

Eastbourne Borough Council

Planning Committee

27 November 2012

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) THE PARKFIELD PUBLIC HOUSE, LINDFIELD ROAD**
Lawful Development Certificate for the change of use from class A4 (Public House) to class A1 Retail
EB/2012/0609(LDC), RATTON **Page 3**
RECOMMEND: CERTIFICATE BE ISSUED
- 2) EASTBOURNE DISTRICT GENERAL HOSPITAL, KINGS DRIVE**
Erection of single storey portacabin and link extension together with reconfiguration of car park.
EB/2012/0624(FP), RATTON **Page 7**
RECOMMEND:
- 3) GARAGE BLOCK ON THE SOUTH SIDE OF, ST JAMES ROAD**
Redevelopment of site including demolition of existing garages and erection of a terrace of three houses with associated parking (outline application)(AMENDED SITE ADDRESS).
EB/2012/0636(OL), DEVONSHIRE **Page 11**
RECOMMEND: APPROVE CONDITIONALLY
- 4) THE PARKFIELD PUBLIC HOUSE, LINDFIELD ROAD**
Change of use from public house (A4) to retails (A1) together with demolition of existing single storey extension and erection of two single storey extensions.
EB/2012/0641(FP), RATTON **Page 17**
RECOMMEND: APPROVE CONDITIONALLY
- 5) 25 SOUTH AVENUE, EASTBOURNE**
Two storey extension at the side.
EB/2012/0651(HH), OLD TOWN **Page 25**
RECOMMEND: REFUSE

J. F. Collard
Senior Head of Development & Environment

19 November 2012

Planning Committee

27 November 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

27 November 2012

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 27 November 2012

Item 1

App.No.: EB/2012/0609	Decision Due Date: 7 November 2012	Ward: Hampden Park
Officer: Bethan Smith	Site visit date:	Type: LDC
Site Notice(s) Expiry date: N/A		
Neigh. Con Expiry: N/A		
Weekly list Expiry: 20 October 2012		
Press Notice(s)-: N/A		
Over 8/13 week reason: Need to present to committee together with application EB/2012/0641		
Location: Parkfield Public House, Lindfield Road, Eastbourne		
Proposal: Lawful Development Certificate For The Change Of Use From Class A4 (Public House) To Class A1 Retail		
Applicant: Punch Taverns		
Recommendation: Certificate be issued		

Planning Status:

- Predominantly residential area
- Adjacent to neighbourhood shopping centre

Relevant Planning Policies:

This application is a lawful development certificate and therefore needs to be determined on points of law. Therefore the policies of the Eastbourne Borough Plan 2001-2011 are not relevant.

The legislation that is applicable to this application is the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005.

Site Description:

The application site comprises a detached pub situated on the western side of Lindfield Road. The pub has a large car park to the front and garden to the rear. The pub was granted permission in 1953 and retains its permitted development rights.

Relevant Planning History:

App Ref: EB/1953/0205	Description: Erection of a public house
Decision: Approved conditionally	Date: 9 July 1953

Proposed development:

The current application seeks a lawful development certificate for the change of use of the public house to retail (A1).

Applicant's Points:

The Town and Country Planning (General Permitted Development) order Part 3, Class A states that:

Development consisting of a change of use of building to a use falling with class A1 (shops) of the schedule to the use classes order from a use falling within class A3 (restaurant and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the schedule is permitted development.

Neighbour Representations:

No neighbour notifications were sent to the occupiers of the surrounding properties for this application as it needs to be determined on points of law. However there has been a separate application for the change of use and extension to the public house which has generated substantial objection.

Appraisal:

This application falls to be determined on points of law. The relevant legislation in this case is the Town and Country Planning (General Permitted Development order) 1995 as amended.

In 2005 the Town and Country Planning (Use Classes) Order was amended to separate Class A3, food and drink, into three separate classes. These were Class A3 restaurant and café, A4, drinking establishments and A5, hot food takeaways.

Permitted development allows for certain development to take place without the need for a specific grant of planning permission. This is granted by the Town and Country Planning (General Permitted Development) order 1995. Part 3 of Schedule 2 of that order permits certain changes of use to occur.

Class A of Part 3 permits a change of use of a building to a use falling within Class A1 (shops) from a use falling within Class A3 (food and Drink) to occur without planning permission. Due to the alteration to the use class order separating Class A3 into A3, A4 and A5 the Permitted Development Order was also changed in 2005 by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005.

The amendment to the permitted development order permits a change of use of a building to a use falling with class A1 (shops) from a use falling within class A3 (restaurant and cafes), A4 (drinking establishments) or A5 (hot food takeaways).

