

**Eastbourne Borough Council**

**Planning Committee**

**4 September 2012**

**Report of the Head of Planning**

**List of Planning Applications for Consideration**

- 1) LAND TO THE REAR OF, 129-131 QUEENS CRESCENT, EASTBOURNE**  
Erection of a detached dwelling and associated parking (AMENDED PLANS RECEIVED).  
EB/2012/0113(OL), SOVEREIGN Page 3  
**RECOMMEND: APPROVE CONDITIONALLY**
  
- 2) EDGMOND EVANGELICAL CHURCH, 39 CHURCH STREET, & EASTBOURNE**
- 3) Demolition of rear hall extension. EB/2012/0472(CA), OLD TOWN**  
  
Change of use from a church to accommodation for 24 people with learning disabilities, with a community/activity centre, tearoom and retail shop, involving the demolition of rear hall extension and construction of part two, part three storey extension..  
EB/2012/0473(FP), OLD TOWN Page 13  
**RECOMMEND:**  
EB/2012/0472 (CA) **APPROVE CONDITIONALLY**  
EB/2012/0473 (FP) **APPROVE CONDITIONALLY**
  
- 4) FORMER ADM SITE AND ADJACENT LAND, LOTTBRIDGE DROVE, EASTBOURNE**  
Removal of condition 14 of permission EB/2011/0050 for the erection of a new Morrisons foodstore and petrol station to allow 24 hour opening.  
EB/2012/0494(FP), HAMPDEN PARK Page 25  
**RECOMMEND: APPROVE CONDITIONALLY**

J. F. Collard  
Senior Head of Development and Environment

24 August 2012

## **Planning Committee**

**4 September 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**

**4 September 2012**

**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 4 September 2012**

**Item 1**

|                                                                                                                                                                                              |                                       |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------|
| <b>App.No.:</b> EB/2012/0113                                                                                                                                                                 | <b>Decision Due Date:</b><br>03/04/12 | <b>Ward:</b> Sovereign |
| <b>Officer:</b> Chris Cave                                                                                                                                                                   | <b>Site visit date:</b> 01/03/12      | <b>Type:</b> Outline   |
| <b>Site Notice(s) Expiry date:</b> 14/03/12<br><b>Neigh. Con Expiry:</b> 16/03/12 and 28/07/12 for the amended plans<br><b>Weekly list Expiry:</b> 21/03/12<br><b>Press Notice(s)- :</b> n/a |                                       |                        |
| <b>Over 8/13 week reason:</b> The application was deferred at Planning Committee on the 17/04/12 as Members requested more detailed plans                                                    |                                       |                        |
| <b>Location:</b> Land to the rear of 129-131 Queens Crescent                                                                                                                                 |                                       |                        |
| <b>Proposal:</b> Erection of a detached dwelling and associated parking                                                                                                                      |                                       |                        |
| <b>Applicant:</b> Barrington Rentals                                                                                                                                                         |                                       |                        |
| <b>Recommendation:</b> Approve                                                                                                                                                               |                                       |                        |

**Planning Status:**

- Predominantly Residential Area

**Relevant Planning Policies:**

Borough Plan Policies:

- Policy NE1: Development Outside the Built Up Area Boundary
- Policy NE28: Environmental Amenity
- Policy UHT1: Design of New Development
- Policy UHT4: Visual Amenity
- Policy HO2: Predominantly Residential Areas
- Policy H20: Residential Amenity
- US4: Flood Protection and Surface Water Disposal

- US5: Tidal Flood Protection

#### Emerging Core Strategy Policies

- Policy B1: Spatial Development Strategy and Distribution
- Policy B2: Creating Sustainable Neighbourhoods
- Policy C13: St Anthony's & Langney Point Neighbourhood Policy

#### **Site Description:**

The application site is located to the rear of 129-131 Queens Crescent. To the north of the site lie the residential properties on Queens Crescent, to the west a small access road, to the east the rear gardens of the residential properties on Queens Crescent and to the south a large section of amenity space. The application site is a predominantly vacant piece of land with three attached garages. The garages are single storey in height and are constructed from concrete with corrugated iron roofs. The front section, bordering the access road is on slightly raised ground from the eastern section which is overgrown by trees and bushes. The eastern section used to form part of the rear gardens of 129-131 Queens Crescent.

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

This planning application (Ref: EB/2012/0113 (OL)) was presented to planning committee on 17<sup>th</sup> April, 2012 but deferred.

A previous application was submitted in 2012 for a slightly larger property on the piece of land, however this application was withdrawn.

#### **Proposed development:**

Erection of a detached dwelling and associated parking.

The dwelling is to measure 9.5m in width, 8.5m in depth and 3.5m in height.

As the eastern section of the site is on a lower level than the western section the eastern/rear of the property is raised from ground level by 1.5m.

The front (north west) elevation is to have a front door, a single window and a double window. The side (south west) elevation is to have a set of double doors and a single window. The rear (south east) elevation is to have two sets of double windows. The side (north east) elevation is to have no features.

The parking space is to be located on the south west section of the site, adjacent to the dwelling.

#### **Applicants Points:**

The proposal is to remove three old precast concrete garages and to replace these with a very low profile small two bed roomed bungalow, the footprint of which, sits largely on the site of the garages to be removed.

This is an outline application with all matters reserved, however, the Members called for a more detailed indicative drawing to show the proposals and this was submitted

The roof of the bungalow is low pitched and will be covered with grey "Decathene" roofing with rolls at 1 metre centres which closely resembles a lead clad roof.

