

Eastbourne Borough Council

Planning Committee

2 October 2012

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) EDGMOND EVANGELICAL CHURCH, 39 CHURCH STREE, EASTBOURNE**
& (A) Demolition of rear hall extension. EB/2012/0472(CA),
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- 2) OLD TOWN**
(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/2012/0473(FP), OLD TOWN
RECOMMEND: APPROVE CONDITIONALLY
(A) CONSERVATION AREA CONSENT, SUBJECT TO CONDITIONS
EB/2012/0472(CA)
(B) PLANNING PERMISSION, SUBJECT TO CONDITIONS
EB/2012/0473(FP)
- 3) 65 CHURCHDALE ROAD, EASTBOURNE**
Erection of two storey, detached dwelling to the side to with parking space to the rear.
EB/2012/0518(FP), ST. ANTHONYS
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RECOMMEND: APPROVE CONDITIONALLY
- 4) LAND TO THE REAR OF, 18-34 RANGEMORE DRIVE, EASTBOURNE**
& Re-development of garage block and rear gardens with the erection of
5) 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (Reserved Matters application)..
EB/2012/0539(RM) & EB/2012/0540 (RM), RATTON
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RECOMMEND: APPROVE CONDITIONALLY
- 6) 42 THE RISING, EASTBOURNE**
Erection of two storey extension to the side.
EB/2012/0573(HH), ST. ANTHONYS
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RECOMMEND: APPROVE CONDITIONALLY

J. F. Collard
Head of Planning

25 September 2012

Planning Committee

2 October 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

2 October 2012

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 2 October 2012

Item 1 & 2

App.No.: EB/2012/0472(CA) & EB/2012/0473(FP)	Decision Due Date: 1 October 2012	Ward: Upperton
Officer: Jane Sabin	Site visit date: 24 August 2012	Type: Conservation area consent and major application
Site Notice(s) Expiry date:	6 August 2012	
Neigh. Con Expiry:	8 August 2012	
Weekly list Expiry:	1 August 2012	
Press Notice(s)-:	1 August 2012	
Over 8/13 week reason:	Deferred from last Committee to consider issues raised regarding parking by adjacent residents on the site	
Location:	Edgmond Evangelical Church, 39 Church Street	
Proposal:	(A) Demolition of rear hall extension. (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.	
Applicant:	The Trustees of the JPK Project	
Recommendation:	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 19th 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: EB/1971/0447 Description: Use of vacant land as additional car parking area for Edgmond Hall adjoining.
 Decision: Approved Date: 5 August 1071

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: EB/2001/0235 Description: Alterations and additions to side 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 up market 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 tarmaced area and has been designed to fill the gap in the Church Street elevation with attractively designed new accommodation paying respects both to the existing Edgmond 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 originally recommended that the application be refused on highway safety grounds, specifically that there would be 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 were 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 was 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 that basis, it was 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 would be very difficult for drivers to use, due to the narrowness of some parking bays and limited manoeuvring space, resulting in reluctance to use some spaces and potentially increasing demand for on street parking. It might also encourage drivers to reverse out onto the A259 rather than carrying out a number of back and forward manoeuvres to turn around within the site. No details of delivery arrangements were supplied, or 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)

This earlier recommendation has been changed based on additional information submitted. The layout design has been amended to ensure that all parking spaces are at least 2.4m wide and have 6m of manoeuvring space behind them. This is acceptable and is in accordance with the Manual for Streets. The supporting columns have also been repositioned to allow adequate space within the site to ensure that all vehicles entering the development have the opportunity to exit the site in a forward gear. Potential sites for cycle parking have also been suggested and are acceptable. Further details have been submitted regarding the staffing levels and proposed use of the café/shop, so that a more accurate assessment can be made of the parking provision. This information has confirmed that there will be 3 staff in addition to the day cover staff for the kitchen, café and shop.

This will leave 5/6 spaces available for use for visitors to the café. As the café will not be run on a commercial basis and the number of tables will be limited this number of spaces is deemed acceptable. The Transport Report also confirms that residents will not drive and are entitled to bus passes for both themselves and their carer. It also sets out that the site is close to a well served bus route as well as a number of local shops and services a short walk from the site. It goes on to confirm that residents are encouraged to become independent with frequent visits from family discouraged. The details of deliveries are also set out within the report. Based on this information and the alterations made to the car park layout the proposal is acceptable subject to conditions attached to any consent to ensure that the parking, turning and cycle facilities are provided prior to occupation.

(Memo dated 3 September 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.
- The right to park in the car park by adjacent 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 on wards, 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 Edgmond 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. The shop and café/bakery would operate from 9am to 5pm, whilst the community hall (which it is anticipated could be hired out for functions etc.) would be available until 10pm.

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 skelings, 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 with the appropriate use of obscure glazing, 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 characterized 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 originally advised 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; the number of staff is anticipated to be six during the day, plus one each in the café, bakery and shop (a total of nine), reducing to two during the night. Whilst the Highway Authority based its requirement on the adopted parking standards document, it is considered that a charity shop and café with between 7-10 tables 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. Following the submission of a Transport Report and a revised parking layout, the Highway Authority has reconsidered its position on manoeuvrability and parking in view of the particular operations of the proposed scheme, and is satisfied that the adjusted layout and the number of spaces provided would be adequate. 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. Deliveries to the site are likely to be limited both in frequency (estimated twice a week by a small van) and in size, and in this respect 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.

