

**Eastbourne Borough Council**

**Planning Committee**

**8 January 2013**

**Report of the Head of Planning**

**List of Planning Applications for Consideration**

- 1) FLAT 1 LAMONT COURT, 15 - 16 WILMINGTON SQUARE, EASTBOURNE**  
Installation of replacement UPVC windows.  
EB/2012/0654(FP), MEADS **Page 3**  
**RECOMMEND: APPROVE CONDITIONALLY**
- 2) 114 SOUTH STREET, EASTBOURNE**  
Variation of conditions 2 and 3 of permission EB/2006/0018 to allow opening until 0100 on Fridays, Saturdays, Christmas Eve and New Years Eve and outside seating until 2200..  
EB/2012/0677(FP), MEADS **Page 7**  
**RECOMMEND: APPROVE CONDITIONALLY**
- 3) LAND TO THE REAR OF, 15 HARTFIELD ROAD, EASTBOURNE**  
Erection of 2No. 3 bedroom dwellings with off street parking at front.  
EB/2012/0679(FP), UPPERTON **Page 11**  
**RECOMMEND: REFUSE**
- 4) 16 TRINITY TREES, EASTBOURNE**  
Variation of condition 4 of permission EB/1998/0259 to allow the use to operate Monday, Wednesday and Friday 0900hrs to 1800hrs, Tuesday and Thursday 0900hrs to 2100hrs and Saturday 0900hrs to 1800hrs..  
EB/2012/0702(FP), MEADS **Page 19**  
**RECOMMEND: APPROVE CONDITIONALLY**
- 5) LATHOM HOTEL, 4 - 6 HOWARD SQUARE, EASTBOURNE**  
**&** Conversion of hotel to provide for two town houses (fronting Howard  
**6)** Square) six self contained flats (fronting Howard Square/Compton) together with provision of new entrance steps.  
EB/2012/0711(FP) & EB/2012/0712(LB), MEADS **Page 25**  
**RECOMMEND: APPROVE CONDITIONALLY**
- 7) FLAT 2, 11 BUXTON ROAD, EASTBOURNE**  
Erection of single storey extension to the side.  
EB/2012/0719(FP), MEADS **Page 33**  
**RECOMMEND: APPROVE CONDITIONALLY**

J. F. Collard  
Head of Planning

20 December 2012

## **Planning Committee**

**8 January 2013**

### **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**

**8 January 2013**

**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 8 January 2013**

**Item 1**

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| <b>App.No.:</b><br>EB/2012/0654    | <b>Decision Due Date:</b><br>23.11.12   | <b>Ward:</b><br>Meads |
| <b>Officer:</b><br>Katherine Quint | <b>Site visit date:</b><br>17.07.12   | <b>Type:</b><br>Minor |
| <b>Site Notice(s) Expiry date:</b> | 02.11.12  |                       |
| <b>Neigh. Con Expiry:</b>          | 03.11.12  |                       |
| <b>Weekly list Expiry:</b>         | 14.11.12  |                       |
| <b>Press Notice(s)-:</b>           | 21.11.12  |                       |
| <b>Over 8/13 week reason:</b>      | Called to Planning Committee by Chair<br>- next available meeting: January 2013 |                       |
| <b>Location:</b>                   | Flat 1, Lamont Court, 15-16 Wilmington Square                                   |                       |
| <b>Proposal:</b>                   | Installation of replacement UPVC windows  |                       |
| <b>Applicant:</b>                  | Mr Colin Ball   |                       |
| <b>Recommendation:</b>             | Approve, subject to conditions  |                       |

**Planning Status:**

- Town Centre & Seafront Conservation Area
- Residential area
- Within tourist accommodation area

**Relevant Planning Policies:**

- UHT1 – Design of New Development  
UHT15 – Protection of Conservation Areas  
WD2 - Windows and Doors (Eastbourne Townscape Guide, 2004)

**Site Description:**

Lamont Court is a 5-storey apartment block located within Wilmington Square, which runs from the seafront to the Congress Theatre. Situated within Devonshire Conservation area, Flat 1, Lamont Court is at basement level / street level and mirrors the flat on the opposite side of the entrance steps.

**Relevant Planning History:**

|               |  |
|---------------|--|
| App Ref:      | Description:                             |
| EB/2012/0462  | Installation of replacement UPVC windows |
| Decision: N/A | Date: Withdrawn – 16.08.12               |

**Proposed development:**

The applicant seeks permission to install upvc windows replacing existing timber frame windows to the front and rear of the property.

The application relates to:

- 4 windows on the front elevation: 3 lounge windows within a bay – to be sliding sash with horn detailing; and a single adjacent kitchen window – the top section to be top-hung casement as an emergency exit, again with horn detailing. These windows are located on the front elevation and are at basement / street level.
- 3 window styles (bedroom windows) on the rear elevation – to be casement opening and without horn detailing. Following the site visit, it is noted that permission is being sought retrospectively to replace the rear windows.

**Applicant's Points:**

Properties either side of Lamont Court, including neighbouring properties at basement level, have changed their windows to modern, upvc windows. My main motivation is for maintenance reasons - to replace the existing windows which are in a poor condition, with those that will be easier to maintain and will improve the appearance of the property.

**Consultations:**

A site notice was displayed directly in front of the block, and representation was sought from the Conservation officer (07.11.12):

**Conservation Officer:** - 'A majority of windows in Wilmington Square have been replaced with a mixture of UPVC and aluminium windows, these vary in style and date.

Lamont Court itself exhibits mainly original painted timber, sliding sash windows with original glazing to the Ground and upper floors, although the other, opposing basement flat at Lamont Court, has replacement UPVC windows, as does the basement flat of the adjacent property at 17 Wilmington Square.

The drawings which accompany this application are of UPVC construction. The Detail of the proposed UPVC does not sufficiently replicate the scale and profile detail of existing.

In principle, it is considered acceptable to replace the existing windows. However, as the submitted plans do not sufficiently replicate existing in detail or material, the application would adversely affect the character and appearance of Lamont Court and the Conservation Area.

I would therefore recommend refusal on Conservation grounds.

An acceptable replacement could be:

The replacement to be vertical sliding sash construction of painted wood, with horns similar to the existing. Style to match existing, subject to approval

**Conservation Area Advisory Group:** - In the Meeting of CAAG, 20.11.12, the group maintained their objections raised at their meeting on 9 October 2012 as the additional drawings had not addressed their initial concerns.

The group objected to the use of UPVC on the front elevation as it would result in a negative impact on the character of the surrounding conservation area. It was recommended that painted wood, vertical sliding sashes be constructed to replicate the existing windows. The group felt the proposed UPVC Sashes to the rear elevation were acceptable.

**Neighbour Representations:** No neighbour representations received

**Appraisal:**

The views of the conservation officer and CAAG are acknowledged and the historic importance of the façade of Lamont Court which exhibits mainly original painted timber, sliding sash windows with original glazing to the ground and upper floors is also recognised. However, neighbouring basement properties and the hotel directly adjacent to Lamont Court have all replaced their windows with modern materials, and windows of varying styles and openings. This work has, on the whole, taken place more than 4 years ago and without planning permission being sought.

The application flat is predominantly at basement level, and partially visible at street level, and the loss of original features would have some impact on the façade when considering the whole of Lamont Court in isolation. However, when assessing the loss in relation to the proportion of original features of the block as a whole within Wilmington Square, the proposal would not materially affect the character and appearance of the conservation area.

Members will be aware that similar window proposals at 6 South Cliff (within the same conservation area) and 6 Staveley Court (Meads conservation area) have been refused within the past 18 months, and following challenge at appeal have both since been allowed. It is considered that the application proposal is not discordant with these.

In approving the appeal decisions (referred to above) the appeal inspector made reference to the use of a range of materials in the relevant conservation area and also that the designs of the proposed UPVC windows were appropriate.