The bungalow is a minimum of 16 metres from the rear of numbers 129 and 131 Queen's Crescent, while the view from number 131 will be largely hidden by the profile of the remaining garage. This is shown on section BB of the indicative drawing submitted.

Levels have been taken on site and the finished floor level of the bungalow will be in accordance with the recommendation of the independent Flood Risk Assessment submitted with the application. This was accepted by the Environment Agency and is well above the known level to which flood waters have risen in the past in the rear garden of number 129.

It is understood that this flood risk has now abated.

Both the Council's Planning Policy Officer and the Case Officer have confirmed that the application complies with all saved policies.

The proposals also comply with the new Government NPPF in that the bungalow being on the site of old garages can be designated as "brown field" development, which is supported in the NPPF and this will throw up a windfall site to help relieve the housing shortage in the Area.

The impact on the adjoining properties has been considered and it is noted that the eaves level of the new bungalow facing the garden of 129 is lower than the top of the rear wall of the garages to be removed. Thus there will be minimum impact of the new bungalow.

900 mm. of space is left between the new bungalow and the remaining garage. These garages are prefabricated and can be built singly or in runs. To ensure that the remaining garage is preserved, the first garage will be carefully taken down and any components needed can be reused to ensure the integrity of the remaining garage.

The Applicants are third generation owners and their Solicitors have confirmed that there is a right of way over the access road to the site. This carriageway of which is wider than that of Queen's Crescent. So even with cars parked there is ample room for cars to still pass to the site.

Currently the end of this access way in the vicinity of the garages has been the subject of unauthorised uses and permanent occupation of the site will enable the Police to be alerted and will deter such uses.

If approval of the Compton Estate is needed this is usually granted if the Council have granted a planning Approval for the scheme in question.

As with all applications, the cardinal rule is that if the proposals accord with policies, they should be approved unless there are Material Planning considerations which indicate otherwise. The Oxford Dictionary defines "Material" as being "of considerable importance". This is a fundamental rule of planning.

In this case there is no such Consideration which is of such "considerable importance" which would indicate that the application should be refused.

The proposals being a windfall site coming through such as this will help to boost the housing provision in the Borough and being of diminutive nature will meet a demand in the lower end on the market.

## **Consultations:**

### **Planning Policy**

#### **Broad Planning Context**

The development plan for the purposes of this application for outline planning permission, 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, 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.

#### **Borough Plan Context**

The application site is located to the rear of 129-131 Queen's Crescent and comprises a series of redundant garages and parts of the rear gardens of 129 and 131 Queen's Crescent. It is identified on the Eastbourne Borough Plan 2001-2011 Proposals Map as being within the Built-Up Area (Policy NE1) and within a Predominantly Residential Area (Policy HO2). Immediately south of the site is a large playing field (Policy LCF2: resisting the Loss of Playing Fields) and a Site of Nature Conservation Importance (Policy NE20).

Policy HO2: Predominantly Residential Areas states that *"In order to ensure that at least 60% of homes are built on previously developed or through conversions or changes of use planning permission will be granted for residential schemes in areas identified on the Proposals Map as predominantly residential areas"*. The application site comprises redundant garages and parts of the rear gardens of 129 and 131 Queen's Crescent.

The proposed scheme is consistent with Policy HO2 and whilst the Government recently amended the definition of previously developed land to exclude gardens , the application site is clearly within a predominantly residential area and an appropriate location for residential development.

Policy HO2 also sets out a series of ways in which schemes for new homes will be achieved and these include "*redevelopment of other sites and buildings clearly demonstrated to be redundant*", and the development of "windfall" sites.

Planning policy H06 'Infill Development' of the Eastbourne Borough Plan (2001-2011) supports the type of development proposed subject to the impacts on amenity and design, along with a suitable level of car parking provision.

Any future reserved matters application will need to clearly demonstrate that the design of the scheme (Policy UHT1) has been carefully considered. This detailed scheme will also need to ensure that it is consistent with Policy HO20: Residential Amenity, Policy UHT4: Visual Amenity, and Policy NE28: Environmental Amenity. However, at this stage, given that the application is for outline planning permission with all matters reserved, it is not possible to effectively assess the proposal against the criteria contained within these policies.

One of the principal considerations for this application is the suitability of the site for residential development, having regard to flooding constraints. The site is located in the tidal flood zone 3a. Therefore the application's accompanying Flood Risk Assessment (FRA) must follow the steps outlined in the National Planning Policy Framework and its accompanying Technical Guidance, and undertake the Sequential and Exception Test. A detailed FRA has been submitted with the application and Planning Policy are satisfied, subject to detailed consideration by the Environment Agency, that:

(i) *Residential development is acceptable in principle* - Although the site is greenfield in nature, therefore does not meet the brownfield requirement of the exception test, the site will contribute 1 residential unit to the anticipated windfall delivery identified for the neighbourhood over the plan period (Policy B1 of the Core Strategy);

(ii) *There are strong sustainability benefits with the application* - The loss of garage space and a small proportion of garden space would not be to the detriment of the local community or environment. Further residential development generally brings opportunities to improve the quality of watercourses and improve flood alleviation systems, through developer contributions and on-site attenuation measures;

(iii) *Flood attenuation measures have been proposed* - The recommendations in section 9 of accompanying risk assessment is acceptable in relation to floor levels, materials and drainage. It is expected that these will be further strengthened and illustrated at the full planning application stage.