Parking issues raised by adjoining properties

The application was deferred at the Planning Committee meeting on 4th September for consideration of the legal status of a condition attached to the consent granted to the Church Trust in 1986 for the construction of the terrace of 4 houses at 47-53 Church Street. In the same application the Church was given consent for the reconstruction and layout of the car park for the parking of 17 cars. The condition in question required the car park to be available for joint use by residents of the 4 new dwellings and by the Church.

The condition appeared to have been attached in error as there was never any indication from the applicants that joint use was considered and no indication from the Highway Authority that joint use was required. No residents' spaces were specified on the approved plan and the scheme included a block of 4 garages, one for each dwelling, at the rear of the site.

The condition was raised by Solicitors acting for the owners of one of the dwellings during the processing of the current application and by the owners of another of the dwellings. They are claiming continuing rights to park on the land under the terms of the 1986 condition.

The Church Trustees confirm that they were completely unaware of the 1986 condition and that they have never been made aware of any claims of rights to 'share' the car park. The Trustees had, however, allowed residents and businesses in the locality to use the car park on an informal 'neighbourly' basis when it was not being used by the Church.

The legal status of the condition has been considered and Counsel's advice has been obtained. The conclusions are:-

- That the wording of the condition is flawed and imprecise ,that the condition itself is therefore unenforceable and that it appears to have been attached in error
- That planning conditions in general cannot create and impose legal rights between private landowners.
- That the Council as Local Planning Authority cannot require the Trust to apply for the 1986 condition to be lifted and existence of the condition should not delay the determination of the current application
- That the fact that the new scheme would conflict with the parking rights claimed by the house owners under the 1986 condition is not a relevant consideration in the Council's determination of the current application

Other matters

Following the deferment of the application at the last Committee meeting, an anonymous letter has been delivered to nearby residents and others who have made representations, alluding to a perceived inequality in the planning process, the withdrawal of the Highway Authority's objection and misleading information from the charity. A recipient has passed a copy to the Council, expressing concern at its content.

The letter expresses disquiet that the applicant has the advantage of knowing what objections are raised, and can then liaise with the Council to effect modifications to make a scheme acceptable; it is standard planning procedure to negotiate with applicants to achieve the best scheme possible. Such negotiations can continue during the application process up until the point of decision, if necessary. Further clarification/information from the applicant, concerning the numbers of staff and the hours of opening, as well as small but important adjustments to the parking layout allayed the concerns of the Highway Authority, which was then able to withdraw its original objection. The letter concludes that the residents objections are unlikely to be heeded; all representations are carefully considered and due weight given to the specific concerns raised when forming a recommendation and in the determination by Members.

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, 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) Provision of wheel washing facilities during construction
- (6) Submission of samples of materials
- (7) Submission of details of windows and joinery
- (8) Submission of details of solar panels
- (9) Submission of details of foul and surface water drainage
- (10) Submission of details of landscaping
- (11) No flues/vents on front elevation
- (12) Provision of obscure glazing facing 44 Brightland Road and 45 Church Street
- (13) Provision of parking & cycle spaces and turning facilities before occupation
- (14) No access from Brightland Road and provision of alarmed door

Informative:

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**.

Planning Committee Report 2 October 2012

Item 3

App.No: EB/2012/0518	Decision Due Date: 06/09/12	Ward: St Anthony's
Officer: Chris Cave	Site visit date: 12 August 2012	Type: Householder Planning Application
Site Notice(s) Expiry date: 20/08/12 Neigh. Con Expiry: 18/08/12 Weekly list Expiry: 22/08/12 Press Notice(s)- : n/a		
Over 8/13 week reason: Application is past the target date due to Planning Committee cycle.		
Location: : 65 Churchdale Road		
Proposal: Erection of two storey, detached dwelling to the side with parking space to the rear		
Applicant: Mr and Mrs D Edwards		
Recommendation: Approve		

Reason for referral to Committee:

Six objections have been received and therefore the application is required to be seen by Planning Committee.

Executive Summary:

The proposed residential development would provide additional housing within the urban the area in a sustainable location. The proposal maintains established levels of neighbouring residential amenity and does not adversely affect the visual amenity of the area. Car parking is also accommodated within the site.

Planning Status:

Predominantly Residential Area

Relevant Planning Policies:

UHT1 Design of New Development
 UHT2 Height of Buildings
 UHT4 Visual Amenity
 HO1 Residential Development within the Existing Built-Up Area
 HO2 Predominantly Residential Areas
 HO20 Residential Amenity
 TR11 Car Parking

Site Description:

Application site is located on a corner plot between Churchdale Road and Churchdale Place. The application site represents a side/front and rear garden of 65 Churchdale Road.

The front and part of the side garden is bordered by a 1m high brick wall. The rest of the side/ rear garden along the north/western section is bordered by a 2m high wooden fence with a 4m high leylandii hedge behind. The rear section of the garden is bordered by a 1.5m high brick wall.

