Physical parameters & response**

The proposed building is single storey in height, capped with a monopitched roof and retains the horizontal design emphasis that was contained within the existing Wish Tower restaurant. The proposed new building is to have a footprint of approximately 95sm, a depth of 6.3m (not including cantilever roof), a width of 15.8m and a maximum height of 4m.

The existing hoardings are of a 'hit & miss' pattern which forms a key to the simple elevational treatment proposed. The building is planned with a 'front of house' seaward side of the existing hoarding line and all back of shop operations are located behind the hoarding line.

The structure is located at the entrance level of the old restaurant. This allows level access for the public approximately 600mm above the original cafe west lower ground floor area. At the southern end elevation and its raised terrace are shallow steps down to a lower terrace at the original restaurant floor level. This gives grandstand southerly views for outdoor customers without compromising the view of the sea front for internally seated customers behind them.

The west elevation is fully glazed to give views out towards Beachy Head and the western lawns. The glazing is broken by panels of timber panelling. These are patterned to match the hoarding timber rhythm and are for security and sun screening purposes. The screens may be fixed on sliding mechanism.

The building is roofed with a simple timber cantilevered roof over sailing the walls to provide shelter from both sun and rain. The overhang echoes the original restaurant roof with its cantilevered roof pitch. The overhang/entrance is supported on timber columns at the north elevation which afford clear views through to the Wish Tower on approaching the cafe from the western lawns. A terrace deck runs the length of the building for customers to sit and be served on facing the Western Lawns giving a hint of nautical flavour to the building composition. The south elevation has a terrace and steps down to a lower landscaped seating area.

The application is accompanied by a number of supporting documents, these are summarised below:-

### **Ventilation and Extraction Statement**

The temporary Café will sell hot drinks, pre-prepared sandwiches and cold snacks. It will not provide hot food prepared on the premises other than facilitated by microwave operation. As such no commercial cooking extract system will be provided. Local ventilation extract to the Kitchen area and toilets will be provided compliant with Building Regulations

### **Tree Statement**

Not applicable as there are only ornamental trees in the vicinity of the Wish Tower.

### **Parking Provision**

The application provides for two delivery parking spaces. Public car parking is available on King Edwards Parade and the car parking to the east of Wish Tower Hill.

### **Lighting Assessment**

All lighting will be for security purposes and fitted with directional shading as appropriate to prevent overspill to seafront properties.

### **Heritage Statement & Archaeological Statement**

These issues were address and endorsed within the Planning Permission and the Scheduled Monuments Consent for the Demolition of the Wish Tower Restaurant building and are to be followed by this application.

### **Consultations:**

### **Planning Policy:-**

The development plan for the purposes of this planning application comprises the South East Plan (2009) and the saved policies of the Eastbourne Borough Plan 2001-2011 (2003). It should, however, be noted that the Government's intention to revoke regional strategies (including the South East Plan) is a material consideration. The Core Strategy (The Eastbourne Plan), which was examined in May, 2012, and Town Centre Area Action Plan, which has been submitted to the Secretary of State, though not yet examined, should be given some weight as material considerations in the determination of this planning application. In addition, the advice contained within the relevant sections of the National Planning Policy Framework should be considered where appropriate.

Paragraph 215 (Annex 1) of the National Planning Policy Framework states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" The policies in the Borough Plan are consistent with the National Planning Policy Framework and should therefore be afforded considerable weight in the determination of this planning application.



## **Relevant Planning Policies**

The following South East Plan policy is considered of some relevance to the determination of this planning application (taking account of the Government's decision to revoke regional strategies):

- Policy BE6: Management of the Historic Environment

The following Borough Plan planning policies are particularly relevant to the determination of this planning application:

- Policy UHT1: Design of New Development
- Policy UHT2: Height of Buildings
- Policy UHT4: Visual Amenity
- Policy UHT8: Protection of Amenity Space
- Policy UHT10: Design of Public Areas
- Policy UHT13: External Floodlighting
- Policy UHT15: Protection of Conservation Areas
- Policy UHT17: Protection of Listed Buildings and their Settings
- Policy TO7: Preferred Area for Tourist Attractions and Facilities
- Policy TO8: New Tourist Attractions on the Seafront
- Policy US5: Tidal Flood Risk

The following Planning Brief is considered relevant to the determination of this planning application:

- Wish Tower Restaurant (King Edwards Parade) Planning Brief Supplementary Planning Guidance (SPG)

The following emerging Core Strategy policies are material considerations in the determination of this planning application.