The application site falls within Class A4. It was granted in 1953 and there are no conditions on the application restricting permitted development rights. Therefore the law allows for the change of use of this A4 property to A1 retail without a specific grant of planning permission.

Conclusion:

The permitted development allows for the change of use of a public house (A4) to retail (A1) without a specific grant of planning permission.

Recommendation: Certificate be issued:

The proposed change of use is permitted by Class A, Part Three, Schedule Two of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2005.

Informatives:

For the avoidance of doubt, the certificate is issued in accordance with the following plan:

S1691/C/02-10 received on 9 September 2012

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Item 2

App.No.: EB/2012/0624	Decision Due Date: 13 November 2012	Ward: Ratton
Officer: Jane Sabin	Site visit date: 5 November 2012	Type: Minor
Site Notice(s) Expiry date: 24 October 2012 Neigh. Con Expiry: 24 October 2012 Weekly list Expiry: 24 October 2012 Press Notice(s)-: N/A		
Over 8/13 week reason: Referred to Committee by Chair		
Location: Eastbourne District General Hospital, Kings Drive		
Proposal: Erection of single storey portacabin and link extension together with reconfiguration of car park.		
Applicant: East Sussex Healthcare NHS Trust		
Recommendation: Approve		

Planning Status:

- Classified road
- Archaeologically sensitive area

Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
NE28	-	Environmental amenity
TR11	-	Car parking

Site Description:

The hospital is situated on the east side of Kings Drive, and this application relates to the staff car park on the north side of the main building, facing the overspill car park and Sussex Downs College.

Relevant Planning History:

App Ref:EB/2005/0171 Description: Erection of single storey modular building with link to main building to provide a temporary 35 bed acute ward.

Decision: Approved Date: 6 April 2005

App Ref:EB/2010/0223 Description: Retention of single storey modular building with link to main building to provide a temporary 35 bed ward (renewal of permission EB/2005/0171).

Decision: Approved Date: 25 June 2010

Proposed development:

Permission is sought for the siting of a further modular building adjacent to the existing temporary ward (Polegate ward) on the staff car park. It would measure 12.5m by 18m, with a maximum height of 3.8m; the building would be connected to the main hospital building by a timber link. The purpose of the building is to provide an Admissions Lounge facility serving all eight operating theatres, radiology and endoscopy. The current facility will be insufficient to cope with increased patient numbers safely over the winter period.

The proposal would displace 22 parking spaces, which it is proposed to replace on other parts of the hospital site, principally along the rear boundary using grasscrete.

Applicant's Points:

- The Admissions Lounge admits 20-40 patients daily, all of whom have to be seen by surgeons and anaesthetists within a short timeframe before operations commence
- The Day Surgery Unit is used as an Admissions Lounge during winter pressures, but is not practical when it is on a separate level to the theatres and some distance from them; the DSU will be severely restricted due to the loss of floorspace to other specialties and the current construction of the new endoscopy unit and upgrading of Seaford 4
- The car parking spaces will be redistributed around the site, and there will be no loss of parking

Consultations:

The Highway Authority has no objections to the proposal, as the number of car parking spaces is not going to alter within the site and the revised locations are acceptable.

(Memo dated 18 October 2012)

The Environment Agency has no comments to make on the application.
(Email dated 8 October 2012)

The County Archaeologist considers that it is unlikely that any archaeological remains are likely to be affected, and has no recommendations to make.
(Email dated 8 October 2012)

The Council's Arboriculturist has advised verbally that the application does not demonstrate any consideration for the trees adjacent to the proposed parking arrangement, which would have an adverse impact on the retention of some of the trees.

Neighbour Representations:

Sussex Downs College has no objections to the proposal.
(Email dated 13 October 2012)

Appraisal:

The proposed building is approximately half the size of the adjacent Polegate ward, and being in a relatively utilitarian part of the site, would have little impact on visual amenity. The permission for Polegate ward expires in 2015, and it is proposed that any consent should be contemporaneous with this.

A significant issue is the displacement of 22 parking spaces. Whilst the submitted plans indicate that these are to be replaced elsewhere within the vicinity, some of these are either in locations that are already used for informal parking, or are on grass banks that would require a reduction ground levels and may adversely affect the roots of trees which screen the site from the footpath/cyclepath in Cross levels Way. No details have been submitted in respect of the method of the ground reduction or the potential impact on the long term health and retention of the affected trees. It is considered that it is unsustainable and unacceptable to lose trees in order to provide parking spaces. The row of parking spaces that affects the trees comprises 11 spaces; however it would require the removal of 6 existing parallel spaces to provide it, resulting in a gain of 5 spaces in this particular location. There are 1349 parking spaces on the site, and it is considered that a loss of 5 spaces is preferable to the loss of trees for the duration of a temporary permission. Nevertheless, the applicant has been asked to look at the replacement parking again, and progress on this point will be reported verbally at the committee meeting.