Following the precedent set by these appeal decisions the proposal on the front elevation would respect the original style, horn detailing and sash window openings and set against the varied nature of fenestration in close proximity to the site, a refusal based around the use of modern material could not in this instance be substantiated.

The proposal also relates to a number of replacement windows to the rear where the work has already been carried out. The rear of the property is well screened and a large proportion of windows within the block have already been changed to different materials, styles and openings. The proposal to the rear is considered acceptable and has no impact on the character and appearance conservation area.

**Human Rights Implications:**

In terms of the potential thermal benefits that may result as part of this proposal it is considered that the applicants enjoyment of their family home may be enhanced.

**Conclusion:**

Although the proposal does not fully adhere to Policy WD2 'Windows and Doors in Conservation areas' of the Eastbourne Townscape Guide (2004), on balance the design and materials of the proposal are not considered to harm the character and appearance of the conservation area, which is characterised by a varied mixture of window styles, profiles and materials.

Subject to conditions, the proposal accords with Eastbourne Borough Plan (Saved policies, 2007), the Submission Core Strategy (2012) and the National Planning Policy Framework (2012).

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

- Time limit (3 years)
- In accordance with plans

**SUMMARY OF REASONS FOR DECISION**

The proposed development is considered acceptable for the following reasons: Although the proposal does not fully adhere to Policy WD2 'Windows and Doors in Conservation areas' of the Eastbourne Townscape Guide (2004), on balance the design and materials of the proposal are not considered to harm the character and appearance of the conservation area, which is characterised by a varied mixture of window styles, profiles and materials. Subject to conditions, the proposal accords with Eastbourne Borough Plan (Saved policies, 2007), the Submission Core Strategy (2012) and the National Planning Policy Framework (2012).

**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 8 January 2013

### Item 2

**App.No.:** EB/2012/0677 **Decision Due Date:** 4 December 2012 **Ward:** Meads

**Officer:** Jane Sabin **Site visit date:** 21 November 2012 **Type:** Minor

**Site Notice(s) Expiry date:** 15 November 2012

**Neigh. Con Expiry:** 15 November 2012

**Weekly list Expiry:** 15 November 2012

**Press Notice(s)-:** N/A

**Over 8/13 week reason:** Referred to Committee by Chair

**Location:** 114 South Street

**Proposal:** Variation of conditions 2 and 3 of permission EB/2006/0018 to allow opening until 0100 on Fridays, Saturdays, Christmas Eve and New Years Eve, and outside seating until 2200.

**Applicant:** Hudson's Wine Bar

**Recommendation:** Approve

#### **Planning Status:**

- Town Centre & Seafront Conservation Area
- Secondary Shopping Area

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

HO20 - Residential amenity  
TC7 - Area for later opening hours of A3 uses

#### **Site Description:**

This ground floor commercial property is located on the south side of South Street, on the corner with Cornfield Lane. It has a modern aluminium shopfront, and is accessed via a set of steps which extend across the entire frontage of this four storey block of commercial properties.

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

App Ref:EB/2006/0018 Description: Change of use from retail (Class A1) to wine bar (Class A4)

Decision: Approved Date: 8 February 2006





The approval was subject to; inter alia, the following conditions:

2. That the use hereby permitted shall not be open to customers outside the following times 11.00 am – midnight.
3. That there shall be no tables, chairs or other means of seating, nor any consumption of alcohol on the forecourt of the premises after 8.00pm on any day.
4. That there shall be no amplified music or amplified sound audible outside the premises at any time.

**Proposed development:**

Permission is sought to extend the opening hours on Fridays and Saturdays, and Christmas Eve/New Years Eve until 1.00am and the forecourt area for seating until 10.00pm; the original application sought to extend the hours to 1.30am and to have outside seating available until 01.00am, but this has subsequently been amended.

**Applicant's Points:**

- Hudson's have had a premises license since 31 May 2007, allowing a closing time of 0100 on Fridays and Saturdays, including Christmas Eve and New Years Eve
- It has recently been discovered that the planning condition does not match up with the license, and as a responsible proprietor, the current application has been submitted to regularise the situation
- Due to licensing hours relaxations, customers are habitually coming out later, and the bars busiest time is between 2300 and 0030 at weekends; if we cannot operate between these times, then the business will suffer, possibly to the point of collapse
- We have had no problems with the licensing, police or crime prevention authorities in the last six years of trading, and wish to continue the relationship we have sustained in the past

**Consultations:**

Environmental Health comments that they would not wish to extend the hours at the front of the premises, due to the potential impact on nearby residents. (E-mail dated 4 December 2012)

The Licensing Manager confirms that the premises have had a licence from 2007 as follows (open to public, regulated entertainment which includes amplified music and the sale of alcohol):

|       |                    |
|-------|--------------------|
| Mon   | 11am - 12 midnight |
| Tues  | 11am - 12 midnight |
| Wed   | 11am - 12 midnight |
| Thurs | 11am - 12 midnight |
| Fri   | 11am - 1am         |
| Sat   | 11am - 1am         |
| Sun   | 11am - 12 midnight |

Later terminal hours or the operation of an outside area until 0130 would be resisted as it falls within the Cumulative Impact Zone and there are residences relatively close by who could suffer more noise and disturbance if any consent was granted later.

(E-mail dated 4 December 2012)

### **Neighbour Representations:**

Five objections have been received, one from a business in South Street, and four from residents of a block of flats to the rear. The objections are summarised thus:

- The wording of the description is tautologically incorrect
- There is enough late night damage to buildings without encouraging more through later opening hours
- The noise from the bar, i.e. from amplified music/vibration through an open window, customers shouting and hanging around the premises, staff disposing of large quantities of bottles in the early hours of the morning and contractors collecting bottles before 5am is horrendous, and affects the quality of life of nearby residents, regularly disturbing sleep, and even evening activities, such as reading or watching television
- The problem has improved considerably since complaining to the Council and it is feared that this will resume if consent is granted.
- Noise from people using the terrace, sometimes late into the night, is very disturbing and increases with the amount of alcohol consumed
- The bar is located in a residential area, and it has a duty to prevent disturbance to nearby residents

(Letters, e-mails and telephone call 26 October to 15 November 2012)

### **Appraisal:**

The main issue to take into account in determining this application is the impact on residential amenity.

It is acknowledged that the bar has operated since 2007 with a closing time of 1.00am on Fridays and Saturdays without complaint, until now. Licensing has confirmed that the rear terrace has to close at 10.00pm, although there is no restriction on tables and chairs at the front. The original application did not indicate that the rear yard was to be used as a seating area, and no planning conditions were attached to control this element, although there is a time limit of 8pm on seating on the forecourt at the front of the building.

The complaints from nearby residents seem to indicate that music and the use of the rear terrace result in the most disturbance, as well as customers lingering after closing hours. However, one objector has stated that the situation has improved since lodging the complaint, although the bar has continued to trade to its licensed hours during the intervening period, including the provision of tables and chairs on the front forecourt. The applicant confirms that he has ensured that the side window is shut, and that the bottles are only ever taken out to the bins in the morning, as soon as the bar opens; furthermore, the rear terrace is not used after 10pm, although customers do sometimes stray into it (as the fire escape door cannot be locked during opening hours), but staff remove them as soon as they become aware of it.

Based on the length of time that the proposed hours have been operational without complaint, it is considered that it would be difficult to sustain a refusal for the proposed variation in this town centre location.

**Human Rights Implications:**

It is considered that the amenities of nearby residents are protected by the proposed variation.

**Conclusion:**

The proposed variation would regularise the existing circumstances, and would have no impact on residential amenity. As such, it complies with the relevant policies in the Eastbourne Borough Plan 2001-2011 and the National Planning Policy Framework.