- Policy C1: Town Centre Neighbourhood Policy
- Policy D10: Historic Environment
- Policy D10A: Design

## **Background**

The proposed temporary replacement facility recognises the important role that a restaurant/café facility in this location provides for tourists, addressing Condition 3 of planning permission (Ref: 2012/0020(FP)), and helping to ensure that a suitable replacement building is secured that will help to enhance the character of this part of the seafront. The principle of this temporary replacement facility is supported on the basis that it is consistent with the extant planning permission and is consistent with national planning policy and the development plan (as demonstrated below).

## **Consistency with the National Planning Policy Framework (NPPF)**

In March, 2012, the National Planning Policy Framework (NPPF) replaced Planning Policy Statements, Planning Policy Guidance Notes and some Circulars. This change involved the replacement of Planning Policy Statement (PPS) 5: Planning for the Historic Environment, which previously set out the national policy advice on conserving and enhancing heritage assets. The current national planning policy advice on conserving and enhancing the historic environment is set out in paragraphs 126-141 of the NPPF.

The temporary facility is consistent with the NPPF and the applicant has successfully demonstrated that the proposed temporary replacement facility will make a positive contribution to local character and distinctiveness. Paragraph 128 of the NPPF requires applicants *"to describe the significance of any heritage assets affected, including any contribution made by their setting"*. The applicant's Design and Access Statement satisfactorily demonstrates how the proposal has no adverse impact on the setting of the adjacent heritage asset: the Wish Town (Scheduled Monument) or the Town Centre and Seafront Conservation Area.

### **Consistency with the South East Plan**

Policy BE6: Management of the Historic Environment requires local authorities to *"support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to the local and regional distinctiveness and sense of place"... "Proposals that make sensitive use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use should be encouraged"*.

The proposal helps to preserve, conserve and enhance the historic environment in a way that maintains the character and appearance of the area. It replaces a redundant café building with a modern temporary facility, which makes a more effective and appropriate contribution to the distinctiveness of the historic environment better revealing the significance of the adjoining scheduled monument.

### **Consistency with the Eastbourne Borough Plan**

The application site is located in a prominent location on the seafront and the Eastbourne Borough Plan Proposals Map identifies the site as being within a Preferred Area for Tourist Attractions and Facilities (Policy TO7). It is also located within the Seafront Conservation Area (Policy UHT15: Protection of Conservation Areas) as well being adjacent to a Scheduled Monument, the Wish Tower.

Policy TO7 of the Borough Plan identifies the site as being located within the King Edwards Parade-Grand Parade- Marine-Parade-Royal Parade-Prince William Parade Preferred Area for Tourist Attractions and Facilities. Eastbourne's Seafront is an important feature for visitors and a tourist attraction in its own right and the replacement facility will help to maintain and enhance the tourism offer.

Policy TO8 sets out the Council's policies for new tourist attractions and facilities. It states that *"In the preferred area for tourist development proposals for new quality tourist attractions and facilities...will be permitted, provided they do not conflict with other policies in this Plan, and meet"* a set of criteria. The case officer will need to make a judgement on how effectively the proposed temporary facility meets these criteria.

The proposed development is broadly consistent UHT1: Design of New Development, which requires all development proposals to harmonise with the appearance and character of the local environment, be appropriate in scale, form, materials, setting, alignment and layout, make the most effective use of the site, and comply with the requirements of a planning brief, and be supported by the submission of an appropriate design statement. The applicant has provided information to show how the proposal meets these criteria and this demonstrate that it is an appropriate scheme for the site. Policy UHT1 also requires development proposals to consider incorporating crime prevention measures consider car parking and the needs of pedestrians and cyclists and take account of the needs of people with disabilities and the proposed scheme is not considered to be contrary to these additional criteria.

Policy UHT 15 requires planning applications within conservation *areas* "to preserve or enhance the character or appearance of the area" The replacement facility uses appropriate materials and will contribute more positively to the character and appearance of the Town Centre and Seafront Conservation Area.

### **Consistency with the Wish Tower Restaurant Planning Brief Supplementary Planning Guidance (SPG)**

A dedicated planning brief (Wish Tower Restaurant (King Edwards Parade) Planning Brief Supplementary Planning Guidance (SPG)) identifies key planning constraints identified with the site. It also provides advice to any future prospective developers on the site's redevelopment potential.

The Wish Tower Restaurant Planning Brief SPG recognises that the Wish Tower Restaurant is in a key location and that it plays an important role in extending the facilities for tourists and local residents. It does, however, state that "*the existing restaurant building is of little architectural merit*" and that the "*Redevelopment or significant improvement of the site will therefore enhance the character of this part of the Seafront*".