Human Rights Implications:

None.

Conclusion:

The proposed development is considered acceptable for a temporary period, and will have no adverse impact on visual, residential or environmental amenity. As such, it complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Temporary permission until 31 December 2015
- (2) Approved plans reference
- (3) Finish to match Polegate ward
- (4) Submission of alternative layout to ensure retention of trees

Informatives:

SUMMARY OF REASONS FOR DECISION

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

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Item 3

App.No.: EB/2012/0636 (OL)	Decision Due Date: 22/11/12	Ward: Devonshire
Officer: Suzanne West	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 26/10/12 Neigh. Con Expiry: 26/10/12 Weekly list Expiry: 31/10/12 Press Notice(s)-: N/A		
Over 8/13 week reason: Request by Chair to defer to committee		
Location: Garage block on south side of St James Road		
Proposal: Redevelopment of site including demolition of existing garages and erection of a terrace of three houses with associated parking (outline application)		
Applicant: Mrs. Sarah Hunter		
Recommendation: Approve		

Planning Status:

- Predominantly Residential Area
- Tidal Flood Zone 3a
- Seaside Neighbourhood

Relevant Planning Policies:

Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of New Buildings
UHT4	Visual Amenity
HO2	Predominantly Residential Areas
HO8	Redevelopment of Garage Courts
HO20	Residential Amenity
TR6	Facilities for Cyclists
TR11	Car Parking
NE11	Energy Efficiency
NE28	Environmental Amenity
US4	Flood Protection and Surface Water Disposal
US5	Tidal Flood Risk

Emerging Core Strategy

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

Site Description:

The application site relates to a rectangular plot of land, covering an area of 418m², currently in sui generis use comprising 18 lock-up garages with the remainder of the site serving as a concrete apron. The site is accessed via St James Road, a short cul-de-sac running west/east entered from Seaside (A259) which extends 50m to 'Gwent Court' a 1970s three storey sheltered and social housing block. Immediately opposite the site to the north is a low rise warehouse, car park and tall steel railings with Christ Church located beyond. To the east, the site is bounded by Gwent Court and to the south, the rear gardens of the two storey residential terrace in Cambridge Road separated from the application site by a footpath serving the rear of these dwellings. Directly adjacent to the site to the west is a single storey office/storage building with shops and flats beyond (Seaside).

The site is located within a predominantly residential area, adjacent to a District Shopping Centre and well served by public transport with bus routes operating every 7/8 minutes along Seaside (a 'quality bus corridor'). Double yellow lines restrict on-street car parking in St James Road.

Relevant Planning History:

EB/1959/0152 18 Lock-up garages.
Approved conditionally. 23/04/1959

Proposed development:

Outline permission is sought to redevelop the site, demolishing the existing lock-up garages and erecting a terrace of 3 houses with provision for 4 parking spaces (one per unit and one communal visitor space) and cycle shed. The terrace will be sited in a linear arrangement across the site to front St James' Road, set back 0.8m from the pavement, and backing onto the rear gardens of 34-42 Cambridge Road with a minimum separation distance of 12.6m (6.8m to nearest rear garden). The flank of the terrace will stand 13.7m from Gwent Court (7.4m to boundary) and 1.2m from the single storey commercial unit to the west (7.5m from Seaside properties).

Each dwelling will be served by separate refuse storage facilities sited to the front of the units, abutting the pavement. Indicative plans show each dwelling to measure 9.9m in depth and 5.4m in width (16.3m total) at a height of 8.3m (5.8m to eaves).

All matters relating to design, access, landscaping and scale are reserved.

Consultations:

Environment Agency

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment are implemented and secured by way of condition.
(Letter, 19/10/12)

Policy

Planning Policy support the principle of this outline application, which will provide an important windfall housing development for the town and the Seaside neighbourhood. The garage court site no longer provides an important function for the local area. The application provides sustainable development in line with the National Planning Policy Framework.
(Memo, 02/11/12)

Highways

The application site is located within Zone 4 of the ESCC Parking Standards which requires a development of 3 houses to provide one space per dwelling plus one space per three dwellings for visitors.
The proposed car parking and cycling provision accords with parking standards.

The loss of the garages is unlikely to create a significant demand for additional on-street parking within the area.
(Memo, 13/11/12)

Neighbour Representations:

Following statutory notification, 5 letters of objection have been received as summarised below:

- The loss of the existing garages would result in insufficient parking spaces within the immediate vicinity, exacerbating parking and access problems for residents, local businesses and emergency vehicles.
- The development will result in a loss of light, privacy and outlook for neighbouring properties.
- Disturbance from construction would be unacceptable.
- The proposal would reduce property values in the area.