**Recommendation:**

**Conditions 2 and 3 be varied to:**

2. That the use hereby permitted shall not be open to customers outside the following times 11.00 am – midnight on Sundays to Thursdays inclusive, and 11.00am - 1.00am on Fridays, Saturdays, Christmas Eve and New Years Eve.
3. That there shall be no tables, chairs or other means of seating, nor any consumption of alcohol on the forecourt of the premises after 10.00pm on any day.

**Informatives:**

Other conditions attached to EB/2006/0018(FP) remain in force.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: It would regularise the existing circumstances, and would have no impact on residential amenity. As such, it complies with the relevant policies in the Eastbourne Borough Plan 2001-2011 and the National Planning Policy Framework.

**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 8 January 2013**

**Item 3**

|  |                                       |                       |
|--|---------------------------------------|-----------------------|
| <b>App.No.:</b> EB/2012/0679   | <b>Decision Due Date:</b><br>05/12/11 | <b>Ward:</b> Upperton |
| <b>Officer:</b> Suzanne West   | <b>Site visit date:</b>               | <b>Type:</b> Minor    |
| <b>Site Notice(s) Expiry date:</b> 15/11/12  |                                       |                       |
| <b>Neigh. Con Expiry:</b> 15/11/12   |                                       |                       |
| <b>Weekly list Expiry:</b> 14/11/12  |                                       |                       |
| <b>Press Notice(s) Expiry:</b> 21/11/12  |                                       |                       |
| <b>Over 8/13 week reason:</b> Request to speak at committee                            |                                       |                       |
| <b>Location:</b> Land to rear of 15 Hartfield Road                                     |                                       |                       |
| <b>Proposal:</b> Erection of 2No. 3 bedroom dwellings with off street parking at front |                                       |                       |
| <b>Applicant:</b> St Mary's Homes Ltd  |                                       |                       |
| <b>Recommendation:</b> Refuse  |                                       |                       |

**Planning Status:**

- Upperton Conservation Area
- Archaeologically Sensitive Site
- Predominantly Residential Area

**Relevant Planning Policies:**

**Eastbourne Borough Plan 2001-2011**

|       |   |
|-------|---|
| UHT1  | Design of New Development                   |
| UHT2  | Height of Buildings                         |
| UHT4  | Visual Amenity                              |
| UHT5  | Protecting Walls/Landscape Features         |
| UHT15 | Protection of Conservation Areas            |
| UHT16 | Protection of Areas of High Townscape Value |
| HO2   | Predominantly Residential Areas             |
| HO6   | Infill Development                          |
| HO7   | Redevelopment                               |
| HO20  | Residential Amenity                         |
| TR2   | Travel Demands                              |
| TR6   | Facilities for Cyclists                     |
| TR7   | Provision for Pedestrians                   |

|      |  |
|------|--|
| TR11 | Car Parking  |
| TR12 | Car Parking for those with Mobility Problems             |
| NE7  | Waste Minimalisation measures in Residential Development |
| NE11 | Energy Efficiency  |
| NE28 | Environmental Amenity                                    |
| US4  | Flood Protection and Surface Water Disposal              |

### **Emerging Core Strategy 2006-2027**

|     |   |
|-----|---|
| B1  | Spatial Development Strategy & Distribution |
| B2  | Creating Sustainable Neighbourhoods         |
| C2  | Upperton Neighbourhood Policy               |
| D1  | Sustainable Development                     |
| D5  | Housing                                     |
| D8  | Sustainable Travel                          |
| D10 | Historic Environment                        |

### **Site Description:**

The application site comprises an inverted L-shaped plot of land that forms the rear garden of 15 Hartfield Road, a substantial detached three storey property sub-divided into six flats, situated on the corner of Hartfield and Eversfield Road. The other large detached properties fronting Hartfield Road have similar sized rear gardens. The plot, although previously landscaped, has been cleared and part covered in concrete.

The site lies within the Upperton Conservation Area, directly adjacent to an area of high townscape value.

### **Relevant Planning History:**

|              |  |
|--------------|--|
| EB/2011/0451 | Erection of three two bedroom self-contained flats with off street parking at front<br>Refused. 27/10/11<br>APPEAL DISMISSED. 14/05/12 |
| EB/2004/0924 | A pair of semi-detached three bedroom 2-storey dwellinghouse.<br>Refused. 09/02/2005   |
| EB/2004/0694 | Removal of condition 2 of planning permission EB/1985/0176 requiring parking provision on site.<br>Approved unconditional. 08/11/2004  |
| EB/1994/0132 | Erection of a two storey extension at rear to form a self-contained dwelling.<br>Refused. 26/05/1994<br>APPEAL DISMISSED.              |
| EB/1986/0118 | Two storey extension at rear to provide two bed house.<br>Refused. 24/04/1986<br>APPEAL DISMISSED.                                     |

EB/1985/0432 Two storey extension at rear with frontage to Eversfield Road to provide two bedroom dwelling. Refused. 16/08/1985

EB/1985/0176 Change of use to five self-contained flats. Approved conditionally. 28/06/1985

**Proposed development:**

Permission is sought for a pair of three bedroom semi-detached dwellings with off-street parking for two vehicles. The development will front Eversfield Road and comprise two storeys with accommodation in the roof. At ground floor, each dwelling will accommodate an entrance hall, open kitchen/diner/lounge and WC/utility with two bedrooms and a bathroom at first floor and a master bedroom with en-suite in the roof. Each dwelling will be served by a self-contained rear garden and refuse/recycling provision.

The footprint of the development differs from the previous scheme recently dismissed at appeal (EB/2011/0451) with a depth of 8m (reduction of 1.4m), width of 12.9m (increase of 2.8m) and height of 9.6m (reduction of 0.7m). Although the building will remain 1.9m from the common boundary with 1 Eversfield Road, the development will be sited 7.5m from the principle rear wall of 15 Hartfield Road (2.6m closer) and set back only 1.1m from Eversfield Road (1.2m closer/forward of the Eversfield Road building line). The proposed reduction in depth will accommodate rear gardens with a depth of 8.1m (increase of 3.6m).

Fenestration alterations will include the provision of a first floor bay on the eastern flank facing 15 Hartfield Road with no windows proposed on the flank elevation facing 1 Eversfield Road. The hipped roof design will comprise a central flat roof over the valley with two rear roof lights. Gables and bays will continue to front the building with wider gables to accommodate for the reduction in height. Non-obscure windows will serve the ground and first floor to the rear.

The palette of materials of facing brickwork, vertical tile hanging and white UPVC materials proposed will remain the same with the exception of a rendered first floor and gables to the rear.

The applicant seeks to remove sections of the front boundary wall to provide vehicular and pedestrian access with the existing cross over to be removed and the boundary wall reinstated.

**Consultations:**

**Highway Authority**

Do not wish to restrict the grant of consent subject to conditions in respect of the implementation of the new access and reinstatement of the existing access, the requirement for 1x long term cycle parking space and the need for a Private Works Agreement (PWA) for the construction of the new access. (Memo, 09/11/12)

### **Conservation Area Advisory Group**

Concerns were raised in respect of the siting of the development being too close to the front boundary and the relationship with adjacent buildings.

(Minutes, 20/11/12)

### **Conservation Officer**

The development would erode the distinct character, appearance and historic significance of the Upperton Conservation Area and the Area of High Townscape Value. See appraisal.

(Memo, 31/10/12)

### **Planning Policy**

The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential to provide 2 net units of residential accommodation; however, the proposed development is likely to result in an overall incongruous development that takes up an excessive footprint of the garden space at 15 Hartfield Road.

(Memo, 09/09/11)

### **Southern Water**

No objection to the proposal subject to a condition requiring the developer to advise the local authority, in consultation with Southern Water, of the measures which will be undertaken to divert the public sewer that runs along the back gardens of properties fronting Hartfield Road and under the application site prior to commencement of the development. It is also advised that an informative be attached to any approval for the submission of a formal application in connection with the public sewerage system.