The Planning Brief supports the sensitive redevelopment of the site. It states that "*the design of the restaurant building [is] most inappropriate given its juxtaposition to the important landmark building [the Martello Tower]...It is therefore considered preferable that the building be demolished and the site redeveloped*". It also provides general design guidance and principles for a new replacement building. It describes the types of materials that would be acceptable, and considers that the existing uses are acceptable and that redevelopment of the site should include a replacement restaurant. It also states that the replacement building should be totally separate from the Martello Tower and that the footprint should be reduced with any additional floorspace being provided at lower promenade level.

The planning application is consistent with the planning brief and the reduced footprint of the replacement building, coupled with the appropriate and sensitive use of timber panelling and glass provide a much more appropriate scale of development that enhances the setting of the Wish Tower. The proposed scheme would fit more harmoniously into its surroundings and not dominate or detract from the character of the existing structure.

## **Consistency with the emerging Core Strategy/Town Centre Area Action Plan**

In addition to the existing Borough Plan, the emerging policies in the Submission Core Strategy and Submission Town Centre Area Action Plan also provide some context for the Wish Tower Café site. Figure 2: Town Centre Key Diagram in the Core Strategy identifies the Wish Tower as a Key Area of Change and a Tourism Opportunity Site and supports the redevelopment of the Wish Tower site. Policy C1: Town Centre Neighbourhood Policy proposes "*Developing the Wish Tower Restaurant into a destination to compliment tourism uses in the area*" and paragraph 3.2.9 supports "*the redevelopment of the Wish Tower Restaurant as a landmark building*".

The application site is identified in the Town Centre area Action Plan as being located within the Seafront Character Area, a part of the town "*that does much to define the Character of the Town Centre*". This prominent location, coupled with the site's location adjacent to a scheduled monument and within a conservation area mean that a high quality design response is required.

Policy D10 of the Core Strategy states that all significant heritage assets will be protected and enhanced, where practicable and that development within Conservation Areas will be permitted if it preserves or enhances the character, setting and appearance of the area; it does not involve the loss of important features which contribute to the character of the building itself or wider area; its form, bulk, scale, height, massing, materials and function of the development are appropriate to the development site and surroundings buildings, spaces or views. When assessed against these criteria, the proposed scheme performs well: the scheme will preserve and enhance the character, setting and appearance of the conservation area and does not involve the loss of any important features (rather it enhances the setting of the adjacent scheduled monument increasing its prominence on the seafront). The bulk, scale, height, massing and materials represent a significant reduction in the overall footprint, which are more appropriate to the context of the development site.

Policy D10 also states that there "*will be a presumption against any development that would directly or indirectly have an adverse effect on Scheduled Monuments or Archaeologically Notification Areas. Where development is proposed in Archaeologically Notification Areas, appropriate assessments will be required and discovered remains will need to be preserved in situ or by record*".

Policy D10A of the Core Strategy requires new development to "*make a positive contribution to the appearance of our townscape and urban heritage*". It states that "*Design and layout should take account of context*" and "*ensure that the layout and design of development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features*". It also states that development will be expected to "*make a positive contribution to the overall appearance of the area including the use of good quality materials...*" The proposed scheme is consistent with the general approach set out in Policy D10A.

## **Planning Policy Conclusion**

In light of the above, Planning Policy concludes that the proposed replacement facility responds well to its setting and will have a positive impact on the scheduled monument (the Wish Tower) and the wider character and appearance of the Town Centre and Seafront Conservation Area. The proposal is consistent with the National Planning Policy Framework, the development plan (and the planning brief), and the emerging policies in the Core Strategy/Town Centre Area Action Plan and represents an appropriate scheme. The submission of an application for a temporary replacement café is also consistent with Condition 3 of planning permission Ref: EB, 2012/0020(FP), which requires a temporary replacement facility to be submitted to the Council and approved within writing within three months of the date of this planning permission (5<sup>th</sup> April, 2012)

Planning Policy therefore has no 'in principle' objection to the construction of a temporary café structure and considers the scheme to represent an appropriate design response to a prominent site in a sensitive location.

### **English Heritage:**

The proposed new building is set away from the scheduled Martello tower and is subservient to it in scale and we do not think that it will have an adverse effect on its setting, given its temporary nature. We note that the planning permission for the demolition of the old café also required permanent replacement within two years and we recommend that this should make a positive contribution to the town and to the conservation and enjoyment of the Martello Tower. They recommend that the scheme should be determined in accordance with specialist conservation advice

### **Southern Water:**

Advise that their consent would be required prior to any connection is made to supply and disposal, they also request that a foul and surface water disposal condition is attached to any consent.