Surface water disposal (Policy US4 of the Borough Plan) is an important consideration for this application, especially as there have been some historical events of surface water flooding in the local surrounding area. Sustainable drainage techniques should be explored and proposed for the application for full permission

**Core Strategy/The Eastbourne Plan Context:**

The emerging Core Strategy (The Eastbourne Plan) identifies the application site as being within Neighbourhood 13: St Anthony's & Langney Point and paragraph 3.14.5 states that *"there is relatively little opportunity for development and therefore the area [St Anthony's & Langney Point] is unlikely to see significant change"*.

The site has not been identified for residential development in the Strategic Housing Land Availability Assessment (SHLAA), but would form a windfall site in Eastbourne's housing delivery. The St. Anthony's and Langney Point neighbourhood has been identified as one of the least sustainable neighbourhoods in the Proposed Submission Core Strategy (2006-2027). In order to reflect the most up-to-date housing position as at 1<sup>st</sup> April, 2012, a main modification (Main 3) to Table 2: Housing Delivery in Each Neighbourhood up to 2027 has been proposed. However, whilst this main modification increases the identified net units from 17 to 20, the number of windfall net units remains the same (5). The development of this site would provide 1 of the 5 windfall net units required in Neighbourhood 13: St Anthony's & Langney Point.

**Conclusion**

It has been established that the application site is located within the built up area and in a predominantly residential area and that there are no specific designations that would preclude its redevelopment for housing. In light of this and for the reasons set out above, there is no 'in principle' objection to residential development on the application site.

Highways

This proposal removes two existing garages from the site. However, the applicant states that these garages are used for storage rather than car parking and as such their removal would not add any demand for on street parking in the area of the site.

On this basis and subject to the car parking space remaining in place and cycle parking being provided for the proposed development the Highway Authority does not wish to restrict grant of consent.

I recommend that any consent shall include the following attached conditions

1. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with 1 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users



2. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with 2 parking spaces. This site is in zone 4 and is therefore expected to be provided with 75-100% of this standard

No other consultees has responded at the time of writing the report

### **Neighbour Representations:**

The following points have been raised:

- The allocation of the piece of land on the Proposals Map
- The lack of detail on the plans
- The impact of the proposal on the surrounding area
- The potential problems that infilling on the site could have for flooding
- That the deeds of the land might require consultation with the Duke of Devonshire
- Ownership of the access road and the provision of services to the site
- Loss of access to 5 Acres Field
- Demolition of Garages
- Loss of Natural Vegetation

### **Appraisal:**

#### Principle of Development

An application for residential development on this piece of land is acceptable as the site is allocated as a predominantly residential area. In addition, taking into account the fact that part of the site has been previously developed with existing garages and part of the site is not strictly Greenfield as it used to be the rear gardens of 129-131 Queens Crescent, the site is deemed appropriate for development as the shortage of housing numbers require these windfall sites to come through and therefore this application is acceptable in principle.

#### Residential Amenity

As the only residential properties surrounding the site lie to the north, then this is the only impact on residential amenity. It is considered that this impact is acceptable as the proposed dwelling has its gable end with no windows or doors facing the residential properties and lies 15m away from their rear elevation, which is satisfactory distance away to protect their residential amenity, even taking into account the fact that the residential property will be on higher land than the basement areas of the properties on Queens Crescent.

#### Flooding

Flood attenuation measures have been proposed and are deemed to be acceptable. The flood attention measures are, the floor levels are to be 600mm above ground level and surface water disposal via a soakaway.

#### Highways

As the two garages proposed to be demolished are used for storage then there will be no loss of off street car parking. In addition the access road proposed to serve the dwelling is acceptable in terms of size.

## Response to Neighbour Comments

### The allocation of the piece of land on the Proposals Map

The site is allocated as a predominantly residential area and therefore residential applications are acceptable for this piece of land.

### The impact of the proposal on the surrounding area

It is deemed that given the flood measures proposed, future details regarding surface water disposal, drainage techniques and infilling to be submitted and the distance of 15m between the gable end of the property and the residential properties on Queens Crescent negating residential amenity issues, it is considered that the impact on the surrounding area is acceptable. Further comments have been received regarding invasion of privacy into the rear gardens and properties on Queens Crescent. However, as the elevation of the proposed dwelling that faces the properties on Queens Crescent has no windows or doors and the rear gardens of the properties on Queens Crescent are substantial in length, it is deemed that views into the properties and gardens on Queens Crescent are at an acceptable level.

### The potential problems that infilling on the site could have for flooding

These details will be covered at full planning permission stage

### That the deeds of the land might require consultation with the Duke of Devonshire

This is not a planning consideration

### Ownership of the access road and the provision of services to the site

The access is not under the applicant's control and the applicant would need to ensure that they have access rights to facilitate this development. Provision of services to the site is not a planning consideration.

### Loss of Safe Access to 5 Acres Field

It is not considered that there will be a major impact on the access road in terms of off street parking caused by the development, as the application proposes one of street car parking space and visitors to residential properties are deemed to be frequent.

### The Demolition of The Garages

A condition will be placed on the application to make good the outside walls of the remaining garage.

### Loss of Natural Vegetation

Although the proposal will involve some loss of natural vegetation, it is not a significant level and as there are no Trees with Tree Preservation Orders to be lost then there is no justifiable reason to refuse the application on these grounds.