(Letter, 31/11/12)

### **Cleansing Contracts Manager**

Advises that space could be a bit cramped and provision for wheelie bins should be secured.

(Email, 13/09/11)

### **County Archaeologist**

This application is of archaeological interest as it lies on the archaeologically important Upperton Ridge, the focus for settlement, burial and land use during the Bronze Age to Anglo-Saxon periods. It is therefore recommended that a watching brief take place on the site and that a planning condition is imposed.

(Letter, 29/10/12)

### **Neighbour Representations:**

In response to neighbour notification and statutory advertisement, 4 letters of objection (including one request to speak at planning committee) have been received. Concerns are summarised as follows:

- Adverse effect upon residential amenities of adjoining properties in terms of outlook, view, privacy and loss of light
- Overdevelopment of the site

- Out of keeping with surrounding properties and harmful to the character and appearance of the conservation area
- Loss of openness of area
- The development will exacerbate the existing drainage problem in the area

### **Appraisal:**

This application follows several previous refusals by the Council for similar proposals, the first of which was submitted in 1985 for a two storey extension at the rear with frontage to Eversfield Road to provide a two bedroom dwelling. This application was subsequently followed by the submission of applications in 1986, for a two storey extension at the rear to provide a two bedroom house, and in 1994, to erect a two storey extension at the rear to form a self-contained dwelling; both of which were dismissed at appeal. A further proposal was submitted in 2004 for a pair of semi-detached three bedroom two-storey dwellinghouses and was also refused by the Council. The latest application was submitted in 2011 for the erection of three two bedroom self-contained flats with off-street parking at the front, dismissed at appeal in May 2012 for the following reasons:

***'The development would cause harm to the character and appearance of the conservation area and to the living conditions of adjacent prospective occupiers. The proposals would not accord with Local Plan policies where they are consistent with the Framework nor with the provisions of the Framework concerning good design and the protection of the historic environment.'***

Although the detail of each application has varied to some extent, the principal objections remain and are discussed below.

### **Policy**

The previous appeal was assessed against the National Planning Policy Framework (NPPF), published March 2012, and due weight is subsequently given to relevant policies of the Borough Plan adopted prior to 2004 according to their degree of consistency with the Framework. Since the previous refusal, the emerging Core Strategy has also reached an advanced stage in the adoption process and relevant policies are therefore given material weight.

The Upperton Neighbourhood has been identified in the Proposed Submission Core Strategy (2006-2027) as highly sustainable, capable of accommodating a high level of housing growth. The development of this site would therefore form a valuable contribution to the overall housing delivery targets for Eastbourne. Notwithstanding the demand for new housing and the presumption at the heart of the Framework in favour of sustainable development, the suitability of developing backland sites must be assessed against all other material planning considerations and a balanced decision made. Although the site has been separated off from the host building and is understood to be in separate ownership, the historic role of the site has been as curtilage to 15 Hartfield Road.



The Framework definition of previously developed land in Annex 2 excludes land in built-up areas such as private residential gardens and it is therefore no longer presumed that previously developed land is necessarily suitable for housing development, particularly if of high environmental value, nor that the whole of the curtilage should be developed. Indeed, paragraph 53 makes clear that development on residential gardens that causes harm to the local area could be resisted.

### **Character & Appearance**

Matters of design and the protection of heritage assets form part of the core principles of the Framework and Borough Plan policies on design of new development, visual amenity, landscape features and conservation areas therefore hold substantial weight. In addition, the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Hartfield Road comprises a row of substantial properties each with large gardens. The open view along the back of the gardens provides a distinct character that serves to define the boundary of the conservation area and provides this side of Eversfield Road with a pleasant and spacious appearance. The front wall provides a strong townscape boundary between the subject plot and the street with a sense of spaciousness between Hartfield Road and the different form of development along Eversfield Road. Whilst the openness of the site does have some drawbacks in opening up views of modern development in the background, in addition to the plot being an untended area, the through views would, in other circumstances, be likely to be filtered by vegetation associated with use of the land as domestic garden. A decision has been made to separate off the land and remove any such trace of former cultivation and the Inspectorate is clear that only limited weight should therefore be attached to the resulting condition and effect as a matter in favour of development.

The proposed development seeks to follow the elevational treatment of 1-7 Eversfield Road (two pairs of semi-detached properties) and the gap between would be similar to that existing between Nos. 3 and 5. Although the applicant has introduced a ground floor bay on the eastern flank in an attempt to address previous concerns that the visible side elevations would lack the interest and hence townscape contribution of the present exposed elevation of 1 Eversfield Road, the flank elevations still significantly lacks detail and depth. Even if further detail were to be added, the original buildings in both the conservation area and area of high townscape value have depth to their designs which cannot be replicated on the application site due to the size of the plot. For this reason, any scheme would appear as a contrived addition to the area, intruding into and lessening the effect of the open space and consequently failing to preserve the character and appearance of Upperton Conservation Area. The increase in width and reduction in depth of the current scheme serves to further exacerbate the above issues. Furthermore, the reduction in height will result in the development sitting 1.6m below neighbouring buildings and the resultant increase in width of the front gables will appear out of proportion with Eversfield Road properties. The development also breaks the building line along Eversfield Road adding further weight to the unsuitability of the plot for residential development.

The historic wall surrounding the property helps to define the character of the conservation area and its substantial demolition, in addition to the new off-street parking area proposed to the front of the site, will further erode the historic significance and local distinctiveness of the conservation area contrary to policy. It is noted that the introduction of hard landscaping to create hard standing for cars is atypical of the conservation area where street parking is common with the pavement and walling separating vehicular and domestic space.

### **Residential Amenity**

Notwithstanding that the space between the new development and the existing at 1 Eversfield Road would be as originally designed between similar bays and other flank windows on Nos. 3 and 5, consideration should be given to the effect on occupiers where the previous and long-term relationship has been more open. Despite a reduction in depth, the proposed facing flank elevation would remain tall and blank resulting in a marked and unacceptable change in outlook and lighting of adjacent occupiers, with particular regard to 1 Eversfield Road, contrary to Local Plan Policy HO20.

The proposed development would continue to utilise the majority of the original garden area resulting in insufficient usable amenity space for the occupants of the existing flats to the detriment of their residential amenities. Despite an increase in depth, the rear gardens of the two units proposed would also remain considerably smaller than adjacent plots adding further weight that the scheme represents a cramped form of development contrary to paragraph 9 of the Framework.

The Council is satisfied that the scheme will protect the privacy of adjacent occupiers and room sizes will provide an adequate standard of accommodation similar to others within the town.

### **Parking**

The site is located in a sustainable location in close proximity to the town centre and public transport links and the provision of two off-street spaces will adequately serve the development. It is, however, noted that there are no facilities shown for cyclists contrary to Policy TR6 of the Borough Plan.

The Highway Authority has confirmed that a Local Sustainable Accessibility Improvement Contribution is no longer required.

### **Conclusion:**

Notwithstanding that the development of new housing would make a valuable contribution to overall housing targets and the site is situated in a sustainable location relative to transport, employment and services, the stated presumption in favour of sustainable development of the Framework is tempered by the need to have regard to policies on designated heritage assets. In this case, the development would cause harm to the character and appearance of the conservation area and to the living conditions of adjacent and prospective occupiers.

The scheme would not accord with Local Plan policies where they are consistent with the Framework nor with the provisions of the Framework concerning good design and the protection of the historic environment. For the above reasons, it is concluded that the application should be refused.

**Human Rights Implications:**

None.

**RECOMMEND:** Permission be refused for the following reasons:

(1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of Upperton Conservation Area and Area of High Townscape Value contrary to policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2001-2011.