To the rear/northern side of the site, lies a cluster of a semi detached properties, forming a cul de sac on Churchdale Place. To the side/ north western side of the site, across the road, Churchdale Place lies a row of semi detached properties, to the front/south of the site, across the road, Churchdale Road, lies a row of semi detached properties and immediately to the east of the site lies another row of semi detached properties on Churchdale Road.

The majority of properties in that section of Churchdale Road date approximately from the 1930's period. Most are rendered white with tiled roofs.

Relevant Planning History:

A previous application EB/2012/0375 (for a separate dwelling, forming a row of three terraced properties) was submitted and withdrawn by the applicant.

Proposed development:

The application proposes the erection of a detached property with front and rear gardens and three off street car parking spaces to the rear for both the application property and 65 Churchdale Road.

The property is set back from 65 Churchdale Road front building line by 0.5m. The property is set back from Churchdale Road by 5.84m, runs against the side boundary of the pavement of Churchdale Place, is set 2.5m back from the rear building line of 65 Churchdale Road and is set 1m away from 65 Churchdale Road.

The detached property, which is two storeys high, is to measure 10.46m in depth, 5.69m in width and 7.7m in height. It is to have a lower roof height than the other properties on Churchdale Road.

The front elevation is to have a bay window and a door on ground floor level, and a bay window and a double window on first floor level. Both side elevations are to be featureless.

The rear elevation is to have a double window, a door and two single windows either side of the door on ground floor level and a double window and triple window on first floor level.

The ground floor layout is to comprise of a lounge at the front, measuring 14.2m square metres, a hallway measuring 6.52m metres, a set of stairs leading to first floor level, a toilet and cupboard area measuring 5.58 square metres and a kitchen and dining room area to the rear measuring 25.93 square metres.

The first floor layout is to comprise of a bedroom at the front, measuring 13.7 square metres, a bathroom at the front measuring 3.51 square metres, a set of stairs leading from the ground floor, a hallway measuring 2.94m square metres and to the rear a bedroom and ensuite measuring 12.88 square metres and a bedroom measuring 6 square metres.

The front garden is to measure 6m in length, 6.86m in width with an area of 23m. The rear garden measures 16m in length, 6m in width with an area of 102m.

The three car parking spaces are to be located to the rear of the site with one car parking space on located on 65 Churchdale Road and two car parking spaces on the application site. Access is to be taken from Churchdale Place.

Consultations:

Highway Department

No objections as the proposal provides three off street car parking spaces in line with East Sussex County Council Parking Standards and subject to a condition requiring two cycle spaces also in line with the aforementioned policy.

Downland, Trees and Woodland

There is an existing leylandii hedge, which should not be considered a constraint to development; therefore there are no tree issues to consider when determining this application.

Neighbour Representations:

Six Objections have been received and cover the following points:

- 1) Set a precedent for other corner plots in the area to be developed
- 2) The erection of a house in that location will be out of character with the area as it will lead to a loss of green space
- 3) The erection of a house in that position will make the two existing properties to the side of the application site into a row of three houses
- 4) The house will create an invasion of privacy for the property to the rear
- 5) That the property will create extra noise and disturbance to the area
- 6) That the property will effect the drains as it will create extra waste
- 7) That the erection of the house will create poor outlook for No.67 Churchdale Road, from their side windows.
- 8) That the construction works may lead to scaffolding being erected on the pavement

Appraisal:

Principle of Development/Precedent

The principle of development is acceptable as the piece of land is allocated as a predominantly residential area and therefore the principle of having a residential property located on the site is acceptable. It is acknowledged that there are other corner plots in the area, notably one to the side/north west, that have similar land to be developed to the side, and an approval of this application could set a precedent. It is worth noting that every application will be dealt with on a site to site basis, but given the need for windfall sites to make a contribution to the housing figures and considering that this application is deemed to be acceptable with regard to residential and visual amenity and highways. It also considered that the application is in line with the NPPF which promotes Sustainable Development.

Provision of New Housing

The site falls within the Roselands and Bridgemere Neighbourhood. This neighbourhood requires a total number of housing units of 125 with 34 coming from windfall up to 2027. This equates to 25% of the overall housing figure in the neighbourhood to come from land not identified by Eastbourne Planning Department. This is quite a large percentage and it is considered that this site will contribute to the windfall housing figure.

Quality of the Proposed Residential Property and Private Amenity Space

It is considered that the quality of residential accommodation provided by the new housing is at an acceptable level. All the rooms within the property are of a size, large enough to allow future occupants a reasonable level of amenity space.

The front and rear garden of the proposed property is also deemed to be of an acceptable size as the front garden measures 6m in length, 6.86m in width with an area of 23m and the rear garden measures 16m in length, 6m in width with an area of 102m. The front and rear gardens approximately match the sizes of the other gardens on Churchdale Road.

Design

As previously mentioned this application was a resubmission of a previous application that proposed a new dwelling that was to adjoin 65 Churchdale Road and form a terrace of three properties. It is considered that this scheme has a preferable and acceptable impact on visual amenity as the property is detached and has a lower roof height than the other properties on Churchdale Road, therefore reducing the visual impact as it is of less mass. The character of the property is deemed to be acceptable as it reflects the character of the other properties in the area with bays windows, a canopy above the front door, a pitched roof above the first floor window and a pitched roof on the main property.