Recommend that if Sustainable Drainage System is used then the applicant should be aware that this needs to be maintained by them as it would not form part of the Southern Water public network of sewers

### **East Sussex County Highways:**

This proposal does not provide any parking provision for customers, but does provide 2 spaces for service vehicles and 3 cycle spaces.

The previous use as the Wish Tower café operated without on site parking with no apparent problem with customers using the adjacent EBC car park or parking along King Edwards's parade and walking to the site. This situation existed for many years with no apparent problem.

As the proposal will operate in a similar way the Highway Authority does not wish to restrict grant of consent.

**Southern Gas Networks:**

No objections but recommends methods for the safe identification of the existing supplies.

**Neighbour Representation:**

The consultation regime involved the following:-

- 4 site notices were posted in the locality,
- Press notice
- Local and national interested parties were consulted on the submission

The above consultation regime was adopted in order to give the widest possible exposure to the application possible.

As a result of this consultation regime the following representation have been received:-

One letter of objection has been received with the main points summarised as follows:-

- it is inappropriate to grant permission to erect a temporary structure without any commitment on the part to of the applicant to redevelop the site in the terms of the councils own planning brief for the site.
- The proposed structure , that could be feature of the sea front for many years, lacks the architectural gravitas that is needed for this historically important site in one of the most sensitive and iconic areas of the Conservation Areas in Eastbourne. The Councils planning brief for the site, reviewed by our democratically elected representatives does not envisage any temporary structure on the site.
- The provision of the proposed service parking as it will detract from the amenities of this highly sensitive site in the seafront conservation area.
- It is important not to blight the seafront with such provisions without a full application to permanently develop the site, It is inappropriate to decide this application at officer level in view of the controversy that surrounds the redevelopment of the site and the application needs to be considered by our elected councillors in Planning Committee where the full details of the Councils plans can reviewed in public.
- Granting a lease to the applicant to use the site on a temporary basis as such a decision should be made by our democratically elected representatives.

**Appraisal:****Principle of the Development**

The recently issued NPPF recommends that sustainable development should be given significant weight in the determination of any application notwithstanding this the ambition for the demolition of the Wish Tower and a permanent replacement has been a long standing ambition of the Council. This is evident in the Planning Brief issued and also the recent consents for the demolition of the existing building. It is considered that the provision of a temporary building is the next step in the planned delivery of the permanent replacement building and catering offer at the site.

Given the above it is considered that a principle of the temporary building is sound and is supported by National and local planning policy criteria. This view is further endorsed by the Planning Policy response as referred to above

### **Impacts upon Conservation Area, Scheduled Ancient Monument and Archaeological Deposits**

The application site commands a prominent position within the Town Centre and Seafront Conservation Area and as such the impacts of a new building have to be carefully considered and assessed.

The issued Planning Brief 2000 and Planning Advice Note 2009 comments that the existing building (The Wish Tower Restaurant) has very little architectural merit and highlights that a replacement building could potentially add more to the tourist offer in this part of the seafront. These documents go onto mention that the most important building on the site is The Wish Tower itself and as such any demolition and replacement building has to respect the historical form and function of this historic building.

It is considered that the proposed design and appearance of the proposed structure is, in terms of its broad architectural style not too dissimilar to the original Wish Tower building in that it is single storey having a strong horizontal emphasis with large element of glazing to benefit from the long and short range views. Given this it is considered that the proposed building would have an acceptable impact upon the character and appearance of the Conservation Area.

The main impact upon the Wish Tower Scheduled Ancient Monument were addressed at the application for demolition stage and will not be affected by this proposal.

The scheme proposes to utilise part of the existing floor slab of the existing building; if this slab needs to be broken through for foundations or remedial works then this work would be supervised in accordance with the Archaeological Method Statement that accompanied by demolition permissions.

### **Visual impact on the surrounding area:**

The proposed scheme will have a positive impact on the surrounding area being of a simple design and well contained within the site parameters. It relates strongly to the existing site hoardings and provides a valuable venue for seaside refreshments. It provides a rest place for visitors drawn to the Wish Tower and its elevated position.

### **Access provision:**

Access to the building is on public footpaths through the lawns arriving at a level paved apron area in front of the entrance. There after the access internally is level with Disabled Toilet provision being made to current access requirement standards.

### **Parking provision**

Parking provision is made for delivery and collection purposes only at the rear of the building approached from the eastern access ramp which formally served the restaurant. Visitor parking is available along the full length of the seafront in the vicinity with disabled and other parking being available on the east lower parade within short walking distance.