### **Human Rights Implications:**

None

**Conclusion:**

This application is recommended for approval. The principle of development is acceptable as the site is located on a predominantly residential area and as Planning Policy require windfall sites to come through to boost the housing provision in the Borough, the use of this site is deemed to be acceptable. Residential Amenity is not considered to be an issue as the nearest properties lie 15m away from the gable end of the dwelling, which is considered to be a satisfactory distance away. As highways have not objected, and full details of flooding measures, infilling, surface water disposal and drainage techniques are to be submitted and full planning permission stage, it is considered that this application is acceptable.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- 1) Reserved Matters, layout, scale and appearance of the building
- 2) Reserved Matters, access and landscaping
- 3) Reserved Matters, Application for full planning permission
- 4) Reserved Matters, Commencement of Development
- 5) Details of infilling
- 6) Details of drainage
- 7) Details of surface water disposal
- 8) Details of plans
- 9) Details of materials
- 10) Make good Garage

**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 4 September 2012**

**Item 2 & 3**

|                                                                                                                                                                                                                                                                                                                                                                      |                                             |                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------|
| <b>App.No.:</b><br>EB/2012/0472(CA) &<br>EB/2012/0473(FP)                                                                                                                                                                                                                                                                                                            | <b>Decision Due Date:</b><br>1 October 2012 | <b>Ward:</b> Old Town                                        |
| <b>Officer:</b> Jane Sabin                                                                                                                                                                                                                                                                                                                                           | <b>Site visit date:</b><br>24 August 2012   | <b>Type:</b> Conservation area consent and major application |
| <b>Site Notice(s) Expiry date:</b>                                                                                                                                                                                                                                                                                                                                   | 6 August 2012                               |                                                              |
| <b>Neigh. Con Expiry:</b>                                                                                                                                                                                                                                                                                                                                            | 8 August 2012                               |                                                              |
| <b>Weekly list Expiry:</b>                                                                                                                                                                                                                                                                                                                                           | 1 August 2012                               |                                                              |
| <b>Press Notice(s)-:</b>                                                                                                                                                                                                                                                                                                                                             | 1 August 2012                               |                                                              |
| <b>Over 8/13 week reason:</b>                                                                                                                                                                                                                                                                                                                                        | N/A                                         |                                                              |
| <b>Location:</b> Edgmond Evangelical Church, 39 Church Street                                                                                                                                                                                                                                                                                                        |                                             |                                                              |
| <b>Proposal:</b> (A) Demolition of rear hall extension (EB/2012/0472 (CA))<br><br>(B) Change of use from a church to accommodation for 24 people with learning disabilities, with a community/activity centre, tearoom and retail shop, involving the demolition of rear hall extension and construction of part two, part three storey extension (EB/2012/473 (FP)) |                                             |                                                              |
| <b>Applicant:</b> The Trustees of the JPK Project                                                                                                                                                                                                                                                                                                                    |                                             |                                                              |
| <b>Recommendation:</b> Approve                                                                                                                                                                                                                                                                                                                                       |                                             |                                                              |

**Planning Status:**

- Old Town Conservation area
- Archaeologically sensitive area
- Classified road

**Relevant Planning Policies:**

|       |   |                                     |
|-------|---|-------------------------------------|
| UHT1  | - | Design of development               |
| UHT2  | - | Height of buildings                 |
| UHT4  | - | Visual amenity                      |
| UHT15 | - | Protection of conservation areas    |
| HO7   | - | Redevelopment                       |
| HO17  | - | Supported and special needs housing |
| HO20  | - | Residential amenity                 |
| TR11  | - | Car parking                         |

**Site Description:**

The application site is located on the south side of Church Street, and comprises an historic 19<sup>th</sup> century building (used as a customs and excise house before changing to church use) fronting Church Street, with a 1990’s hall behind it, and a car park to the west formed from the sites of two buildings demolished as part of a road widening scheme. The building has been known by the name Edgmond (variously Hall, Chapel and Church) for many years, and is the only original building remaining on the south side of the street between the junctions with Borough Lane and Vicarage Road. The Old Town Conservation Area Boundary crosses the site, so that the church itself sits within the conservation area, but almost all of the car park is not. The land slopes up away from Church Street towards Brightland Road at the rear, and more gently from east to west. The site is broadly rectangular in shape, although a garage block and electricity substation fronting Brightland Road cut off a corner of the site. The building is currently vacant, as the church has recently merged with the Frenchgate Church in Hampden Park.

**Relevant Planning History:**

App Ref: Description: Use of vacant land as additional car  
EB/1971/0447 parking area for Edgmond Hall adjoining.  
Decision: Approved Date: 5 August 1971

|                      |                                                                                                                                                                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| App Ref:EB/1993/0150 | Description: Erection of a single-storey building adjacent to Brightland Road to provide a Church Hall and construction of replacement boundary wall, involving the removal of the existing structures, together with extension to car park. |
| Decision: Approved   | Date: 22 June 1993                                                                                                                                                                                                                           |

App Ref: Description: Alterations and additions to side  
EB/2001/0235 extension of church, incorporating new vestry,  
disabled toilet and enlarged reception area.  
Decision: Approved Date: 14 June 2001

**Proposed development:**

Permission is sought to demolish the 1990’s hall at the rear of the main building, and to construct two extensions of two and three storeys, which dog leg across the site to form frontages to both Church Street and Brightland Road. The extensions would provide 24 ensuite rooms for people with learning disabilities within a group home, and would be constructed of mainly rendered walls and a small element of brickwork, with tile hanging under hipped and pitched roofs of slate facing Church Street, and brick and slate facing Brightland Road. The main building would serve as a community centre and tearoom/café supplied by a bakery in a training kitchen staffed by residents, together with a (charity) shop. The first floor of the hall would provide a communal lounge/dining room and a kitchen for use by residents only, together with an office for staff.

Parking for 15 vehicles is provided partly underground (digging out below the two storey element at the rear and the extension which crosses the site from east to west). A garden area would be provided within the area behind the three storey elements and the two storey terrace fronting Brightland Road.