Appraisal:

The applicant has engaged in pre-application discussions with the Council who supported the principle of residential development on this site. In accordance with officer advice, the scheme has been revised to reduce the number of units accommodated on site.

Loss of Garages & Principle of Residential Development

The principle of development is supported by Policy HO8 'Redevelopment of Garage Blocks' and, with the majority of garages used either for storage purposes (7 units) or empty (6 units), the proposed residential redevelopment will make more efficient use of an underused site.

Located within a predominantly residential area and in accordance with the National Planning Policy Framework (NPPF) stipulating a presumption in favour of sustainable development, the principle of residential redevelopment on this site is accepted subject to detailed matters. With a minimum of 70 percent of the borough's housing provision to be provided on previously developed land, the Council supports the opportunity to make more efficient use of this underutilised brownfield site to provide 3 windfall units. The net gain of 3 dwellings will provide a valuable contribution to the borough's housing delivery targets without loss of an employment generating use and would support the Seaside Neighbourhood Policy of the emerging Core Strategy 'providing new housing through redevelopment' and supporting the neighbourhood vision by 'playing an important role in the delivery of new housing'. It is noted that a historic map (circa 1876) shows the site to have been previously been in residential use.

The existing and emerging Strategic Housing Market Assessment (SHMA) identifies a need for a range of dwelling sizes to meet local housing demand with particular need for larger family accommodation. Although the plans submitted are only indicative, it is assumed that two storey family housing could be accommodated on this site to help meet demand for larger units.

Seaside is considered to be a sustainable neighbourhood with good access to public transport, services and facilities, health facilities and open space.

Flood Risk

The Flood Risk Assessment (FRA) shows the site to lie outside/on the periphery of flooding in the event of breaching/overtopping of the coastal defences. With residential dwellings classified as 'More Vulnerable' and garages classified as 'Less Vulnerable' in the NPPF Technical Guidance, the proposal represents an increase in flood risk. The total area of impermeable surface will, however, decrease as a result of the proposal with 104m² garden space proposed and with the FFL raised to 0.3m above external levels and offsite flow rates limited by an attenuation tank and 'hydrobrake' as detailed in the FRA, the Environment Agency is satisfied that the small risk of flooding can be adequately mitigated. It is noted that the soil infiltration rate is likely to be too low to make soakaways feasible.

Parking Provision & Impact on Highways Network

The applicant has confirmed that only 5 of the garages are used for parking with the remaining units either empty or used for storage. The owner also states that existing tenants will be offered garages to the rear of Firle Road should they wish, located approximately 275m from the site. Whilst it is acknowledged that the site is located within an area of limited on-street parking, with a maximum of only 5 cars to be displaced (some of which may take up garages in the nearby block), the loss of the garages is unlikely to have a severe impact on the highway network. Indeed, in light of the unrestricted use of the existing garages, the proposed residential use of the land is likely to result in a similar level or reduction in the number of vehicle movements from that which currently exists.

In view of the above, and paragraph 32 of the NPPF which states that 'development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe', the Council considers there to be no grounds for a refusal on highway issues. It is noted that there is no policy requirement to demonstrate the redundancy of the garages.

In light of the sustainable location of the site in close proximity to public transport, local services and facilities, the Highway Authority is satisfied that the provision of 4 parking spaces and cycle storage will adequately serve the development.

Character & Appearance

This application is presented in outline with detailed matters of scale and design reserved for consideration at a later stage. Notwithstanding the above, the surrounding area is characterised by a mix of design styles and building heights within which two storey terraces comprise the principle built form. Subject to detail, the scheme is therefore not considered harmful to the character and appearance of St James Road or the wider area. The redevelopment of the site presents the opportunity to upgrade what is currently an unappealing garage court area and improve the safety and security of this part of St James Road.

Residential Amenity

Subject to design and fenestration layout, the proposed terrace should have no significant adverse impact on the established amenities of neighbouring residential properties with particular regard to occupants in Cambridge Road which back directly onto the site. Whilst separation distances are not ideal, it is considered that any impact on overlooking could be sufficiently mitigated by careful detailing. The size and positioning of the terrace is such that there should be no undue overshadowing from the development.

The proposed rear gardens, at a depth of 6.9m, will provide a good standard of private amenity space for future occupiers that is comparable to other properties within the immediate vicinity.