### **Noise and Amenity Issue**

It is accepted that with any demolition – construction project there will be the utilisation of large powered equipment-vehicles and as such it is inevitable that there will be noise disturbance to some extent. However given the likely relatively short period of time involved in the construction phase of the scheme as it is intended that significant elements of the building would be manufactured off site it is considered that the impacts are considered to be negligible and would not be so acute as to warrant a refusal of permission.

As is evident by this submission the site commands an important location on the seafront and in terms of maintaining a tourism offer in this location it is important that the delivery of the temporary offer is delivered as soon as is practicable and as such large elements of the building will be formed off site in order to assist in the construction times on site.

Given the planned short construction time facilitated by the forming of key elements of the building the development should be delivered outside of the high season and as such should not be a source of complaint from the tourist and hotelier sector.

### **Anti social behaviour**

It is fair to comment that any site within the Borough that remains vacant for a period of time tends to become the focus for anti-social behaviour; this may manifest itself in vandalism, graffiti, and a locus for people to congregate. All of these activities would tend to drag down the character of the site and surrounding area and make it less appealing for residents and visitors alike.

It is considered that the focus for anti social behaviour may increase when the existing building has been demolished and as such the swift delivery of the temporary building would result in a physical occupancy presence at the site that would assist in mitigating the likelihood of antisocial behaviour.

In addition the site is regularly visited by staff within the Amenities and Parks and Gardens teams of the Council with a remit to monitor and deter anti social behaviour.

### **Commentary and Conclusion**

The proposal has no adverse impact on the Conservation Area in particular and the wider seafront area in general and does not dominate or detract from the character of the Wish Tower itself.

This scheme is a temporary offer and the timings for the delivery of the permanent solution are controlled via the conditions on the original demolition.



**Human Rights Implications:**

It is accepted that The Wish Tower Restaurant and Sun Lounge were a gift from a benefactor to the townsfolk of Eastbourne. As outlined within the demolition consents the dedicatory plaque will be resited when the permanent building is delivered.

Notwithstanding this however it is considered that there are no human rights affected by this proposal sufficient to warrant a refusal of this submissions.

**Recommendation:****Option A**

**GRANT** subject to conditions

**Conditions:**

- 1) Time Limit
- 2) The development hereby approved shall only be implemented in accordance with the approved written scheme of investigation (for an archaeological building recording & archaeological watching brief on all groundworks associated with the development) submitted with the planning application, and within 6 months of the completion of the watching brief, a report on the archaeological findings shall be submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.  
(Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS 5 'Planning for the Historic Environment'; and Policy UHT20 of the Eastbourne Borough Plan.)
- 3) The building hereby permitted shall be removed and the land reinstated to its former condition on or before 31<sup>st</sup> July 2017.  
Reason: the building is considered not to be a permanent solution for the site and to accord with the timings within the demolition consents issued for the site.
- 4) The development shall be implemented in accordance with the plans hereby approved :-  
4210 SK1 received 10/05/2012  
4210 SK2 received 10/05/2012  
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates



## Committee Report 10 July 2012

### Item 3

<b>App.No.:</b> EB/2012/0354	<b>Decision Due Date:</b> 10 July 2012	<b>Ward:</b> Old Town
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 5 January 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b>	18 June 2012	
<b>Neigh. Con Expiry:</b>	16 June 2012	
<b>Weekly list Expiry:</b>	13 June 2012	
<b>Press Notice(s)-:</b>	N/A	
<b>Over 8/13 week reason:</b>	N/A	
<b>Location:</b>	36 Peppercombe Road	
<b>Proposal:</b>	Erection of part single, part two storey extension to the rear with sun terrace at first floor level in association with reconfiguration of internal layout including bedrooms on ground floor and kitchen and living room on first floor	
<b>Applicant:</b>	Mr. B. Plank	
<b>Recommendation:</b>	Approve	

**Reason for referral to Committee:**

Referred to Committee by Chair

**Planning Status:**

- Residential area

**Relevant Planning Policies:**

UHT1 - Design of development  
 HO20 - Residential amenity  
 NE28 - Environmental amenity

**Site Description:**

This detached two storey dwelling is located on a steeply sloping site on the north side of Peppercombe Road. A detached garage abuts the highway at the front of the site, and the house is located behind, but above, the level of the garage; the rear garden is terraced on three levels, with the highest level at the end of the garden being almost as high as the eaves of the property.

The street also slopes from west to east, so that 38 Peppercombe Road is on a slightly higher level (600mm) than the application site, and 34 Peppercombe Road is slightly lower (400mm). The garden has various conifers to the rear, and properties on both sides have substantial planting along the common boundaries.