**Applicant's Points:**

- The charity was formed to meet an unmet need for young people in East Sussex with learning disabilities. Social services no longer provide day care for people with mild to moderate disabilities due to financial constraints, and not all people are suitable for its Supported Living Programme due to their vulnerability, and the isolation that would occur when living on their own with minimal support. Many live at home with elderly parents, with no plans for the future. The project aims to fill the gap in the provision which currently exists.
- An earlier attempt to acquire a suitable site gained planning permission in 2008, but vacant possession of the land could not be achieved and the scheme had to be abandoned.
- The scheme will provide living accommodation for 24 people as well as work and training, through an upmarket tearoom and a good quality Daisy Chain charity shop. The aim is to provide a quality environment with support tailored to individual needs and the opportunity of meaningful work and training.
- Parking for staff and visitors to the site will be provided by using the cross fall in levels allowing many of the spaces to be hidden from view.
- The main new development will take place on the existing open car park which is an unattractive area of tarmac and has been designed to fill the gap in the Church Street elevation with attractively designed new accommodation paying respects both to the existing Edmond Chapel building and the adjacent housing. A different architectural treatment will be used for the elevations facing on to Brightland Road at the rear in order to match the existing buildings.
- Avoiding overlooking of neighbouring properties has also been a major concern in the development of the scheme which has been carefully addressed.
- Overshadowing of adjacent properties has also been of concern but the orientation of the site and the preservation of the existing main chapel building has meant that properties on the north east side of the proposed development, where overshadowing would have been most at risk, are largely unaffected by the proposals.
- Because the proposed development faces in two different directions i.e., north on to Church Street and south on to Brightland Road, careful consideration has had to be given to the impact of such an intensive development on both elevations always bearing in mind that the character of the Old Town itself derives in part from such high density development.
- The existing Church Street elevation has to be set against the backdrop of the existing development on Brightland Road which, because of the large cross fall south to north in addition to the cross fall west to east introduces a new dimension of scale to Church Street which is accentuated by the open space of the car park where historically it seems residential buildings prevented the rear view of the properties. Any new development has therefore not only to address the difference in levels

and scale of existing buildings along Church Street, but in some way to close the vista which is foreign to the Old Town character.

- In Brightland Road the new proposals are two storey more in keeping with the scale of the existing Edwardian terraced houses on the north side of this road, restoring the sense of enclosure which had been lost by the open car parking adjacent to the church.
- While adjacent residential properties influenced the scale of development the existing church building with its imposing rounded windows provided a key to addressing the many different architectural features which would influence the design solution. However, any new proposals had to find a way of linking the various elements and differences in levels surrounding the site while at the same time restoring the sense of enclosure along Church Street, which is part of the character of the Old Town.
- The courtyard effect produced allows full exposure of the existing chapel building when travelling east down Church Street and provides a strong backdrop when travelling west away from the town centre. The part rendered finish on the main church has been used facing Church Street with tile hanging to relate to the residential properties to the west. The rounded window features on the main church building have also been used to punctuate the scheme with pitched roofs and matching slates.
- Despite the high plot coverage and the intensity of development, attractive soft landscaping has been included within the scheme in areas where residents can be protected. The hard landscaping of the courtyard will be broken up with different colours and textures using porous interlocking pavers to define car parking bays and footpaths to the main residents entrance.

### **Consultations:**

Southern Water request that any permission is subject to a condition requiring the prior submission and approval of a scheme of foul and surface water disposal, citing a possible sewer crossing the site and the need to address capacity in the surface water system.

(Letter dated 8 August 2012)

The Environment Agency does not wish to make any comment on the application.

(Memo and e-mail 12 and 24 July 2012)

Environmental Health does not wish to raise any issues about the application, although further recommendations would be made in respect of food hygiene in respect of the bakery and cafe.

(E-mail 18 July 2012)

The Conservation Consultant notes that the site lies partly within the Old Town Conservation Area, opposite the listed former school, and close to the medieval church of St Mary's, also a listed building. There is no objection to the demolition of the existing church hall, which is modern. So far as the new buildings are concerned, the proposed elevations facing Brightland Road are in keeping, but would ask for some minor changes to the Church Street elevations, as follows:



- Remove first floor balcony – this is completely inappropriate in such a sensitive location
- Remove the half round window heads which protrude into the roofs
- Remove the eaves cut-through windows which are copying the details on the adjoining houses
- Provide more detailed drawings of all of the external joinery as the current information is not specific enough
- Consider ways of reducing the height of the roof on the principal block in the middle of the site – this is 3 storeys high and appears somewhat dominant in the drawings provided

Further suggestions are made regarding the use of black/dark grey weatherboarding in lieu of tile hanging, raising the level of the render to line through with the tops of the windows, as well as the use of natural slate for the roofs and other materials/colours.

(Memo dated 16 July 2012)

At their meeting on 17 July 2012, the Conservation Area Advisory Group had no objections in principle to the scheme or to the demolition of the rear hall, but raised concerns regarding the impact on visual amenity in relation to the Church Street frontage from the proposed first floor balcony/terrace, the height of the central block, and the design of the windows (the projection above the eaves of the arched windows and the angled windows at eaves height).

The County Archaeologist states that the proposed development site has been subject to both archaeological desk based assessment and archaeological evaluation excavation of a small section of the site. The desk based assessment identified through historic map regression former buildings occupying this site from at least the mid 17th century. The evaluation excavation established the presence of archaeological remains on the site which relate to the occupation and activity within the historic core. These features included remains of two buildings, a series of boundary walls and a well. Although not of national importance, these remains are potentially of regionally interest and certainly of local significance. There is no doubt that further remains exist on this site and given the shallow depth these remains survive at below the current tarmac and made ground surface, they will inevitably be destroyed by this proposed development. The applicant has considered a change in the proposed formation and foundation design to attempt preservation in-situ of these remains, but due to the topography of the site significant ground reduction will be required to achieve a user friendly building and hence preservation of archaeological remains is not possible. In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the National Planning Policy Framework.