Human Rights Implications:

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

Conclusion:

The principle of residential development on this site is acceptable in terms of the loss of the existing garages, the provision of on site parking and impact on highway safety. The proposal is compliant with both national and local planning policy contributing to housing delivery targets and, subject to detailed matters, should cause no undue harm to residential, visual or environmental amenity.

RECOMMEND: Permission be granted subject to the following conditions:

- (1) Reserved Matters details
- (2) Time limit for Reserved Matters Application
- (3) Development in accordance with FRA
- (4) Existing access stopped up and kerb & footpath reinstated.
- (5) The new access as per plan submitted
- (6) Parking Provision.
- (7) Provision for parking of cycles.
- (8) Hours of operation

INFORMATIVE

SUMMARY OF REASONS FOR DECISION

INFORMATIVES

- (1) Approved plan numbers
- (2) Private Works Agreement for access with ESCC

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Item 4

App.No.: EB/2012/0641	Decision Due Date: 13 November 2012	Ward: Ratton
Officer: Bethan Smith	Site visit date:	Type: Minor
Site Notice(s) Expiry date: 31 October 2012 Neigh. Con Expiry: 28 October 2012 Weekly list Expiry: 30 October 2012 Press Notice(s)-: N/A		
Over 8/13 week reason: Need to be presented to committee		
Location: Parkfield Public House, Lindfield Road		
Proposal: Change Of Use From Public House (A4) To Retails (A1) Together With Demolition Of Existing Single Storey Extension And Erection Of Two Single Storey Extensions.		
Applicant: Punch Tavern		
Recommendation: Approve Conditionally		

Planning Status:

- Predominantly residential area

Relevant Planning Policies:

The following policies are considered relevant to the determination of this application:

Summary of Eastbourne Plan: Core Strategy policies relevant to this application:

B2: Creating Sustainable Neighbourhoods
 C7: Hampden Park Neighbourhood Policy
 D1: Sustainable Development
 D4: Shopping

Summary of Borough Plan Planning Policies relevant to this application:

HO20: Residential Amenity
 LCF24: Redevelopment of Public Houses
 UHT1: Design of New Development
 UHT4: Visual Amenity
 NE28: Environmental Amenity

Site Description:

The application site comprises a detached two storey building, currently used as a Public House, with hardstanding and garden. The site is situated on Lindfield Road at its junction with Timberly Road.

The existing building has been extended with a variety of single storey extensions to the front and rear. The ground floor is used as the public house whilst the upper floor is ancillary residential accommodation.

The site is situated adjacent to the Broadway neighbourhood shopping centre.

Relevant Planning History:

App Ref: EB/1953/0205	Description: Erection of a public house
Decision: Approved conditionally	Date: 9 July 1953

App Ref: EB/1954/0039	Description: ERECTION OF P.H. WITH LIVING ACCOM DOM GARAGE & CAR PARK
Decision: Approved	Date: 21 January 1954

App Ref: EB/1956/0201	Description: EXTN TO FORM SOLARIUM
Decision: Approved	Date: 21 June 1956

App Ref: EB/1961/0346	Description: Single Storey Extension
Decision: Approved	Date: 22 June 1961

App Ref: EB/1998/0323	Description: Alterations and single-storey extension to provide disabled facilities. upgrade function facilities and erect 1.8m garden wall to provide a private garden for functions.
Decision: Approved	Date: 24 August 1998

Proposed development:

The current application seeks permission to change the use of the building to retail and to erect two single storey extensions together with the demolition of the existing single storey extension.

The extension to be demolished is situated to the front of the building and the proposed extensions will be located to the rear and side and will effectively 'square-off' the building.

The proposed extension to the rear will be approximately 12.5 metres in length, 6 metres in width and 4.3 metres in height. To the side the proposed extension will be approximately 8.4 metres in width, 1.4 metres in length and 4.3 metres in height.

Applicant's Points:

- The proposal to change the use of the premises from Class A4 (drinking establishments) to Class A1 (retail) constitutes permitted development under the General Permitted Development Order 2005;
- The proposals will involve a reduction in overall floor area from 406 sq m to 372 sq m. A number of existing single storey extensions are to be demolished circa 115 sq m.
- The decision has been taken by the applicants to redevelop the public house as it is not viable. There are a considerable number of other public houses in the immediate vicinity, 8 of which are owned and operated by the applicants;
- No detrimental impact will occur to the vitality and viability of the adjoining neighbourhood centre. Indeed the proposals will assist in drawing more people into the area;
- The proposals will provide a range of benefits to the local area which include the reuse of an underused public house for which there is little interest in its continued use; the development of a high quality modern retail development that will enhance the character and appearance of the local area; the creation of a number of full and part-time jobs – circa 25-30;
- The proposed alterations will greatly enhance the external appearance of the building.