(2) The proposed development represents an inappropriate form of backland development that, by reason its massing and close proximity to adjoining residential properties, would be inharmonious and unneighbourly resulting in an over-development of the site to the detriment of the established residential amenities of neighbouring occupiers with particular regard to loss of light and outlook and substandard amenity space for the occupiers of No. 15 Hartfield Road and the future occupiers of the proposed property when compared with surrounding properties. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

**INFORMATIVE**

For the avoidance of doubt, the plans hereby refused are:

2011/51/01 Rev A [Proposed Floor Plan, Site Plan & Street Scene], received 09/10/12

2011/51/02 Rev A [Proposed Floor Plans & Elevations], received 09/10/12

2011/51/03 [Site Location Plan & Block Plan], received 31/08/12

**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**.

## Committee Report 08 January 2013

### Item 4

|  |                                       |                    |
|--|---------------------------------------|--------------------|
| <b>App.No.:</b><br>EB/2012/0702  | <b>Decision Due Date:</b><br>12/12/12 | <b>Ward:</b> Meads |
| <b>Officer:</b> Suzanne West   | <b>Site visit date:</b>               | <b>Type:</b> Minor |
| <b>Site Notice(s) Expiry date:</b> 16/11/12  |                                       |                    |
| <b>Neigh. Con Expiry:</b> 22/11/12   |                                       |                    |
| <b>Weekly list Expiry:</b> 22/11/12  |                                       |                    |
| <b>Press Notice(s) Expiry:</b> N/A   |                                       |                    |
| <b>Over 8/13 week reason:</b> Requests to speak at committee/Objections  |                                       |                    |
| <b>Location:</b> 16 Trinity Trees  |                                       |                    |
| <b>Proposal:</b> Variation of condition 4 of permission EB/1998/0259 to allow the use to operate Monday, Wednesday and Friday 0900hrs to 1800hrs, Tuesday and Thursday 0900hrs to 2100hrs and Saturday 0900hrs to 1800hrs. |                                       |                    |
| <b>Applicant:</b> Didac School   |                                       |                    |
| <b>Recommendation:</b> Approve   |                                       |                    |

#### **Planning Status:**

- Town Centre & Seafront Conservation Area
- Town Centre Neighbourhood
- Predominantly Residential Area

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

##### **Eastbourne Borough Plan 2001-2011**

|      |                     |
|------|---------------------|
| HO20 | Residential Amenity |
| TO10 | Language Schools    |
| TR11 | Car Parking         |

##### **Emerging Core Strategy 2006-2027**

|    |                                     |
|----|-------------------------------------|
| B2 | Creating Sustainable Neighbourhoods |
| C1 | Town Centre Neighbourhood Policy    |
| D2 | Economy                             |
| D3 | Tourism & Culture                   |

**Site Description:**

The application site relates to a detached three-storey building within the heart of the town centre, just outside the Primary Shopping Area. The site is located within the Town Centre and Seafront Conservation Area, fronting Holy Trinity Church and bounded by residential development on all other elevations.

Formerly a hotel, the premises has been used as a Swiss language school since 1998 with authorised use of 0900hrs to 1800hrs Mondays to Fridays with no weekend openings.

**Relevant Planning History:**

|              |   |
|--------------|---|
| EB/2012/0614 | Variation of condition 4 of permission EB/1998/0259 to allow the use to operate Monday to Friday 0900hrs to 2100hrs and Saturday 0900hrs to 1800hrs.<br>Withdrawn. 29/09/12 |
| EB/1998/0259 | Change of use from hotel to Swiss private school.<br>Approved conditionally. 16/07/1998   |

**Proposed development:**

Permission is sought for a variation of condition 4 of permission EB/1998/0259 to allow the language to operate between the following hours:

- Monday, Wednesday and Friday 0900hrs to 1800hrs (as existing)
- Tuesday and Thursday 0900hrs to 2100hrs (additional 3hrs)
- Saturday 0900hrs to 1800hrs (additional 9hrs)

No external alterations are proposed.

**Applicants Points:**

The applicant has informed the Council that, unaware of the restrictive time condition, Didac School has been open on Tuesday and Thursday evenings and the occasional Saturday since opening in 1998 to offer clubs and activities to students and has done so without complaint. It is also noted that other language schools within the town, including 8 Trinity Trees, operate without time restriction and have received no complaints.

**Consultations:****Overseas Student Advisory Committee**

The OSAC Committee is a partnership between the language schools, Sussex Police, transport providers and the Council with the aim to ensure that students who come to Eastbourne on a language holiday have a positive and enjoyable experience. The partnership has been in existence for over 20 years.

As chair of OSAC I would like to support a planning application from a language school that is working to ensure that its students are offered a safe and secure learning environment.

Whilst every effort is taken by Sussex Police and the community of Eastbourne to protect visiting students from becoming victims of crime it does happen and it is important that all schools take steps to reduce the opportunity for their students to become victims of any type of abuse.

Didac has been a member of OSAC since 2006 at least and has been represented at the meetings consistently during that time. As an active partner the school is well aware of the need for safety amongst students and the planning application to extend opening hours is something that the partnership would envisage as a constructive way to safeguard young people.  
(Email, 17/12/12)

### **Neighbour Representations:**

#### **Support (1)**

- Proposed hours appropriate for language school
- Satisfied adequate measures are in place to ensure students cause minimum disruption including newly appointed caretaker
- Situation has improved greatly since employment of caretaker
- Language school at 8 Trinity Trees has no restrictions on opening hours and there has never been any cause to complain
- Surprised two similar schools are treated so differently
- Didac School should be allowed to continue to look after the welfare of their students as they deem necessary

#### **Objections (20)**

- Proposed opening hours on Saturday (9:00-18:00) contrary to agreement with local community

#### **Requests to Speak (2)**

- Cllr David Elkin
- Marie Hennelly (adjacent property)

#### **Appraisal:**

The applicant has engaged in extensive pre-application discussions throughout the planning process in an attempt to work with the Council and the local community.

This application follows the withdrawal of EB/2012/0614 at the applicants request to re-consult with local residents following amended hours of opening.

Permission is now sought for a variation of condition 4 of permission EB/1998/0259 to allow the use to operate:

- Monday, Wednesday and Friday 0900hrs to 1800hrs
- Tuesday and Thursday 0900hrs to 2100hrs
- Saturday 0900hrs to 1800hrs

The variations will allow the school to operate for an additional 3hrs on Tuesday and Thursday evenings and all day Saturday.

Whilst it is noted that the applicant only intends to operate the school for 4hrs between 0900hrs and 1800hrs on Saturday, to allow flexibility the school is unable to commit to a specified 4hr slot. A restrictive condition limiting the extent of use between this timeframe would not be enforceable and an assessment must therefore be made based on the school opening between 0900hrs and 1800hrs on Saturdays.

### **Need for Extended Hours**

Didac is one of five schools within Europe offering Swiss students the opportunity to spend their tenth year specialising in a language of their choice. With a shortage of activities in the town centre for under 18's particularly in the evening and reports of students having been the target of criminal activity including robbery and attempts to sell illegal drugs, the extended hours of opening will provide a social outlet for students in a safe environment offering opportunities to participate in clubs such as photography, film, IT and book club.

### **Policy**

Language schools are an important component of the tourism market and, in accordance with Policy TO10 of the Borough Plan and the emerging Core Strategy, the council actively seeks to maintain and enhance the education and training sector of the Eastbourne economy through a flexible approach to expansion proposals. The National Planning Policy Framework (NPPF) is clear that planning should encourage and not act as an impediment to sustainable growth and significant weight is therefore given to support the tourism sector.

Didac School makes a significant contribution to the local economy bringing an average of £1 million per annum to the town, approximately 50% of which is paid directly to host families housing students. The extended hours of opening will create a safer environment for students outside of the working school day through the provision of extracurricular activities to help meet the needs of students and promote Didac as an attractive tourist destination, supporting local businesses and encouraging investment in the town.

### **Harm to Residential Amenity**

This application is accompanied by supporting evidence to demonstrate the need for the extended hours which, in summary, will provide a safe haven for students outside of the working school day. In light of the hours proposed and the mitigation measures in place, the Council considers the extended hours to have no significant impact on residential amenity.