(Letter dated 3 August 2012)

The Highway Authority recommends that the application be refused on highway safety grounds, specifically that there is insufficient parking provision on site resulting in additional congestion on the public highway (the A259 and the surrounding streets), and that the parking/turning facilities within the site are inadequate leading to the possibility of vehicles reversing onto or from the public highway (A259). The ESCC Parking Standards would require a parking provision of 28 spaces for the size of the development and the different uses within it (this figure includes a 25% reduction from 34 spaces given that it is situated in Zone 4). It is noted that there is limited parking available within Church Street to accommodate any overspill parking, due to the extent of double yellow lines within the street. On this basis it is likely that any overspill parking would take place in the surrounding residential streets which are already congested with parked cars. The layout as shown on the Ground Floor Plan Drawing, March 2012 will be very difficult for drivers to use. This is based on some of the parking bays being narrow as well as there being limited manoeuvring space available. This combination will make a number of the spaces difficult to access and egress and may deter visitors from using them potentially increasing demand for on street parking. It is also likely to encourage drivers to reverse out onto the A259 rather than carrying out a number of back and fore manoeuvres to turn around within the site. Details of proposed delivery arrangements would also need to be supplied as well as the provision of cycle parking. There would be a requirement for 3/4 cycle spaces for a site of this size and type. The access is considered suitable to serve the proposal as it is of sufficient width to support two way traffic flow and allows for adequate visibility splays.

(Memo dated 22 August 2012)

### **Neighbour Representations:**

A significant number of representations have been received as a result of extensive neighbour notifications (281 were sent out), advertisement in the press and site notices. These are divided into 37 objections and 46 in support (a small number are anonymous, but are divided equally on both sides); a large number of representations are from people too far from the area to be affected, so that 28 objections are from nearby residents, whilst 4 nearby residents are in support. The comments are summarised thus:

- Massive overdevelopment of the site; the accommodation is cramped, and there is no leisure/socialising space for the residents;
- Inappropriate design in a conservation area; completely out of character; an eyesore
- Complete loss of privacy, light and outlook to adjoining residents; overshadowing; the building is far too high.
- Parking – there is already an acute problem in the immediate vicinity, and the proposal does not have sufficient on site parking, resulting in even more pressure for parking for residents. There is no guarantee that staff and visitors would use the on site parking. The surrounding streets already have to cope with parking for the businesses in Church Street during the daytime, and there is insufficient parking for residents in the evening. The proposed parking layout would be difficult in practice to use and there is inadequate space for deliveries. Vehicles would have to reverse out onto Church Street.

It would be a massive hindrance to the safety of pedestrians and children, as well as access for emergency vehicles. The free overnight parking at the church enjoyed by local residents will be lost.

- Would result in a dangerously vast increase in traffic
- Unsafe location for vulnerable people on such a busy road.
- Noise and disturbance, which would alter the residential character of the area. Inappropriate use in an entirely residential area; it would be a mistake to try and open up a business (shop/bakery/café) in this area, where other businesses have failed. The site is not fit for purpose.
- Noise and disturbance from the building works.
- The building should be scaled down significantly, and additional parking provided.
- The applicant has no regard for the concerns of local people, and is unwilling to compromise in any way.
- There is a need for such a worthy establishment in Eastbourne, to provide independent living (with carers) for vulnerable people, and employment to help them live a meaningful life, enabling them to be part of the local community
- It would provide new much needed accommodation for adults with disabilities, new amenities for local community, new jobs created for the building work and carers who will work with the occupants.
- The design, height and materials of the building has been carefully thought out, and would have no adverse impact on the area or neighbouring properties
- Brightland Road is a quiet road in terms of traffic, the exit there will be primarily for emergency access, so even with it not being a main entrance it is reassuring to know that even in the event of an emergency the use of this exit will be of low risk. Adequate parking has been provided for and visitors; there will be no main access via Brightland Road, therefore there should be no way in which parking will be an issue. The parking issues in Brightland Road occur in the evening from around 6pm onwards, but parking for the development will be during business hours when the street is quiet and easy to park in.
- This development is probably the most beneficial to the neighbourhood in terms of noise. The residents there will be living alone, or with a carer; there would not be parties at night, or driving, which could be the case with flats or houses; there won't be deliveries in the middle of the night like supermarkets may have.
- There has been a lot of scaremongering regarding house prices, and 'not in my back yard' attitudes, which is such a shame as this neighbourhood is perfect for this type of development; a pleasant area, with public transport, a park, swimming pool, shops and within walking distance to the town centre.
- The Edmond Church wishes to leave a positive legacy for the community when it relocates to Hampden Park, and for this reason did not sell the site to a supermarket, shop or business, but to a charity providing an invaluable service to the local community with a proven track record of having already done excellent work.

The church does not believe that the impact on the surrounding area would be greater than the congregation of over 100 people with at least ten well attended events each week, such as quiz nights, toddler groups, coffee mornings, bible study groups, art and chess clubs club. It is suggested that the proposed use would actually reduce the weekly traffic flow to the site.

(Letters & e-mails dated 11 July to 10 August 2012)

**Appraisal:**

The main issues to take into consideration in determining this application are the suitability of the proposed use for the site, and the impact of the proposed buildings on the character and appearance of the conservation area, visual amenity, residential amenity and highway safety.