Summary Information:

Site Area: 0.22 hectares

Previous land use(s) and floorspace(s): A4 (drinking establishment) 406 sq m

Proposed floorspace of each use(s): A1 (retail) 372 sq m

Change in floorspace (+/-): -34 sq m

Existing parking spaces: 23

Proposed parking spaces: 23 plus 4 cycle spaces

Previous Land use: Public house (A4)

Consultations:

The Local Highways Authority have stated that the proposal is acceptable, subject to conditions, as it provides adequate car and cycle parking and also makes use of the existing vehicle access. However they have stated that the disabled parking provision is insufficient at present requiring one extra space. At the time this report was completed the agents had been informed of this requirement and were working on submitting an amended plan.

Environmental Health have stated that they have no issues with this proposal.

The Councils retail consultant has stated that the provision of a supermarket in this location would result in the trade of the existing anchor store of the Broadway Neighbourhood Centre (McColl's) reducing. This could result in closure – to the detriment of the neighbourhood centre as a whole. He confirmed that this would generate a need in the near future for redevelopment of the Neighbourhood Centre as a separate project.

The Planning Policy Department has confirmed that the proposals would be contrary to the Eastbourne Plan-Core Strategy Policy D4: Shopping, which states that new retail development should be located within existing centres, in order to ensure their vitality and viability. However, since the proposal is for a change of use from Class A4 to Class A1, the planning authority has no control over the issue of use. The applicant has pointed out that within the vicinity of the application site there are a considerable number of other public houses, which has impacted on the viability of this site as a public house. However, the proposal would still result in the loss of a community facility, which Policy LCF24 seeks to protect.

They also comment that the redevelopment of this site would provide local jobs, and would mean considerable investment in the neighbourhood, which would benefit the local area. In light of the above, there are no reasonable grounds upon which to object to this application.

Neighbour Representations:

Letters of notification were sent to the occupiers of the surrounding properties and a site notice was displayed to the front of the application site. As a result 12 letters of representation and a petition of 306 signatures have been received. The objections can be summarised as follows:

- there are no other pubs in Hampden Park where the communities can get together with their families and enjoy a social gathering;
- there are shops in the neighbouring Broadway Shopping centre that, in the current economic climate, are finding it difficult to take money. Two are closed;
- when deliveries are made to the proposed retail park there will be noise and traffic congestion in a residential area;
- the Parkfield is in a good location which is popular with many residents and does not require using a car or public transport when people visit;
- Morrisons have recently opened a store in Hampden Park, no retail outlets are required in this area;
- Until quite recently the Parkfield had two dart's teams; a pool team, and the hall was in regular use including a well attended annual children's party; evidence that the pub attracted people of all ages;
- Punch Taverns became owners of this thriving pub seven years ago and in that time have made no improvements to the property, indeed they have done nothing to even maintain it;
- Prior to the current licensee, the pub had a long succession of 'holders'. There were inconsistent opening times and frequently a lack of beverages. The pub now needs significant capital investment due to Punch Taverns neglect;
- The Parkfield is centrally located and sufficient distance from any other public house so to offer an enviable trading position;
- The viability of The Broadway small shopping area will be seriously in doubt and the jobs of those currently employed there will be put in jeopardy;
- The proposal to destroy and rebuild parts of the structure into a 'convenience' store does not make sense in view of the fact that shops in the Broadway and the Village are struggling with vacancies;

- The general consensus is that the proposed conversion is not needed and that the area will be much better served by a renovated and attractive public house;
- There will be an increase in traffic, both private cars and delivery vehicles;
- There is no logic of having more shops in the area. The main thing we require would be housing in the form of houses or small flats. We have enough heavy traffic using Lindfield Road which causes road damage, damage to property caused by vibration, excess fumes and noise;
- The applicants contend that there are a number of pubs in the immediate vicinity. However two, in Willingdon, could not be considered to be in walking distance and they have also included the Pubb which they, Punch Taverns, have left closed and derelict for some years.

Appraisal:

The main issues to consider in the determination of this application are the use of the site for retail and whether the proposed extensions would be detrimental to residential amenities of the surrounding occupiers or the visual amenities of the surrounding area.

The loss of the public house

Saved policy LCF24 deals with the loss of public houses and states that planning permission will not be granted for the change of use or development of public houses unless it can be demonstrated that the use is no longer financially viable and compensating provision to equivalent community benefit will be made in the immediate vicinity.

The supporting text to this policy clarifies that proposals which include the loss of public houses to other uses (other than Class A1 and Class A2, over which the planning authority has no control) should be carefully assessed to ascertain their importance in the wider community.