**Relevant Planning History:**

App Ref:EB/2011/0681 Description: Part single, part two storey extension at rear with roof terrace

Decision: Withdrawn Date: 22/12/11

App Ref: EB/2012/0129 Description: Erection of a part two storey extension and part single storey extension with roof terrace to the rear including a bridge to raised garden level

Decision: Refused Date: 27 April 2012

**Proposed development:**

Permission is sought to replace a small metal conservatory at the rear with a full width (7m) ground floor extension 4m deep, and a first floor timber framed extension (forming part of the kitchen) 3m wide; the ground floor extension would be constructed of brick, whilst the first floor element would be finished in sustainable horizontal timber cladding under a flat roof. A decked terrace is proposed for the remaining part of the roof of the extension, with an obscure glazed 1.7m high privacy sided 500-800mm in from the edge of the extension on the boundary with 38 Peppercombe Road.

**Applicant's Points:**

- The application site and its immediate neighbours all have north facing gardens, and the properties are 1.2m apart
- The rear garden is laid out with three terraces progressing up the slope to the rear boundary with the Downs
- To take advantage of views from the property and to provide an additional bedroom, it is proposed to have all bedrooms on the ground floor and the living, kitchen and dining rooms on the first floor
- Given the projection of the sun room, it is considered that there will be no loss of daylight/sunlight to no.34, and only a minimal loss of light to no.38 from an easterly direction in the mornings; it is considered that the removal of the fir tree adjacent to the boundary will actually improve early morning daylight/sunlight to no.38
- Four non-native fir trees will be removed, two apple trees will remain

**Consultations:**

N/A

**Neighbour Representations:**

None have been received as a result of neighbour notifications (three were received to the previous applications).

**Appraisal:**

The main issues to take into account in determining this application are the impact on visual amenity and the impact on the amenities of adjoining residents.

As the extension is to be contained entirely on the rear elevation, its simple design, including the flat roof, is considered to be appropriate. The gap between the buildings and the distance from the public highway is such that the timber clad first floor kitchen extension would not be readily visible from the public highway.

In terms of the impact on the amenities of adjoining residents, the location of the first floor extension adjacent to the very large extension at no.34, means that only a first floor bedroom window would be affected on this property; the orientation of the window and the extension is such that the impact would be within acceptable limits. It is noted that there has been no objection from this property to any of the applications. With respect to the impact on no.38, the provision of a privacy screen at first floor level on this side of the property would not impact on daylight and would safeguard privacy. It should be noted that the ground floor element would constitute permitted development. The main difference with this application is the deletion of the bridge to the middle terrace, which was Members main point of concern, and its replacement by steps going down to the bottom terrace; the steps are angled away from no.38 to face the blank wall of the extension of no.34. This overcomes Members concerns regarding overlooking satisfactorily, and would not increase the existing overlooking from both the middle terrace and the top terrace. The trees on the site are not protected, and nor are they worthy of a tree preservation order, so their removal could not be controlled. Nevertheless there is sufficient vegetation within both neighbouring properties to provide a barrier, however it is the case that gardens of such a steep nature will usually give rise to some degree of overlooking.

It is considered that the current proposal has overcome the concerns in the previous applications to a satisfactory degree, and is now supportable.

**Human Rights Implications:**

It is considered that this amended scheme has addressed the concerns of the previous scheme in terms of its impact on residential amenity to an acceptable level.

**Conclusion:**

The revised proposal would have no adverse impact on visual or residential amenity, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Commencement within 3 years
- (2) Compliance with approved drawings
- (3) Submission of samples
- (4) Restriction on hours of construction
- (5) Submission of sample of obscure glazing and permanent retention of screen

Informatives:

SUMMARY OF REASONS FOR DECISION

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

INFORMATIVE: Submission of discharge of condition application.

**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 10 July 2012

### Item 4

<b>Application Site:</b> 2 Watts Lane		
<b>App.No:</b> EB/2012/0358	<b>Decision Due Date:</b> 29/06/12	<b>Ward:</b> Upperton
<b>Officer:</b> Suzanne West	<b>Site visit date:</b>	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 16/06/12 <b>Neigh. Con Expiry:</b> 15/06/12 <b>Weekly list Expiry:</b> 20/06/12 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Committee		
<b>Proposal:</b> Creation of vehicular hardstanding to the side of the property in association with demolition of section of front wall		
<b>Applicant:</b> Mr. & Mrs. E A Rayner		
<b>Recommendation:</b> Approve conditionally		