The application site is located within the town centre, in close proximity to the Primary Shopping Area, and it is must therefore be expected that residents will experience some degree of noise and general disturbance. Notwithstanding the above, the school proposes to implement a range of mitigation measures to address concerns from local residents summarised below:

- On Tuesday and Thursday evenings, the school will ensure a minimum of two members of staff are on site at all times to chaperone students to ensure any noise and disturbance is kept to a minimum.
- Outdoor activities, such as barbecues, will be prohibited after 1800hrs.
- Staff will continue to ensure students do not congregate outside of adjacent residential properties or within Trinity Trees itself.

- The proposed workshops/clubs will be tutorial based and should therefore cause no concern in and of themselves with regard to increased noise levels.

For the reasons mentioned above, the extension of hours for two evenings per week until 2100hrs and the working day on Saturdays is considered reasonable and should have no adverse impact on local residents.

It is recommended that hours of operation, including no outdoor activities after 1800hrs, should be restricted by way of condition to protect residents from the potential of noise and disturbance outside the respective hours.

### **Impact on Highway Network**

The site is located in a highly sustainable location in the town centre accessible by all modes of transport. The extended hours of opening is not anticipated to generate significant levels of vehicular traffic, if any, beyond that which already exists.

### **Character/Appearance**

This application proposes no alterations to the external appearance of the building and will therefore have no impact on the visual amenities of the area.

### **Human Rights Implications:**

None.

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

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

(2) That the use hereby authorised shall only operate between the hours of 0900hrs to 1800hrs Monday, Wednesday and Friday, 0900hrs to 2100hrs Tuesday and Thursday, 0900hrs to 1800hrs Saturday and no operations whatsoever shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining properties in particular.

(3) That, except with the express written consent of the Local Planning Authority, no outdoor activities shall take place between 1800hrs and 0900hrs on any day of the week.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.



## SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:  
The development will have no adverse impact on neighbouring residential amenity or the highway network in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

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

## Committee Report 8 January 2013

### Items 5 & 6

**App.No.:** EB/2012/0711(FP)&  
EB/ 012/0712(LB)

**Decision Due Date:** 15 December 2012

**Ward:** Meads

**Officer:** Jane Sabin

**Site visit date:** 22 November 2012

**Type:** Minor/Listed Building Consent

**Site Notice(s) Expiry date:** 29 November 2012

**Neigh. Con Expiry:** 29 November 2012

**Weekly list Expiry:** 28 November 2012

**Press Notice(s)-:** 5 December 2012

**Over 8/13 week reason:** Large number of late objections

**Location:** Lathom House Hotel, 4-6 Howard Square

**Proposal:** Conversion of hotel to provide for two town houses (fronting Howard Square) six self contained flats (fronting Howard Square/Compton) together with provision of new entrance steps

**Applicant:** District and Urban Holdings Ltd

**Recommendation:** Approve

#### Planning Status:

- Town Centre & Seafront Conservation Area
- Grade II listed building
- Tourist Accommodation Area

#### Relevant Planning Policies:

UHT1 - Design of development  
UHT15 - Protection of conservation areas  
UHT17 - Protection of listed buildings  
TO2 - Retention of tourist accommodation  
HO9 - Conversions/changes of use  
HO20 - Residential amenity  
TR11 - Car parking

**Site Description:**

The application site forms half of a terrace of six five-storey listed buildings dating from 1874, located on the north east side of Howard Square, with a return frontage to Compton Street. The character of the terrace is mildly Italianate, stuccoed, with curved bays, cornices, pilasters, pediments and a central door/entrance to each building. Constructed as private dwellings, the buildings have been used as hotels for many years; the Lathom is formed from three buildings, and was knocked through to be combined with the Ambassador some years ago (no applications for consent have been found for this). Externally the exterior is largely unaltered, although the interior has suffered from unsympathetic partitions and en-suites, and is very dated. Clearly there has been very little investment since the 1970's/1980's. Water penetration in the two storey porch facing Compton Street has resulted in the collapse of some ceilings, and large fungal brackets are also present.

**Relevant Planning History:**

None relevant.

**Proposed development:**

Planning permission and listed building consent is sought to convert this vacant hotel into two town houses (nos. 4 and 5), and five two-bedroom flats and a two bedroom maisonette (no.6). Internally, nos. 4 and 5 would be restored to their original layout as five-storey town houses, and no.6 would be altered to provide a flat on each of the floors, and a maisonette in the 1960's addition. Externally, the alterations would primarily be the rebuilding of the entrance steps from Compton Street (which now almost completely cover three basement windows), and the provision of new windows and cornicing to the extension.

**Applicant's Points:**

- The existing hotel provides 45 bedrooms and ancillary accommodation
- The proposal will provide two houses facing Howard Square and six flats accessed from Compton Street
- The hotel closed in 2007 and has remained vacant despite extensive marketing; although a buyer was found for the Ambassador, this was exceptional in that the buyer did not require bank financing. Financing is unlikely to be given in respect of a non-trading hotel
- Few changes are proposed externally; the facades will be renovated to bring the building back to its former glory, and the entrance stairs to Compton Street will be re-orientated to open up the windows to the basement. The side/rear extension will be remodelled to improve its relationship with the listed building
- The site is located close to the town centre and within easy walking distance of shops, transport and other facilities
- Policy TO2, which seeks to retain tourist accommodation allows for exceptions where it can be demonstrated that continued tourist use is not viable; the National Planning Policy Framework (NPPF) supports sustainable development and the reuse of vacant buildings for residential purposes, as well as the reuse of vacant listed buildings to ensure their retention/viability consistent with conservation status
- A residential use is appropriate given the historic character of the building; the alterations are modest, and should be contrasted with the alterations to the Ambassador which attracted objections from the

- conservation officer; alterations will be contained within the existing room layout, and there will be no loss of walls or chimney breasts, with ceiling roses, skirtings, architraves, cornices and staircases will all be retained
- The preservation of the building is key in any application; it is likely that the building will remain vacant for an indefinite period if no alternative use can be found
  - The proposed dwellings have been designed to a high quality, with spacious layouts
  - Parking is proposed at the rear of the two houses, and within the integral garage of the maisonette; compared with the previous use, the demand for parking will be considerably less

**Consultations:**

At their meeting on 20 November 2012, the Conservation Area Advisory Group raised no objections to the proposals.

The Conservation Officer notes that the proposal will reinstate two of the townhouses, which is welcomed, and convert the remaining house into flats. The sympathetic method of conversion is welcomed, and will remove much of the 1960's/1970's unsympathetic division of space which occurred to convert the dwellings into hotel accommodation. No objections are raised, subject to the retention and repair of original features, details of the new entrance steps and no flues/vents on the visible elevations.  
(Memo dated 10 December 2012)

Planning Policy accepts the loss of part of the terrace to residential use in the interest of ensuring that empty properties are brought back into use (in line with the NPPF), and that a viable use is provided for the listed building. The inability to secure a viable tourism use of the building over the previous 5 year period and the excessive costs associated with its refurbishment provides sufficient evidence in principle to accommodate residential use on the site. These considerations override its protection under Policy T02 of the Eastbourne Borough Plan (2003). Therefore residential development on the site is supported. In conformity with the National Planning Policy Framework the proposal should be permitted as it provides much needed sustainable residential development in the local neighbourhood and the Borough as a whole and would ensure the long term safeguarding of the listed building.  
(Memo dated 28 November 2012)

The Highway Authority states that the proposal will create a demand for 10 parking spaces using the ESCC, Parking Guidelines. The site provides 4 spaces on site, 6 less than the guidelines suggest. However, the previous use created more than twice the demand for parking (at least 23 spaces) than the proposal with 4 spaces on site. The site could also reopen as a hotel without the need for any additional permission. In addition the site is located within walking distance of the Town Centre which is also accessible by bus from the site and public transport. Bearing in mind the above as well as paragraph 32 of the recently published National Planning Policy Framework which states that '*Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe*' there are no grounds for a refusal on highway issues in this instance.