In many communities the local public house has an important role to play as a meeting place and venue for community events. The community response to this application has been significant, with most residents being concerned about the loss of the pub. However, the Town and Country Planning (General Permitted Development) Order 1995, which was amended in 2005, allows for the change of use of public houses (Class A4) to retail properties (Class A1) without the need for a specific grant of planning permission.

Therefore the local planning authority has no control of the loss of this public house.

The suitability of the site for retail development

The application site is identified in the Eastbourne Plan (Core Strategy), as being located within the Hampden Park Neighbourhood (Policy C7). It is a brownfield site that is currently used as a public house. The proposal would not support the objectives of the Hampden Park Neighbourhood Policy to protect and enhance retail provision in its existing shopping centres, as retail development outside of the designated shopping centres could negatively impact on the Brassey Parade District Shopping Centre and also the Broadway Neighbourhood Shopping Centre.

Policy D4: Shopping seeks to strengthen and enhance the vitality and viability of existing district and neighbourhood shopping centres, in this instance the Hampden Park District Shopping Centre and the Broadway Neighbourhood Shopping Centre. Any new development must comply with the sequential approach to site selection, which prioritises development in existing centres, then edge-of-centres and then out-of-centres.

Paragraph 24 of the National Planning Policy Framework (NPPF) confirms that Local Planning Authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the Local Plan, and that only if suitable sites are not available should out of centre sites be considered. However, since in this instance the General Permitted Development Order allows for the changes of use from Class A4 to Class A1, the Council has no jurisdiction to prevent such a change of use from going ahead.

In an accompanying statement, the applicant states that 'there are no units within that centre (Hampden Park District Shopping Centre) that could accommodate the scale of the proposals'. Furthermore, under permitted development rights the public house can be converted to retail use, so the applicants have argued there is no requirement to undertake the sequential test.

There is a large hardstanding to the front of the application site which is currently used as parking with access from both Timberly Road and Lindfield Road. The layout plan indicates there will be 23 spaces with two being disabled spaces. The Local Highways Authority has commented that an extra disabled space is required and that this might reduce the overall provision of spaces by one but they have confirmed that this would be acceptable. At the time this report was completed the applicants had been informed and were working on submitting an amended plan.

The effects of the extensions on residential and visual amenities

The application building currently has a number of single storey extensions. The proposed development seeks to demolish a number of these extensions, particularly to the front, and erect two extensions to the sides and will give the ground floor a more regular form.

The proposed extensions will be situated to the north and southern sides of the existing building. By infilling the northern and southern elevations, effectively 'squaring-off' the floor plan, they will not extend beyond either flank or rear elevations. They will also not be directly adjacent to any neighbouring properties nor will they have additional windows. It is therefore considered that the impact on the residential amenities of the surrounding area will be minimal.

The proposed extensions are in a design that compliments the host building and will be built with matching materials. The demolition of the front extensions will give the building a well defined front elevation which will have a new entrance and windows.

These proposed works are considered to be an overall improvement to the premises, which is currently in a poor state of repair, which will enhance the visual amenities of the area.

Human Rights Implications:

It is considered that there would not be any adverse impact on residential amenity.

Conclusion:

The proposed change of use is permitted development and therefore does not require planning permission. The proposed extensions would not be significantly detrimental to the visual amenities of the surrounding area nor the residential amenities of the surrounding occupiers.

Recommendation: Permission be granted subject to conditions:

Conditions:

- (1) Commencement of development
- (2) Submission of samples
- (3) Restrict floor space allowed for retail use
- (4) Landscaping
- (5) Time restrictions on site clearance and building operations
- (6) Time restrictions on audible activity
- (7) Provision of parking spaces
- (8) Provision of cycle parking

INFORMATIVE: SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: The proposed development would not detrimental to the visual amenities of the surrounding area or the residential amenities of the occupiers of the surrounding properties. Therefore it complies with the relevant policies of the Eastbourne Borough Plan 2001-2011.

INFORMATIVE: ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority.