Proposed use

The site currently houses a church which is a D1 use (non-residential institution) located in a principally residential area, although there are commercial uses nearby in both Church Street and the High Street, including St. Mary's Church. The proposed development comprises a residential use, with elements of retail, café/bakery and community centre. As it is located on a main road although reasonably close to the town centre, with a good bus service and shops and other services nearby, it is considered that the site is suitable in principle for the proposed use.

Character and appearance of the conservation area

The scheme proposes the retention of the main hall, which is the last surviving original building on this block on the south side of Church Street. The modern hall to the rear of the site is to be demolished, and there could be no objection to this. The new building on the Brightland Road frontage reflects the design of the dwellings in the street in terms of scale, height, materials and design. The buildings facing Church Street take elements from the various modern developments on either side of the site, with the central three storey section using the arched windows of the church as a strong theme. Some conservation concerns have been addressed, such as the removal of the balcony over the entrance foyer, and the use of natural slate on the roofs, window materials/colours and metal guttering, however other amendments requested have been dismissed by the agent and applicant as inappropriate or unjustified. The arched windows are a particular feature which the applicant feels very strongly about, however there is concern in respect of their dominance above the eaves line and projection from the face of the building; other issues involve the alignment of the tile hanging, and the use of weatherboarding in lieu of some of the tile hanging. The height of the ridge and the roof pitch to the three storey sections cannot be changed, as the second floor accommodation is already partly contained within the roof space using skeilings, and this is accepted. Overall, the scale, layout and massing of the new buildings is considered to be acceptable in terms of its impact on the character and appearance of the conservation area and the surrounding area. The outstanding matters are those of detail, which although not major in themselves, can have a considerable impact on the success of the scheme.

### Visual amenity

Church Street has a varied character, in terms of scale, siting, materials, height and design. Historic maps indicate that the original buildings on the south side (before the demolition of most of them to widen the road) varied greatly from small terraces cottages to larger institutional buildings. The later modern developments follow this pattern, and it is considered that the current scheme would not adversely affect the visual amenities of the area.

### Residential amenity

The objections to the scheme on the grounds of loss of privacy, loss of outlook, loss of light and overshadowing are mostly from residents of Brightland Road. Residents have been accustomed to an open outlook over the site for many years, of course, but this in itself is not sufficient to prevent the development of the site. The two storey elements adjoining the existing terraces in Church Street and Brightland Road reflect the height and depth of the existing dwellings, and it is considered that these would have no adverse impact on the amenities of nearby residents. The three storey element which forms a right angle across the middle of the site would have more impact. The overall height is lower (1.6m) than the existing dwellings in Brightland Road, and is sited so that it occupies the central part of the site. Nevertheless, the building will have an impact on the outlook of the closest residents on the north side of Brightland Road (principally no.44) and those on the south side of Church Street (principally no.45). The overriding issue is whether the impact is within acceptable limits. Taking into account the orientation of the site to the north of the properties in Brightland Road, the careful location of the bedroom windows and corridors, and the changes in ground levels, it is considered that there would be no loss of privacy or light, and that the loss of outlook is confined to the rear windows of the two properties referred to above. It is considered that the impact is acceptable in this urban environment which is characterised by high density terraced housing.

### Highway safety

The access to the site would not change, and is adequate for two-way access onto Church Street. The main issue is the number of parking spaces provided and the turning/manoeuvring area to permit forward ingress/egress to the site. The scheme provides 15 parking spaces, most of them covered (under the building, excavated into the slope of the site), whereas the High Authority advises that 28 should be provided. The shortfall in on-site parking is the source of a large number of objections, since residents are concerned that staff and visitors to the site will park in their streets, resulting in added congestion. This issue needs to be judged in the context of the particular characteristics of the scheme; whilst the Highway Authority have based their requirement on the adopted parking standards document, it is considered that a charity shop and café in this location is unlikely to attract the number of customers that would be expected in a location closer to the town centre or within a designated neighbourhood or district shopping centre.

The applicant has pointed out that the church has a large congregation of over 100, with many activities during the week, including two toddler groups; the Highway Authority acknowledges that there have been no complaints in recent years associated with the operation of the church, although the car park has far more than 15 spaces, and marshalling was in operation on Sundays. Residents in Brightland Road have expressed particular concerns that staff and visitors might avoid parking on the site altogether, resulting in the entrance in Brightland Road being used as an habitual entrance to the site and therefore the street being used as an unofficial car park. This is acknowledged as a possibility, and the applicant has proposed that this entrance is designated as a fire exit only with an alarm on the door to prevent its misuse. With respect to the turning/manoeuvring space, the Highway Authority consider that it is inadequate and would result in fewer spaces being usable. Deliveries to the site are likely to be occasional, and the scheme would be in the same position as every other commercial (or residential) premises in Church Street and even the High Street, as almost none have such facilities; as such it is considered that deliveries would not be a particular issue. It is anticipated that the parking issue needs further consideration, and this aspect will be subject to a further discussion with the applicant and officers; a verbal report of this will be made at the meeting of the Planning Committee.

**Human Rights Implications:**

It is considered that the impact on nearby residents would be within acceptable limits.

**Conclusion:**

Notwithstanding the outstanding concerns in respect of some design aspects of the scheme and highway safety, it is considered on balance that the proposal would be a suitable use of the site, and would have an acceptable impact in terms of design, character and appearance of the conservation area, visual and residential amenity, and highway safety.