Highways

The Highway Department have been consulted and it is considered that their advice is acceptable as the proposal provides three off street car parking spaces, for the application property and the adjacent property, 65 Churchdale Road, which is in accordance with the East Sussex Parking Standard Policy.

In conjunction with the aforementioned Policy a condition will be placed on the application, requesting details to be submitted for two covered and secure cycle parking spaces.

Trees and Woodland

The Trees and Woodland Department have been consulted and have raised no objections as there are no tree issues to consider and the existing leylandii hedge should not be considered to be constraint to development.

The plans show that the leylandii hedge is to remain as part of the proposal. It is considered that a condition will not be placed on the application to ensure the hedge remains as it is deemed that the residential properties located to the rear/side of the hedge are located too far away for the hedge to be classified as essential screening.

Residential Amenity

It is considered that the impact on residential amenity is acceptable:

With regard to the properties, opposite the site, on Churchdale Road, it is considered that the impact on outlook, privacy, overlooking and loss of light is acceptable as they are located over 24m away. In addition, as only one property faces the application property directly face on, the impact on the other properties is considered to be even more acceptable as they will view the proposal from a more oblique angle.

With regard to the properties to the side/north west on Churchdale Road, as the application property is approximately built on the same building line, the properties to the side/north west will not be able to view the development from any of their front or rear habitable room windows, therefore protecting loss of light, privacy and outlook. It is acknowledged that 67 Churchdale Road will be able to view the proposal from their windows on their gable end, but as they are a landing window (non habitable), a hallway window (habitable) and a secondary window to a kitchen, the impact on outlook is deemed to be acceptable. The properties to the side/north west will be able to view the proposal from their rear and front gardens, however as the application property is located on the same building line as the properties to the side/north west, it is no different than the existing relationship for those properties with each other and as the proposal is located further away, the impact on outlook from the rear garden of the properties to the side/west is deemed to be acceptable.

With regard to the impact on the properties to the rear, located on Churchdale Place, there are two properties that face the development with their gable ends. However, as the nearest property is located over 22m away, the impact on outlook, loss of light and privacy for these two properties is considered to be acceptable as the occupiers will not be able to view the development from any of their front or rear habitable room windows and are considered to be an acceptable distance away for the above issues to be at an acceptable level with regard to the impact on the private amenity space, both to the front and rear. As the four properties on Churchdale Place that face the development front on are located 43m away, and the other two properties on Churchdale Place that face the development with their gable ends, 27m away, it is considered that this is a sufficient distance to counteract outlook, loss of light and privacy from both their front gardens and front habitable room windows.

In addition for all the properties located on Churchdale Place, the boundary fencing, that details will be requested by condition, will screen a large proportion of the ground floor section of the property.

With regard to the impact on the properties to the side/north east, located on Churchdale Road, it is considered that the justification is the same for the properties to the side/north west. (See the side/east explanation).

Visual Amenity

It is considered that the impact on visual amenity is acceptable:

It is acknowledged that in constructing a property in a side garden, on a corner plot, it will have an impact on the character of the area as it can be viewed from the street scene prominently, in this case both from Churchdale Road and from Churchdale Place.

Street Scene

The existing properties on Churchdale Road are all located on the approximately the same building line as is the application property and therefore although it can be viewed along Churchdale Road, both from the east and west, it represents a continuation of the existing properties on that particular section of Churchdale Road. In addition, the application has been resubmitted from being a row of three terraced properties to being a detached property.

Although it is admitted that gap between the application property and the property to the side/north west is only 0.9m, and when viewed along the majority of Churchdale Road from the north east, it will appear terraced, there is still a gap which when approaching the site at a close proximity from the north west should soften the visual impact.

In having a gap between the application property and the properties to the side/north west, making the property detached, this should also appear more visually acceptable when viewed from the front as it breaks up the urban form. When viewed from the west, along Churchdale Road, it is acknowledged that it will slightly change the character of the area as there is a proposed property in place of a side garden, however it is not a substantial difference than at present, as the application site is not significant in size and the application property continues the row of properties on Churchdale Road with the same front building line.

Street Scene, Churchdale Place

When viewed from Churchdale Place, it is conceded that there will be a change to the street scene. However, the same principle applies as above, that the site is not substantial in size and continues the row of properties on Churchdale Road. In addition as the property is detached this should lessen the impact on the character of the area as it reduces the built up form.

Human Rights Implications:

None

Conclusion:

This application is recommended for approval. The principle of development is considered acceptable as the site is located in a predominantly residential area and the application is seen to contribute to the windfall housing figure for the area. The impact on residential amenity is deemed to be acceptable as the properties to the front and rear are located a satisfactory distance away and as the application property ties in with the building line of the properties on Churchdale Road, forming the end of a row, the impact on the properties either side of the application site is acceptable as the relationship is the same as the existing properties are with each other. It is considered that impact on visual amenity is acceptable as although the application site is located on a corner plot, it continues the building line of the properties on Churchdale Road, is detached (unlike the previous scheme), therefore breaking up the urban form and the character of the dwelling reflects the character of the other residential properties in the locality. As the proposal provides the required amount of off street car parking spaces, a condition will be placed on the application to provide two covered bicycle spaces, there are no trees issues and the standard of housing provided is acceptable due to decent sized living accommodation and private amenity space, there is no justifiable reason to refuse this application.