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 27 November 2012

Item 5

App.No.: EB/2012/0651	Decision Due Date: 21/11/12	Ward: Old Town
Officer: Chris Cave	Site visit date: 13/10/12	Type: Householder
Site Notice(s) Expiry date: n/a Neigh. Con Expiry: 02/11/12 Weekly list Expiry: 14/11/12 Press Notice(s)- : n/a		
Over 8/13 week reason: Request by Chair to defer to committee		
Location: 25 South Avenue		
Proposal: Two storey extension at the side		
Applicant: Mr Dion Bonner		
Recommendation: Approve		

Planning Status:

- Predominantly Residential Area

Relevant Planning Policies:

UHT1 – Design of New Development
 H020 – Residential Amenity

Site Description:

Application property is a two storey semi detached property and is located on a corner plot, between two roads, South Avenue and Cavalry Crescent. The property is constructed from brick walls and a tiled roof and has a small porch to the front. The front garden is enclosed by a 1m high brick wall to the front, a 1.5m high hedge to the side/west and remains open to the side/east, where it joins a driveway. The front garden is lawned with various shrubs planted around the border. The side garden is also lawned, has a small shed sited near the front border and is enclosed to the front and side/east by a 1m high brick wall with a 1.5m high wooden fence, which sits on top of the brick wall, to the side/west by a 2m high wooden fence and to the rear/south by 2m high wooden fencing. To the rear the garden is lawned and is enclosed by 2m high wooden fencing.

Relevant Planning History:

No relevant planning history

Proposed development:

The application proposes the erection of a two storey side extension.

Although the two storey extension forms one whole extension, it has two elements, both of different depth, height and width. The first element which sits immediately adjacent to the original building has a width of 2.67m, a depth of 4.67m and a height of 3.71m. The second element has a width of 1.55m, a depth of 3.42m and a height of 3.34m.

The two storey extension is to comprise of:

Front Elevation

Ground Floor – a double window and a pitched roof on the porch
First Floor – a double window

Side Elevation

Blank

Rear Elevation

Ground Floor – a set of French doors

A kitchen on the ground floor
A bedroom on the first floor

Consultations:

None received

Neighbour Representations:

None received

Appraisal:

Residential Amenity

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

Properties to the Front/North and Side/East

It is considered that the impact on all the residential amenity issues for the properties to the front/north and side/east is acceptable as they are located a satisfactory distance away.

Properties to the Side/West

It is considered that the impact on the properties to the side/west is acceptable. As the extension is located on the eastern side of the application property and does not extend past the rear or front building line, the properties to the side/west will not be able to view the extension from any of their front or rear habitable room windows and also for this reason it is considered that the impact on the occupants residential amenity when the extension is viewed from their rear or front private amenity space is also deemed to be acceptable.

Properties to the Rear/South

As the properties to the rear apart from the neighbouring property to the application site, No. 15 Cavalry Crescent are located a satisfactory distance away from the proposed extension, the only impact is on No.15 Cavalry Crescent.

As the extension does not extend past the rear or front building line of No. 15 Cavalry Crescent and the windows on the gable end of No.15 Cavalry Crescent are a hallway window, a landing room window and a toilet window, the only impact is on the residential amenity of the occupants of No.15 Cavalry Crescent, from their rear and side private amenity space.

As the extension is sited 7m away from the rear garden of No.15 Cavalry Crescent, this is considered an acceptable distance to prevent poor outlook and as the proposed extension is located to the north of No.15 Cavalry Crescent, then there will be no loss of light. However, the extension is sited within 4m of the side garden of No.15 Cavalry Crescent and as the side garden of No.15 Cavalry Crescent is large enough to be used as amenity space, it is considered that the extension is too close to the side garden and therefore will have an overbearing and over dominant impact and there has a detrimental impact on the residential amenity of the occupants of No.15 Cavalry Crescent.

Visual Amenity

It is considered that the impact on visual amenity is unacceptable. Given the close proximity the extension has to both the neighbouring roads, South Avenue and Cavalry Crescent, it is considered to have a negative impact on both the street scene and the character of the area. In addition given the design of the extension with different depths of the two elements of the extension, it leads to an unsightly style of roof and therefore it is also considered that the design of the extension is inappropriate.

Human Rights Implications:

None

Conclusion:

This application is recommended for refusal. Given the location of the surrounding properties, the only property to be affected lies to the south, No.15 Cavalry Crescent and as the extension is only sited 4m away from their side garden, this is considered to be too close and would therefore have a detrimental impact on the residential amenity of the occupants of No.15 Cavalry Crescent. In addition it is considered that the impact on visual amenity is acceptable as the extension is sited too close to the two neighbouring roads and the design of the roof is considered to be poor and therefore the extension would have a detrimental impact on the character of the area.

Recommendation:

- Refused

SUMMARY OF REASONS FOR DECISION

The proposed development is considered unacceptable for the following reasons:

It has an adverse impact on residential amenity by virtue of its close proximity to No.15 Cavalry Crescent and it has an adverse impact on visual amenity given its close proximity to the two neighbouring roads and the poor design of its roof and therefore fails to comply with Policies UHT1, H020 and UHT4 of the Eastbourne Borough Plan and the NPPF.

INFORMATIVE

For the avoidance of doubt, the plans hereby refused are:
DB912 received on the 25/09/12.

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**.