There is a need for cycle parking to be provided on site, at the rate of 2 spaces per house, plus 0.5 spaces per flat if there is communal storage or 1 space per flat if no communal storage.

(Memo dated 28 November 2012)

**Neighbour Representations:**

Bespoke Cycling comment that the scheme makes no provision for cycle storage.

(Letter dated 20 November 2012)

An objection has been received from the Da Vinci Hotel in Howard Square, who objects to the loss of the number of bedspaces the building provides, citing The Hotel & Visitor Accommodation Futures Study, commissioned by the council, which found a clear case for retaining hotels and guesthouses in the Tourist Accommodation Area. This proposal is contrary to the recommendation of the report and will further undermine the number of bed spaces which is already desperately short during the peak seasons. Research has identified 48 hotels and 70 guesthouses in Eastbourne with a total of 3,605 letting bedrooms. The report identifies a "good future for the hotel and visitor accommodation sector in Eastbourne", and specifically identifies potential for "continued investment in the improvement and development of existing hotels and guesthouses of all types and standards". This proposal merely decreases the provision in Eastbourne by a further 48 bedrooms. The Lathom Hotel, if sensitively priced to reflect market values, has much potential to exist as a single hotel or else to be operated as three separate guesthouses. The latter suggestion would have the advantage of maintaining the number of bed spaces while introducing affordable properties for enterprising people interested in contributing to the future of tourism in Eastbourne.

As the owner of the Da Vinci Hotel, the opportunity to build up expertise, knowledge and custom base by starting with a small guesthouse in Eastbourne and expanding to the present location was invaluable, and there was no difficulty in obtaining finances from a local bank on the back of a sturdy and realistic business plan. The Lathom Hotel is ideally placed in the heart of the cultural centre of Eastbourne. Its potential is considerably increased by the redevelopment of the neighbouring Ambassador Hotel and the close proximity of a range of accommodation providers, including guest houses, holiday flats and hotels. Neighbouring theatres, conference venues and the art gallery benefit directly from being close by. Furthermore, in spite of the recession, hotel stock is selling with the recent sale of the adjoining Ambassador Hotel as well as the Carlton Court Hotel (27 bedrooms) in Wilmington Square and the very quick sale of the Heatherleigh Hotel (52 bedrooms) on Royal Parade. The proposal to convert the former Co-Op building into a hotel is further evidence of confidence in Eastbourne.

There is concern that if the council agrees to the conversion of this hotel then other requests will follow. The Hotel & Visitor Accommodation Futures Study comments that "a number of hotel owners indicated that they would like to sell for residential conversion if they could, as this would enable them to realise greater value". Such a situation might be good for owners and their bank balances but would have an adverse impact on tourism in Eastbourne.

This would not just result in lower numbers of tourists but would also impact on the viability of restaurants, theatres and the growing conference market in Eastbourne. The Hotel & Visitor Accommodation Futures Study concludes that "There is a clear case for retaining the policy to resist loss of tourist accommodation in the Tourist Accommodation Area."  
(E-mail dated 27 November 2012)

Fourteen proforma letters from a block of flats opposite the site, make the following objections:

- No objection to the flats, but it is hard to imagine anyone wanting 9 bedroom houses of this size, which will result in them being used for multi occupancy or student accommodation
- The Whitehall Holiday Flats already operate like this, advertising rooms for one day, one week or longer, without the control that a hotel offers
- Experience shows that this has resulted in a number of problems, especially noise at night, no regard for cleanliness and parking difficulties
- Parking is difficult at times, particularly with the presence of the theatres, but to suggest that four spaces for a development containing 30 bedrooms is unsustainable

(Letters received 28 November 2012)

### **Appraisal:**

The main issues to take into account in determining this application are the impact on the character and appearance of the listed building, the loss of hotel accommodation, and the impact on nearby residents.

The building retains many original features, including windows, skirtings, cornicing, architraves, staircases, some doors and a small number of ceiling roses. Regrettably there are no fireplaces left, although nearly all chimney breasts are in place. There are a number of unfortunate partitions and en-suites, but the building is, with the exception of some opening up of the ground floor rooms, largely intact, although this is more by chance and neglect than intent; as a whole it is very dated and would need a significant investment to bring it up to even the most basic modern standard, let alone the areas that have serious problems due to water penetration, including the basement, which is currently inaccessible as a result of a break in and the ripping out of the plumbing. The scheme now proposed would reinstate the building to a considerable degree, particularly the two townhouses, and would result in very little loss of the original fabric of the building, thereby retaining an important heritage asset.

The loss of the hotel is a matter that also requires careful consideration. As the objector states, the supporting evidence undertaken as part of the Core Strategy finds no basis for altering the designated Tourist Accommodation Area, and reinforces the importance of the tourist trade to the town. Nevertheless, it is clear that the premises have not contributed to the towns' accommodation stock for a number of years, and that its current condition would require an extremely high level of investment to bring it back up to any reasonable standard, given the higher costs associated with restoring a listed building in this state; as such it is unlikely to offer an acceptable rate of return in today's economic climate. Regrettably, it is extremely unlikely that another buyer with the resources of the new owners of the Ambassador will come forward.

The relevant borough plan policy does make provision for exceptions based on the above criteria, and it is considered that the premises do meet the requirements in this instance.

In terms of residential amenity, the use of the building for housing purposes would have no adverse impact on nearby residents. With respect to the view of the objectors that the two houses would be too big for single family occupation, this concern is acknowledged. However, the two buildings would not convert easily to flats because of the position of the staircase, and nor would they be economical to use for multi occupancy, due to the facilities that would be required in a five storey building. Houses of this size are rare in the town centre, and it may be that there is a market for them; clearly, at the time of their construction, they were quite grand residences, as reflected in the sizes of the rooms and the number of floors. In any case, such changes would require planning permission and listed building consent, and are therefore subject to control and public consultation.

Parking has also been raised as an issue; it is the case that many properties in the town centre have no parking facilities at all, and is one reason why some people chose to live in such a location. The authorised use as a hotel could put more pressure on parking than the proposed residential use. The current scheme does provide for some on site parking, and is considered acceptable in this sustainable location.

**Human Rights Implications:**

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

**Conclusion:**

The proposed development, would bring a vacant building back into use, and ensure the retention of an important heritage asset thereby preserving the character and appearance of the listed building and the wider conservation area; due to the long vacancy of the premises and its condition, there is little prospect of it returning to tourist use, and therefore the loss of the bedspaces is considered acceptable. It would also result in an addition to the housing stock in a sustainable location in the town centre, where there is a need for additional units. The proposal therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

**Recommendation:**

**GRANT** planning permission and listed building consent, subject to conditions

**Conditions:**

- (1) Commencement within three years
- (2) Approved plan references
- (3) Details of new entrance steps, including new railings, to both elevations
- (4) Details of cycle storage
- (5) Retention of historical features (windows, doors, architraves, skirtings etc)
- (6) Methodology statement for the upgrading of original doors
- (7) Methodology statement for the repair/refurbishment of original windows
- (8) Details of fire and/or sound insulation
- (9) Details of new joinery (including windows, roof lights and doors), rainwater goods, flues/vents
- (10) Details of pipe and conduit runs
- (11) Render repairs to match, and submission of paint colour
- (12) Details of any alterations to roof structure or covering
- (13) Leadwork to be carried out in accordance with LSA
- (14) New architraves, skirtings, cornicing to match existing
- (15) No external flues/vents on the Howard Square or Compton Place elevations
- (16) Any damage to historic fabric to be reported
- (17) Redundant window openings on rear elevation to be filled and recessed / cills retained
- (18) Hours of operation(building works)