Recommendation:

GRANT subject to conditions

Conditions:

- 1) Time Limit for Commencement of Development
- 2) Submission of Samples of Facing Materials
- 3) Ground and Floor Levels
- 4) Hours of building operation
- 5) Submission of Details of Surface Water Drainage Scheme
- 6) Landscape Design Proposals
- 7) Provision of cycle parking areas
- 8) Vehicular Access
- 9) Parking Areas
- 10) Accordance with Plans

INFORMATIVE

Private Works Agreement

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

Planning Committee Report 2 October 2012

Items 4 & 5

App.Nos: EB/2012/0539 & EB/2012/0540	Decision Due Date: 25 September 2012	Ward: Ratton
Officer: Chris Cave	Site visit date: 01/08/12	Type: Minor
Site Notice(s) Expiry date: 10/09/12 Neigh. Con Expiry: 08/09/12 Weekly list Expiry: 12/09/12 Press Notice(s)- : n/a		
Over 8/13 week reason: Application is past the target date due to Planning Committee Cycle.		
Location: : Land to the rear of 18-34 Rangemore Drive		
Proposal: Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (Reserved Matters). The reserved matters to be determined are access, layout, appearance, landscaping and scale.		
Applicant: RR Developments Limited		
Recommendation: Approve		

Reason for referral to Committee:

The planning history of the site and recent appeal decisions.

Executive Summary:

The proposed residential development would provide additional housing within the urban the area, in a sustainable location and at a density that is within the acceptable density range. The layout demonstrates that houses could be arranged to maintain established levels of neighbouring residential amenity and not adversely affect the visual amenity of the area or cause the loss of trees covered by a Tree Preservation Order. Car parking is also accommodated within the site and use of the existing access point is not considered to be detrimental to highway safety.

Planning Status:

- Tree Preservation Order No. 100
- Willingdon Levels Catchment area

Relevant Planning Policies:

NE27 Environmental Amenity
UHT1 Design of New Development
UHT2 Height of Buildings
UHT4 Visual Amenity
UHT8 Landscaping
HO1 Residential Development within the Existing Built-Up Area
HO2 Predominantly Residential Areas
HO6 Infill Development
HO8 Redevelopment of Garage Courts
HO20 Residential Amenity
TR2 Travel Demands
TR11 Car Parking

Site Description:

The application site is located on the east side of Rangemore Drive. It comprises a block of three garages (which are accessed by a driveway between 22 and 26 Rangemore Drive) and parts of the rear gardens of 18–22 and 26–32 Rangemore Drive. The rear gardens of Kings Drive dwellings back onto the East boundary of the site. There is a line of trees, mostly Pines, on the East boundary, a number of which are covered by Tree Preservation Order 100. The West side of the site is bordered by the rear gardens of Rangemore Drive dwellings. There is a gentle gradient to the site, rising from East to West and South to North.

Relevant Planning History:

App Ref: EB/1981/0665	Description: Use of land for residential purposes (one detached dwelling).
Decision: Objections raised	Date: 16 March 1982

App Ref: EB/1996/0508	Description: Erection of a block of three domestic garages.
Decision: No objections	Date: 18 December 1996

App Ref: EB/2003/0762(OL)	Description: Demolition of garages of a pair of two-storey three-bedroom houses, with detached garages and alterations to vehicular access.
Decision: Approved	Date: 12 February 2004.

App Ref: EB/2009/0722(OL)	Description: Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive.
Decision: Refused	Date: 12 February 2004.
Appeal: Dismissed	Date: 15 November 2010

App Ref:
EB/2010/0759

Description: Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application).

Decision: Refused
Appeal: Allowed

Date: 01 April 2011
Date: 08 February 2012

Proposed development:

This application is a reserved matters application to the previous outline application EB/2010/0759. The reserved matters are access, layout, appearance, landscaping and scale.

Access

Access is to be taken from Rangemore Drive, in-between the front gardens of two properties, numbers 22 and 26 Rangemore Drive. The access road is to run for 33m, alongside the front and rear gardens of numbers 22 and 26 before opening up into the site. For the first 9.6m, from Rangemore Drive, the access road is to be 4.5m wide, allowing for a passing place and for the last 22.4m the access road is to be 3.5m wide.

Once inside the site the access road splits off to the north/side, 3m in width, and 24m in length, leading to the detached property (No.1). The access road also leads to the rear/west of the site, serving three detached garages, where it measures 6.5m in length and 8.5m in width and to the side/south, where it measures 3m in width and 3m in length, serving a detached garage for the semi detached property (No.5).

Layout

The layout of the properties is the same as the outline application in 2010.

A pair of semi detached dwellings, located to the rear of 20-22 Rangemore Drive, the nearest house to 20-22 Rangemore Drive, lying 18m away. This house also has a single storey detached garage. Each semi detached property

A pair of semi detached dwellings located to the rear of 28-30 Rangemore Drive, the nearest house to 28-30 Rangemore Drive, lying 20m away.