**Recommendation:**

**GRANT** (A) Conservation Area Consent, subject to conditions  
(B) Planning permission, subject to conditions

**Conditions:**

- (1) Commencement within three years
- (2) Compliance with approved plans
- (3) Programme of archaeological works
- (4) Hours of building operations
- (5) Submission of samples of materials
- (6) Submission of details of windows and joinery
- (7) Submission of details of solar panels
- (8) Submission of details of foul and surface water drainage
- (9) Submission of details of landscaping
- (10) No flues/vents on front elevation
- (11) Provision of obscure glazing facing 44 Brightland Road and 45 Church Street
- (12) Provision of parking spaces before occupation
- (13) No access from Brightland Road and provision of alarmed door

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:  
It would be a suitable use of the site, and would have an acceptable impact in terms of design, character and appearance of the conservation area, visual and residential amenity, and highway safety. 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 4 September 2012**

**Item 4**

|                                                                                                                                                               |                                                                          |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------|
| <b>App.No.:</b> EB/2012/0494                                                                                                                                  | <b>Decision Due Date:</b><br>29/08/12                                    | <b>Ward:</b> Hampden Park     |
| <b>Officer:</b> Leigh Palmer                                                                                                                                  | <b>Site visit date:</b> Numerous including meetings with agent/applicant | <b>Type:</b> Full Application |
| <b>Site Notice(s) Expiry date:</b> NA                                                                                                                         |                                                                          |                               |
| <b>Neigh. Con Expiry:</b> 01/06/12                                                                                                                            |                                                                          |                               |
| <b>Weekly list Expiry:</b> N/A                                                                                                                                |                                                                          |                               |
| <b>Press Notice(s)-:</b> N/A                                                                                                                                  |                                                                          |                               |
| <b>Over 8/13 week reason:</b> Out of time due to referral to committee from delegated                                                                         |                                                                          |                               |
| <b>Location:</b> Morrisons Former ADM site Lottbridge Drove Arkwright Road                                                                                    |                                                                          |                               |
| <b>Proposal:</b> Removal Of Condition 14 Of Permission Eb/2011/0050 For The Erection Of A New Morrisons Foodstore And Petrol Station To Allow 24 Hour Opening |                                                                          |                               |
| <b>Applicant:</b> DYER (Ms DANIELLE CHAPLIN) (For Morrisons)                                                                                                  |                                                                          |                               |
| <b>RECOMMENDATION:</b> Approve                                                                                                                                |                                                                          |                               |

**Relevant Planning Policies:**

HO20 – Residential Amenity

**Site Description:**

The application site relates to the development of the new Morrisons food store on the former ADM site on Lottbridge Drove.

At the officers site visit the demolition was complete and the steel skeleton of the main bulk of the building was complete and store fit out was underway with the expected opening in the Autumn of 2012.

**Relevant Planning History:**

EB/2011/0050 Erection of Morrisons Foodstore Granted

**Proposed development:**

Planning permission is sought to allow the store and the petrol filling station to operate without compliance with Condition No 14 of Planning Application EB/2011/0050; this would allow them to trade 24hours on every day except for Bank Holidays where they would close at 20:00hrs.

In support of their application the applicant states that they will be opening the extended hours if there is demand to do so and having the consent would allow them to trade without having to reapply every time they sought extended hours. Notwithstanding this if supported the petrol filling station will operate 24hours per day from the stores initial opening.

The increased hours would allow for additional trading, and would also allow for out of hours servicing (deliveries and shelf stacking)

**Consultations:**

Environmental Health Licensing: No objections

Economic Development Department: Fully support the scheme

Planning Policy – Fully support the proposal. The site is located in the Hampden Park Neighbourhood, as identified in the emerging Eastbourne Plan: Core Strategy. Policy B2 'Creating Sustainable Neighbourhoods' of the Core Strategy states that proposed developments should conform with the neighbourhood vision and policy, and 'protect the residential and environmental amenity of existing and future residents'. The site is not located close to residential properties, being surrounded by other employment uses and a school playing field. Potential noise and general disturbance during evening and early morning shopping hours will therefore have minimal impact on the residential and environmental amenity of existing and future residents (in line with Policy H020 and NE28 of the Eastbourne Borough Plan), and would not have a negative impact on the neighbourhood vision or policy outlined in the Core Strategy. In summary planning policy support the removal of the condition.

Independent Retail Consultant – Fully supports the proposal, help to support shift workers in the town and there should not be any environmental harm caused by the development. A number of other operators in the town trade 24hours.

Economic Development Officer – Fully support the scheme

**Neighbour Representation:**

One response has been received that acknowledges that others trade 24 hours but questions that there is no evidence justifying the need for 24hour trading. Highlights that retail trading may cause some noise issues but use of petrol filling station should not.

**Appraisal:**

Members will be aware other similar business in the town trade 24 hours; this application delivers consistency across a number of competing store brands.

It is accepted that increasing the operational hours would increase the noise and activity at the within the vicinity of the site, whether this is noise and disturbance from the comings and goings of customers, staff or deliveries and servicing. However it is considered that given the location of the site within the heart of commercial/industrial estate and consequently distant from residential properties that the extended opening hours would not give rise to any material loss of amenity, nor should it detract from the character of the site and surrounding area.

There are no substantive material planning considerations to justify withholding consent for this application and officers are recommending approval.

**Human Rights Implications:**

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

**Recommendation:**

**GRANT** subject to conditions

Informatives:

You are reminded that all conditions (other than condition No 14 that is varied by this application) attached to EB/2011/0050 remain in force.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It does not adversely impact on the character of the area or on residential amenity and 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**.