**Informatives:****SUMMARY OF REASONS FOR DECISION**

The proposed development is considered acceptable for the following reason: It would bring a vacant building back into use, and ensure the retention of an important heritage asset thereby preserving the character and appearance of the listed building and the wider conservation area; due to the long vacancy of the premises and its condition, there is little prospect of it returning to tourist use, and therefore the loss of the bedspaces is considered acceptable. It would also result in an addition to the housing stock in a sustainable location in the town centre, where there is a need for additional units. The proposal therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

**INFORMATIVE**

Submission of details of conditions marked ++

**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 8 January 2013

### Item 7

|                                    |   |                    |
|------------------------------------|---|--------------------|
| <b>App.No.:</b> EB/2012/0719       | <b>Decision Due Date:</b><br>19 December 2012                     | <b>Ward:</b> Meads |
| <b>Officer:</b> Jane Sabin         | <b>Site visit date:</b><br>20 November 2012                       | <b>Type:</b> Minor |
| <b>Site Notice(s) Expiry date:</b> | 30 November 2012  |                    |
| <b>Neigh. Con Expiry:</b>          | 30 November 2012  |                    |
| <b>Weekly list Expiry:</b>         | 5 December 2012   |                    |
| <b>Press Notice(s)-:</b>           | 5 December 2012   |                    |
| <b>Over 8/13 week reason:</b>      | First available committee date for number of objections submitted |                    |
| <b>Location:</b>                   | Flat 2, 11 Buxton Road  |                    |
| <b>Proposal:</b>                   | Erection of single storey extension to the side                   |                    |
| <b>Applicant:</b>                  | Mr. A. Springall  |                    |
| <b>Recommendation:</b>             | Approve   |                    |

#### Planning Status:

- Meads Conservation Area

#### Relevant Planning Policies:

|       |   |                                  |
|-------|---|----------------------------------|
| UHT1  | - | Design of development            |
| UHT15 | - | Protection of conservation areas |
| HO20  | - | Residential amenity              |

#### Site Description:

This modern, four-storey block of seven flats was constructed approximately six years ago on land to the side of Granville Crest (formerly a residence for University of Brighton students). The design and materials are very much a nod to the Meads "style", featuring strong gables, bays and red/orange brick with "stone" detailing. The building sits 10 metres back from the front boundary, giving the impression of a spacious setting, although there is little land to the rear. The flats are arranged as two flats per floor, one to the front, and one to the rear, with the ground floor units each having a private garden; the application site occupies the rear half of the ground floor.

### **Relevant Planning History:**

App Ref:EB/2005/0725 Description: Demolition of part of Granville Crest and erection of a four storey building comprising seven flats with car parking and access from Buxton Road  
Decision: Approved Date: 12 December 2005

App Ref:EB/2007/0375 Description: Erection of garage, amendment to layout of car parking area to front and alterations to entrance through front boundary wall  
Decision: Approved Date: 31 July 2007

### **Proposed development:**

Permission is sought to erect a single storey extension to the side of the rear ground floor flat by extending an existing bay, 4m in depth and projecting 3.6m into the side garden, under a flat roof 3m in height. The extension would be constructed of brick, with UPVC windows, doors and soffits under a flat, lead rolled roof. A dark grey aluminium roof light with tinted glass is also proposed, which would project 0.3m above the flat roof.

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

- The flats were designed to blend in with the area, but with a modern slant
- The flat is to the rear of the building, and the existing bay lends itself to be extended in the same style and width, but of a practical size
- The materials, detailing, roofline and proportions all match the existing
- To pick up as much light and connection with the garden as possible, the extension has full height glazing on all three sides, with brick corners and breaks to assist connection with the building, but defining it as a building of the present time
- The roof light has been positioned at the end of the extension (rather than central) with tinted glass to greatly negate any impact on neighbours, and its height kept low

### **Consultations:**

At their meeting on the 20 November 2012, the Conservation Area Advisory Group raised no objections to the proposal.

The Conservation Officer notes that the proposed extension is set behind a substantial stone and brick-capped boundary wall, and standard 6ft fencing with trellised top section. It would be visible from the public realm, both from Buxton Road and from the east in Bolsover Road, with the egress of light from the proposed extension through both the doors and proposed glazed roof. The roofline will be visible and the proposed white UPVC fascia and soffit, together with the extra height of the visible aluminium and tinted glass rooflight is considered visually unacceptable. It would be visually intrusive, and would detract from the character of the Conservation Area. It may be considered acceptable to face the extension with white painted wood fascia and the rooflight removed. Windows should be vertical sliding sash to match existing. The use of lead to roof the extension is considered an appropriate use of material, and is welcomed. It is therefore considered that the proposed extension is acceptable in principle, however with a modified design detail as described.  
(Memo dated 16 November 2012)

**Neighbour Representations:**

Eight objections have been received from other residents in the building and residents of the adjacent building, Granville Crest. The objections are summarised thus:

- An extension to the building would look out of place and detract from its significant architectural merit, and the symmetry of the building
- A flat roof would be totally out of keeping with the host building
- It would hinder any repairs/maintenance necessary immediately above the extension, as well as the monthly cleaning of the living room windows to the two flats above
- It would occupy a major part of the open space and greenery/lawn
- It would set a precedent, not only in the immediate vicinity, but in and around Meads

(Letters and emails dated 12 November to 4 December 2012)

**Appraisal:**

The main issues to take into account in determining this application are the impact on the character and appearance of the building and conservation wider, and the impact on the amenities of adjacent residents.

The proposed extension is well designed as a modest addition to this modern building, in terms of its proportions, vertical emphasis and detailing such as the matching plinth, and decorative lintels. The roof is of a traditional flat lead rolled type, which is an acceptable solution to constructing a low profile extension, particularly to a building in use as flats, so that it does not impinge on the windows and balcony of the flat above. Whilst the window and door design is different to the fenestration on the original building, and could be improved, the position of the extension in a discreet part of the site means that it would be largely hidden from any public viewpoint. It would be 26m from Buxton Road, behind the car park to the flats and the private fenced garden to Flat 1, and 35m from St Johns Road, but only viewed across the garden of Granville Crest. Only the roof and the tops of the doors would be visible from this distance, which would militate against any incongruity of the simple design of the doors, whilst the window is so recessed, that it would not be visible at all. The only concern is the provision of the roof light, which would be an incongruous feature and would draw the eye to the structure. Given the amount of clear glazing on all sides of the extension, it is considered that a roof light (tinted or not) is not necessary. The removal of this feature has been sought, and will be reported to the meeting. Turning to the objectors views that the building has significant architectural merit and the proposal would destroy its symmetry, it is considered that these cannot be substantiated; it is acknowledged that the building sits comfortably in the streetscene, but it could not be regarded as exceptional, more as a pastiche, and only the side elevation is symmetrical, which is not a special feature of the overall design. On the basis that the roof light is removed, it is considered that the proposal would have no impact on the building or the character and appearance of the Meads Conservation Area.

In terms of residential amenity, the proposal is a sufficient distance away from any other residential unit to have no adverse impact, although, potentially, there may be some impact on the outlook from the flat immediately above, particularly from the balcony, since the roof would be level with the floor of the balcony and therefore the roof light would be entirely above.

**Human Rights Implications:**

An amendment to the scheme to remove the roof light would result in the impact of the scheme being acceptable in terms of residential amenity.

**Conclusion:**

The proposed development, following the removal of the roof light, would have an acceptable impact on the character and appearance of the area, and the amenities of adjacent residents, and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2022 and the National Planning Policy Framework.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Commencement within three years.
- (2) Approved plan references.
- (3) Submission of samples of materials.

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: It would have an acceptable impact on the character and appearance of the area, and the amenities of adjacent residents, and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2022 and the National Planning Policy Framework.

INFORMATIVE: Your attention is specifically drawn to the condition above marked ++.

**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.**