A detached house, located 17m to the rear of 32 Rangemore Drive.

A triple detached garage block, located at the rear/east of the site, in between the two pairs of semi detached properties, facing the point where the access road enters the site.

Appearance

The appearance of the properties is as follows:

Semi Detached Dwellings

The ground floor front elevation is to have a door and a single window next to the door and a triple window.

The first floor front elevation is to have a triple and double window with a pitched roof above the triple window.

The side elevation is to have a door and single window on the ground floor. The ground floor rear elevation is to have a double window and a set of French doors.

The first floor rear elevation is to have a triple and double window with a pitched roof above the triple window.

The semi detached properties are to have facing brick on the ground floor and hanging tiles on the first floor, the tiles are to be concrete and interlocking. The windows and doors are to be double glazed UPVC.

Detached Garage for Semi-Detached Property No.5

is to have blank elevations apart from the front that has a garage door.

The detached garage is to have facing brick on the ground floor and hanging tiles on the first floor, the tiles are to be concrete and interlocking. The doors are to be double glazed UPVC.

A Triple Detached Garage

are to have blank elevations apart from the front that has a garage door.

The detached garage is to have facing brick on the ground floor and hanging tiles on the first floor, the tiles are to be concrete and interlocking. The doors are to be double glazed UPVC.

Detached Property

The detached property is sited in the same position as the detached property in the application in 2010. There are four differences though, one is the features on all the elevations are different, the second is the western section of the property has a lower roof height, the third is that the middle/southern section of the property extends outwards at ground and first floor level and the fourth is that the chimney has been moved to the eastern elevation. The property also has a basement level.

The ground floor northern elevation is to have two triple windows, a double window a single window and a door.

The first floor northern elevation is to have two triple windows, a double window a single window.

The ground floor southern elevation is to have a garage door and a door.

The first floor southern elevation is to have two triple windows.

The western elevation is to have two double windows on ground floor level.

The ground floor eastern elevation is to have two double windows and a set of patio doors.

The first floor eastern elevation is to have a triple window and two double windows.

The detached property is to have facing brick on the ground floor and hanging tiles on the first floor, the tiles are to be concrete and interlocking. The windows and doors are to be double glazed UPVC.

Landscaping

The access road and driveway to house number 1 and house number 5 is to be tarmaced with precast concrete kerbs.

The concrete paths and patios to all the houses are to be precast paving slabs.

The gardens to the houses are to be lawned.

The fences to the houses are to be 1.5m high timber close boarded.

The access into the site is to be bordered by the existing fence on both sides, which is 2m in height.

The front/western boundary of the site to be bordered by a 2m high close boarded fence.

The side/northern boundary of the site to be bordered by a 2m high wooden fence.

The rear/eastern boundary of the site to be bordered by a 1.8m high close boarded fence.

The side/western boundary of the site to be bordered by a 1.8m high close boarded fence.

The existing trees to be retained on site are numbered on the site plan as:

1-6, located on the side/western boundary of the site

10, located on the very north western corner of the site

11, located on the very north western corner of the site, adjacent to 10

25, located on the very north eastern corner of the site

30, located to the rear of property No.1 on the side/western boundary of the site

32, located to the rear property No.1 on the side/western boundary of the site

34-53, located all the way along the western and southern boundary of the site

58, located off the side/western boundary of the site, where the proposed triple detached garage is to be sited.

The existing trees to be removed are numbered on the site plan as:

7, located off the side/western boundary, in front of property number 1
9, located off the side/western boundary, to the rear of property number 1
12-24, located on the footprint of the proposed detached property
31, located off the side/eastern boundary to the rear of property number 1
33, located off the side/eastern boundary to the rear of property number 1
54, located off the south/western corner of the site, where property number 5 is proposed to be sited
55, located in the middle/southern section of the site, where property number 4 is proposed to be sited
56-58, located off the eastern boundary of the site, where the triple detached garage is proposed to be sited.

Scale

Semi Detached Property

The semi detached Properties (are of the same size and scale).
Measuring 5.7m in width, 10.6m in depth and 4.4m in height

Detached Garage to the Semi Detached Property

Measuring 2.9m in width, 5.2m in depth and 2.1m in height.

Triple Detached Garage

Measuring 5.3m in depth, 8.6m in width and 2.7m in height

Detached Property

Can be split into three sections.

The eastern section, measuring 12.2m in width, 5.1m in depth and 4.4m in height

The middle section, measuring 8.3m in width, 5.2m in depth and 4.4m in height

The western section, measuring 5.7m in width, 4.9m in depth and 3.5m in height

Consultations:

Highway Department

Highways do not wish to restrict grant of consent_

Planning Policy

No objections. However, as the site is located within the Willingdon Levels Compensatory Flood Storage Catchment Area (Policy US4) and therefore a financial contribution is required from the development. A revised 'Flood Storage Compensation' requirement has been calculated to take account of an increase in the retail price index. The flood storage compensation requirement has been calculated as £3,435 and the calculation is attached to this response.

Trees and Woodland Department

No objections, subject to two conditions, protecting the trees to the rear of 18-22 Rangemore Drive and the specimens under the pine.

Southern Water

No objections subject to a condition.