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

- 14 objections
- Request to speak by Cllr Liddiard

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

##### Eastbourne Borough Plan 2001-2011

Policy UHT1	Design of New Development
Policy UHT4	Visual Amenity
Policy UHT5	Protection of Walls/Landscape Features
Policy UHT15	Protection of Conservation Areas
Policy HO2	Predominantly Residential Areas
Policy HO6	Infill Development
Policy HO7	Redevelopment
Policy HO20	Residential Amenity
Policy TR11	Car Parking

**Site Description:**

The application site relates to No. 2 Watts Lane, one of two semi-detached properties currently under construction approved under application EB/2010/0185. The site is located adjacent to the Old Town Conservation Area and is enclosed by a high flint wall along Watts Lane, part of which has been removed.

**Relevant Planning History:**

- EB/2011/0515 Proposed vehicular hardstanding.  
Refused. 01/12/11  
APPEAL ALLOWED. 05/04/12.
- EB/2011/0041 Discharge of conditions 2, 3 of planning permission ref. EB/2010/0185 for the erection of two semi-detached two bedroom dwellings.  
Issued. 01/04/2011
- EB/2010/0185 Erection of two semi-detached two bedroom dwellings.  
Approved conditionally. 07/09/10
- EB/2006/0808 Proposed erection of two semi-detached, two storey cottages.  
Refused. 09/01/2007  
APPEAL ALLOWED. 26/06/08
- EB/2005/0526 Proposed erection of two semi-detached, two-storey cottages with two on-site car parking spaces.  
Refused. 05/10/2005  
APPEAL DISMISSED. 27/09/2006
- EB/1998/0630 Proposed erection of two semi-detached dwellings.  
Refused. 17/02/1999  
APPEAL DISMISSED. 23/08/1999
- EB/1989/0663 Erection of detached 2 bed house & parking area.  
Refused. 30/11/1989  
APPEAL DISMISSED. 12/1990

**Proposed development:**

Permission is sought for a single vehicular hardstanding to the front/side of 2 Watts Lane comprising a 2.5m entrance. The hardstanding will measure 5m in depth with a width of 3m. The applicant proposes to repair the flint boundary wall with rendered coping over to match existing and facing brickwork piers where abutting the new entrance.

**Consultations:**

Local Highways Authority: No objection.  
(Memo, 28/05/2012)



Conservation Officer: Objection to the further loss of part of the historic flint boundary wall and resultant harm to Old Town Conservation Area.  
(Memo, 12/09/11)

**Neighbour Representations:**

In response to neighbour notification and statutory advertisement, 14 objections have been received. The concerns raised are summarised below:

- To remove the flint wall would be detrimental to the visual amenity of the locality and further diminish a historic asset contrary to policies UHT1, UHT4, UHT5 and UHT15 of the Borough Plan 2001-2011;
- Watts Lane has existing parking issues and to remove a further on street parking space would exacerbate the problem;
- The development would increase congestion within the vicinity;
- The proposed scheme would create a significant road safety hazard relating to access of the car parking space; and
- To give permission for this scheme would set a precedent for future local development and contravene the Inspectors decision under the original appeal.

**Appraisal:**

This application follows the recent approval of EB/2011/0515, allowed at appeal, for a vehicular hardstanding to the side of 4 Watts Lane in association with the demolition of a section of the front flint wall. The current scheme is identical to that approved under EB/2011/0515 with No.4 forming the remaining half of this semi-detached housing unit. In light of the Inspectors recent decision, the main issue to consider in the determination of this application concerns the effect of the proposed development on the character and appearance of the area, with particular regard to the adjacent conservation area; notably, whether the removal of another section of the historic flint wall would be significantly harmful to the character of the area and setting of the conservation area to warrant the refusal of this application.

Whilst resident concerns regarding highway issues are acknowledged, it is noted that neither Council Officers nor the Inspectorate identified any harm with respect to loss of parking or highway safety under application EB/2011/0515. This assessment is reiterated below.

Visual Amenity & Conservation

Under the original housing scheme, permission was approved for a pedestrian access gate in the reinstated flint wall. The proposed development, identical to that approved under EB/2011/0515, would widen this from 1m to 2.5m for vehicular access.

The application site lies adjacent to Old Town Conservation Area and, as such, the proposal to create a vehicular hardstanding to the side of 2 Watts Lane in association with the demolition of a section of the front wall is a material consideration which affects the setting and views of this area of special architectural interest. The importance of preserving and enhancing the character and appearance of conservation areas is reiterated in the recent publication of the New Planning Policy Framework (NPPF).