Neighbour Representations:

Four Objections have been received and have covered the following points:

- 1) A basement has been added to property No.1
- 2) The houses are 1.235m higher than ground level
- 3) Property No.1 is too large
- 4) Access is unsuitable for emergency vehicles
- 5) The scheme represents an overdevelopment of the land
- 6) The scheme would create overlooking and invasion of privacy
- 7) Discrepancy in the plans, where the first floor side elevation of the semi detached properties shows a window, where the floor plans of the semi detached properties do not.

Appraisal:

The main issues to consider in the determination of this application are access, layout, appearance, landscaping and scale.

Access

The access road indicated has a width of 4.5 metres for the section closest to the public highway and vehicle passing bay. The Highway Authority has not raised objection to the indicated means of access, which would be an upgrade of the existing driveway and a slight widening of the dropped kerb. It is considered that of a residential development and additional vehicles using this access point would not adversely affect existing highway safety.

Layout

The density of development proposed for the site equates to 28 dwellings per hectare. This is greater than the surroundings (20 dwellings per hectare). A higher density makes more efficient use of land. Although the proposed density is higher than the immediate surroundings, it still falls within the generally accepted range of 30–50 dwellings per hectare.

The layout of the residential development means the proposed houses would be located behind houses fronting Rangemore Drive. Views of the development would be limited, with visibility being restricted to the gaps between existing houses and along the private driveway. The existing detached houses in Kings Drive, the length of the rear gardens and the tree screen would obscure views of the development and the Kings Drive street scene would not be affected.

The orientation of the houses is also thought to be acceptable, preventing direct overlooking of neighbouring dwellings and gardens from the upper floor windows of proposed houses. It is also considered that the spaces between proposed houses and the existing houses in Rangemore Drive and Kings Drive prevent loss of light and overshadowing.

The existing tree line on the Eastern boundary of the site protects the outlook from the neighbouring Kings Drive dwellings. The existing Rangemore Drive dwellings would be closest to the proposed houses. Development within the garden spaces at the rear of 18, 20, 22, 32 and 34 would provide the most marked difference in terms of outlook as there are only a few sheds in these gardens. The elevation plans show two-storey houses with the upper floor partly contained within the roof space to demonstrate a reduced height. The site is also slightly lower than the ground level of the Rangemore Drive houses. It is therefore considered that two-storey buildings are sited without a harmful impact on the neighbouring outlook, privacy or daylight.

Appearance

The design of the houses indicated on the plans and drawings does not replicate the style of housing of the neighbouring properties. However, the site is set back from the road behind a set of existing houses that front Rangemore Drive and therefore the development will not be highly visible from the public realm. It is considered that the design of the houses does reflect that of a modern housing estate and are of a simple design, with fairly featureless elevations, which should help the development fit in with the surrounding area.

The choice of brickwork for the walls, concrete interlocking tiles for the roof and UPVC windows for the doors and windows is considered to be acceptable as they are standard materials, which will reflect the character of the surrounding area.

For the above reasons, it is therefore considered that the appearance of the properties is deemed to be acceptable.

Landscaping

The boundary treatments for the site and between the residential properties are considered to be acceptable as use of close boarded timber fencing is a standard material and none of the fencing proposed, is higher than 2m.

Apart from the Trees which have tree preservation orders placed upon them, there is a set of trees to the rear of 18-22 Rangemore Drive that, provide excellent screening, therefore a condition will be placed on the application to protect these trees as they potentially might be worth an application for a Tree Preservation Order. There is also an understory of self set specimens under the Pine, which are likely to be removed to improve the site prior to sale. These trees and shrubs are an additional low level screen for properties in Kings Drive. A condition is needed to ensure this screen is maintained and improved.

As the use of tarmac is acceptable for the access road and the gardens are to be lawned, it is considered that the landscaping plans are acceptable.

Scale

The heights of the properties are in proportion to the height of the surrounding properties. With the tallest properties, the detached and semi detached dwellings, standing at only 4.4m in height. As the application site is on lower ground than the properties on Rangemore Drive and located a significant distance away from the properties on Kings Drive, it is considered that the residential properties will not have an overbearing or over dominant impact on the surrounding area.

The width (5.7m) and depth (10.6m) of the semi detached properties is standard and is considered to offer a decent standard of residential accommodation whilst minimising the impact on the surrounding area and not overdeveloping the site.

The detached garage adjacent to the semi detached property, in measuring 5.7m in width, 10.6m in depth and 4.4m in height, is not of a significant size or scale and will not impact on either the semi detached property it is sited next to or on any of the surrounding area.

The triple garage, represents a fairly large development for a detached garage, however as the height is only 2.7m in height and as it is located to the rear of the site, a significant distance away from the properties on Rangemore Drive and Kings Drive, the impact in terms of outlook for the neighbouring properties is minimal.

The detached property is substantial in width and depth, however as the height stands at only 4.4m, it is considered not to be tall enough to have an overbearing relationship on the surrounding area.

Human Rights Implications:

None

Conclusion:

This application is considered to be acceptable. The five issues for determination are access, layout, appearance and scale. It is considered that the access issues are acceptable. The access road into the site is an acceptable width and has a passing place, therefore not effecting highway safety. The layout of the properties is appropriate, as they are located a significant distance away and screened from the properties on Kings Drive, the impact on those properties is acceptable. With regard to the impact on the properties on Rangemore Drive, as the nearest proposed property is located 16m away from the dwellings on Rangemore Drive and all the properties face Rangemore Drive with their gable ends, the proposal is not in a proximity to impact on their residential amenity. The appearance of the properties is considered to be acceptable as they are of a standard design with simple elevation features and the use of materials, brick with tiled roofs and UPVC windows and doors reflects the materials of the properties in the surrounding area. The landscaping proposals are considered to be acceptable as they are standard, with timber boundary fences, a tarmaced access road and lawned gardens. A condition will be placed on the application to retain a set of trees to the rear of 18-22 Rangemore Drive and a set of specimens under the existing pine. As the scale of the proposed properties is in proportion to the surrounding area, there is no justifiable reason to refuse this application.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Time commencement
- (2) In accordance with plans

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

Committee Report 2 October 2012

Item 6

App.No.: EB/2012/0573	Decision Due Date: 09.10.12	Ward: St Anthony
Officer: Katherine Quint	Site visit date: 18.09.12	Type: Minor
Site Notice(s) Expiry date:	20.09.12	
Neigh. Con Expiry:	22.09.12	
Weekly list Expiry:	26.09.12	
Press Notice(s)-:	N/A	
Over 8/13 week reason:	Within date	
Location:	42 The Rising	
Proposal:	Erection of two storey extension to the side	
Applicant:	Mr Matthew Philips	
Recommendation:	Approve	

Planning Status:

- Predominantly residential area

Relevant Planning Policies:

UHT1 - Design of New Development
HO20 - Residential Amenity

Site Description:

The semi-detached, two-storey dwelling house is positioned on a plot measuring 28m by 9.5m. Alongside the side elevation runs a strip of land 3.6m in width, running front to back and parallel to the public footpath of Carroll Walk. Perpendicular to 42 The Rising runs a terrace of 4 properties, accessed via Carroll Walk, each of which has an open plan front garden measuring 6.7m in depth (8.7m from the front door to the boundary wall of 42 The Rising).

Relevant Planning History:

None

Proposed development:

The applicant seeks permission to erect a two-storey side extension (7.3m high), increasing the width of the property by 3.6m.

The rear elevation will include patio doors at ground level and one window at first floor level, the front elevation will have a new window on each floor – no windows or doors on the side elevation. The proposed side elevation and gable end will mirror the existing arrangement.

Applicant's Points:

None

Consultations:

Consultation letters were sent to neighbouring properties on Carroll Walk and 42a/b The Rising, and a site notice was displayed nearby.

Neighbour Representations:

As at 18.09.12, two objections had been received, and a request was made for the application to be discussed at Planning Committee.

The following concerns were raised through representations:

- Residents in Carroll Walk will be adversely affected by this extension should it be built. Their main living area is at the front of their houses which will be directly opposite the new wall and both loss of light and overshadowing will result.
- The large brick wall (5-6m high) will be within 9m of the lounge window of no. 4 Carroll Walk making it dark enclosed and claustrophobic.
- The proposed extension is a large one, adding considerable floor area to the property, and will be both dominant and overbearing. The proposal is an overdevelopment of the site.

Appraisal:

- The front and rear elevations of the extension continue in line with the existing building line, and with regard to design and appearance the extension is not considered to have a detrimental impact on the visual amenity of the residential area.
- There are no windows on the side elevation at ground or first floor level, and the new windows to the front and rear remain at the same distance from neighbouring properties as existing windows. On this basis the development does not impact on the privacy of the occupants of neighbouring properties.
- The two-storey extension is the same height as the host property and those around it, and the height of the extension is appropriate for the run of terrace properties. At a distance of 8.7m across a public footpath and open plan front gardens, and as the extension does not extend beyond the existing boundary wall measuring 1.85m in height, the proposal is considered to be at an appropriate distance from neighbouring properties. It not considered to have an overbearing relationship with properties perpendicular to it.
- The development will result in a slight increase in shadow from the 2-storey element, which will be cast over The Rising, the existing property and the garden. By virtue of the positioning of the terraces on The Rising and Carroll Walk in relation to the suntrack, neighbouring properties will not suffer a loss of sunlight as a result of the extension.

- The proposal is recommended for approval, subject to the condition that materials match those of the existing property to ensure the extension is in harmony with the terrace, and that no windows are added to the side elevation to ensure privacy is not compromised.

Human Rights Implications:

The proposal is considered to have no Human Rights implications.

Conclusion:

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. In accordance with policy HO20, the proposal by virtue of its location, size and design, does not impact on outlook, privacy, overshadowing or loss of light, and is at a scale that is appropriate to the neighbouring buildings. Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007).

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Time limit
- (2) Materials to match existing
- (3) Removal of PD rights 'windows' in side elevation
- (4) In accordance with approved plans

Informative:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons: The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. In accordance with policy HO20, the proposal by virtue of its location, size and design, does not impact on outlook, privacy, overshadowing or loss of light, and is at a scale that is appropriate to the neighbouring buildings. Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007).

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**.