In addition to the vehicular hard standing recently approved under EB/2011/0515, the proposed scheme would create an additional enlarged opening in the reinstated wall which forms part of the distinct character of the streetscape and adjoining conservation area. The Inspectorate concluded in an earlier appeal that 'the reinstatement of the flint boundary wall should be secured to ensure an acceptable appearance' (EB/2006/0808). Mindful of policies UHT1, 4 and 5 of the Eastbourne Borough Plan 2001-2011 which aim to respect local distinctiveness by way of retaining boundary walls, a wider opening to serve as a vehicular access would undoubtedly disjoint the appearance of the flint wall to some extent. Notwithstanding the above, it is noted that elsewhere along the surviving wall there are existing pedestrian openings and a garage door access and, opposite, the lower flint walling is fragmented over a long section where commercial forecourt parking has been introduced. Moreover, the implementation of two pedestrian access openings proposed under the original application (EB/2010/0185) would have resulted in further fragmentation, albeit not to the same extent as the current scheme. The Inspectorate recently concluded that the creation of a vehicular hardstanding and associated demolition of a section of the flint wall (EB/2011/0515) would not be detrimental to the character and appearance of this historic wall and adjacent conservation area and this decision sets a precedent for the current scheme.

Notwithstanding the widening of the access into No.4 recently approved, a substantial part of the wall would remain under the current scheme contributing significantly to the setting of the conservation area by reason of its height and length on the edge of the highway which in turn would retain a sense of enclosure. Furthermore, the proposed piers either side would match those nearby and provide a continuing visual link along the length of the wall across the opening involved. The Inspector acknowledges that the back-land housing and associated parking would become somewhat more noticeable from the street with the proposed development. However, it is considered that the resultant visual impact from the application site would not become unduly dominant in the street scene because it would be from a clipped view, framed by a high wall and piers of considerable mass.

In light of the Inspectorate's recent decision (EB/2011/0515), and in the absence of any policies in the new Core Strategy that contravene the current Borough Plan, the proposed development is not deemed significantly harmful to the character and appearance of the area or adjoining conservation area to warrant the refusal of this application.

#### Highways

This application has received significant objection from local residents with respect to, inter alia, traffic congestion and highway safety. The applicant seeks to provide one new off-street parking space, replacing one on-street space and thus resulting in no net loss of parking. Notwithstanding the above, it is important to note that on-street spaces provide for the majority of the demand from existing users in the area. The new off-street space will only provide for the occupiers of the host dwelling and, as such, the proposed scheme will reduce, albeit modestly, the availability of parking for the wider majority undermining Policy TR11.

The host site is located on a narrow, one way section of Watts Lane between Upperton Road and New Upperton Road where, due to the restricted width and length of the road, vehicle speeds are typically low. Whilst it is acknowledged that this is a busy road, current research assessing the relationship between traffic flow and road safety on streets with direct frontage access, published in the latest government guidance in 'Manual for Streets', has shown very few accidents involve vehicles turning into/out of driveways even on heavily trafficked roads. Furthermore, the proposed access is located on a road without a footway and, as such, emerging drivers should not have to take pedestrians into account. The absence of wide visibility splays should also encourage drivers to emerge more cautiously. The depth of the new vehicular hardstanding meets the minimum parking standard of 5m and it is noted that there are other vehicle accesses within the road. Police accident records show no recorded incidents between the 1<sup>st</sup> January 2000 and the 31<sup>st</sup> July 2011 within this section of Watts Lane. It is also noted that a planning application for the site that included off street parking was submitted in 2005 (EB/2005/0526). Although it was refused and ultimately dismissed at appeal, the Inspector did not consider access to the parking spaces to be a significant problem in terms of highway safety.

In accordance with previous appeal decisions, the Inspectorate's assessment of application EB/2011/0515 concurred that the proposed vehicular hardstanding at No.4 Watts Lane raised no highway concerns. Given that the current scheme is identical to EB/2011/0515, this application is deemed to have no adverse impact on either highway safety or parking provision.

**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.

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

(1) Within three months of the date of this decision details of reinstatement works to the flint boundary wall shall be submitted for approval in writing by the local planning authority and the approved scheme shall be carried out within six months of the date of its approval or before the first use of the development hereby permitted, whichever is the sooner.

Reason: In the interest of the visual amenities of the area.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

181000.04 Rev C [Site Layout], received 30/04/12

181000.06 Rev B [Elevation & Layout Plan], received 30/04/12

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

## SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality, with particular regard to Old Town Conservation Area, or the amenities of occupiers of surrounding residential properties in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

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

