

Eastbourne Borough Council

Planning Committee

16 April 2013

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) TENNIS IN THE PARK, GILDREDGE PARK, THE GOFFS, EASTBOURNE**
Single storey extension to the Tennis in the Park pavilion.
EB/2013/0015(FP), UPPERTON Page 3
RECOMMEND: APPROVE CONDITIONALLY
- 2) 1 THE HYDENYE, EASTBOURNE**
Change of use from laundrette to A3/A5 takeaway with installation of new extraction ducting to the rear elevation and minor alterations.
EB/2013/0053(FP), HAMPDEN PARK Page 7
RECOMMEND: APPROVE CONDITIONALLY
- 3) SHINewater CP SCHOOL, MILFOIL DRIVE, EASTBOURNE**
Retrospective application for the retention of two mobile classroom units.
EB/2013/0066(CC), LANGNEY Page 13
RECOMMEND: NO OBJECTIONS
- 4) SHINewater CP SCHOOL, MILFOIL DRIVE, EASTBOURNE**
Installation of one single mobile classroom unit to the west of the main school building.
EB/2013/0067(CC), LANGNEY Page 15
RECOMMEND: NO OBJECTIONS

Leigh Palmer
Customer First, Caseworker Manager

10 April 2013

Planning Committee

16 April 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

16 April 2013

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 16 April 2013

Item 1

App.No.: EB/2013/0015	Decision Due Date: 19 March 2013	Ward: Upperton
Officer: Jane Sabin	Site visit date: 14 March 2013	Type: Minor
Site Notice(s) Expiry date:	1 March 2013	
Neigh. Con Expiry:	2 March 2013	
Weekly list Expiry:	6 March 2013	
Press Notice(s)-:	N/A	
Over 8/13 week reason:	Referred to Committee by Chair	
Location:	Tennis In The Park, Gildredge Park, The Goffs	
Proposal:	Single storey extension to the Tennis in the Park pavilion.	
Applicant:	Mr. F. Mackie – Active Children Ltd	
Recommendation:	Approve	

Planning Status:

- Public open space (public park)
- Archaeological notification area

Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
LCF8	-	Small scale sport and recreation facilities
NE28	-	Environmental amenity

Site Description:

This modest, single storey, timber clad building is located in the north east corner of the park, directly facing the tennis courts sited behind the residential properties in Southfields Road and Dittons Road; the rear elevation lies adjacent to the main footpath leading to the vehicular access to The Goffs.

Relevant Planning History:

Permission for the tennis pavilion was originally granted in 1962. There have been no further applications associated with the building, although permission was granted in 1986 for an additional hard court and floodlighting.

Proposed development:

Permission is sought to construct a simple extension 4m wide and 6.5m deep to the side of the existing pavilion, with an extension to the decking commensurate with the extension, together with the provision of a canopy across most of the frontage and returning along the side elevation to include the side entrance doors. The canopy would extend 1.8m from the building with a combined length of 18.5m along the two sides, and would be constructed of felt covered timber with an aluminium/zinc fascia. In addition the main roof is to be re-felted, and the existing horizontal timber cladding replaced with painted vertical timber cladding.

Applicant's Points:

- The proposed extension will provide much needed additional and improved space to cater for the growth in popularity of the club
- The proposal simply extends the existing layout by 22m²; the modest scale of the building will not be appreciably changed
- The extension provides the opportunity to replace the timber cladding and roof covering, which are in poor condition, and to improve thermal performance. Without improvements the longer term sustainability of the existing building is doubtful
- The proposal will greatly improve the appearance of the building and enhance the visual amenity in this part of the park
- Landscaping comprises the extension of the existing deck across the proposed development

Consultations:

The Highway Authority does not wish to make any comments.
(Email dated 13 February 2013)

The County Archaeologist considers that the proposed development is unlikely to affect any archaeological remains, and therefore makes no recommendations.
(Letter dated 20 February 2013)

The Council's Aboricultural Officer states that the proposed development would not result in any loss of trees adjacent to the site, provided that adequate protection measures are implemented and adhered to.
(Memo dated 8 March 2013)

The Parks and Gardens Manager considers that the extension should provide minimal impact to Gildredge Park and is contained within the curtilage of the lease. Drains within the area of the extension will need to be investigated and managed. There was a new border and some young trees planted that will possibly require funding to transplant slightly further from the decking, but the decking feature may be able to integrate the existing new perennials and trees into the final design.

(Email dated 5 March 2013)

Neighbour Representations:

None received as a result of neighbour notifications and a notice posted on site.

Appraisal:

The proposed extension is modest in size, and will enable the increased use of the pavilion, which is to be encouraged. The timber cladding is also considered appropriate and an improvement; although no details have been provided of the colour/finish, this can be controlled by condition. The canopy is a new feature, and it is considered that it would sit comfortably on the front and side of this angular building. The issues raised by the Parks and Gardens Manager are matters that would be properly dealt with by way of the lease agreement, and not by way of planning conditions.

Human Rights Implications:

It is considered that there would be no impact on the amenities of nearby residents.

Conclusion:

There would be no adverse impact on the character and appearance of the building, park or the surrounding area, or on the amenities of adjacent residents.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement within three years.
- (2) Development in accordance with numbered plans.
- (3) Tree protection measures.
- (4) Submission of details of site office, materials storage, access route, services.
- (5) Samples of materials/finishes.
- (6) Submission of details of external lighting.

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: There would be no adverse impact on the character and appearance of the building, park or the surrounding area, or on the amenities of adjacent residents. The proposal therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy 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 16 April 2013

Item 2

App.No.: EB/2013/0053	Decision Due Date: 14.03.13	Ward: Hampden Park
Officer: Katherine Quint	Site visit date: 27.03.13	Type: Minor
Site Notice(s) Expiry date:	06.03.13	
Neigh. Con Expiry:	27.03.13	
Weekly list Expiry:	27.03.13	
Press Notice(s)-:	N/A	
Over 8/13 week reason:	Backlog of applications in connection with staff changes and organisational restructure	
Location:	1 The Hydneye	
Proposal:	Change of use from laundrette to A3/A5 takeaway with installation of new extraction ducting to the rear elevation and minor alterations	
Applicant:	Mr M Kazemi	
Recommendation:	Approve, subject to conditions	

Planning Status:

- Located within a Hampden Park: Queens Parade
- Predominantly surrounded by residential area
- Flood zone 3
- Archaeological Notification Area

Relevant Planning Policies:

UHT1	-	Design of New Development
UHT4	-	Visual Amenity
NE18	-	Noise
NE28	-	Environmental amenity

Emerging Core Strategy (2012)

C7	-	Hampden Park Neighbourhood Policy
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Site Description:

The vacant laundrette is located within Queens Parade in Hampden Park. The unit is one of three facing the roundabout at the Lottbridge Drove / The Hydneye junction – no. 2 The Hydneye is a busy café and no. 3 is vacant.

Continuing along The Hydneye is a series of smaller shops and a Co-op supermarket, in front of which is an existing car park for Queens Parade. To the rear of the site is a small service and bin area. Dwellings on Lottbridge Drive are positioned perpendicular to the site at a distance of 4.55m, and above the unit are residential flats.

Relevant Planning History: N/A

Proposed development:

The applicant seeks permission to change from a laundrette (Sui generis use) to a sit-in restaurant and fastfood takeaway (A3/A5 use).

- The extract duct (to serve the kitchen area located at the front of the restaurant) will run internally to the back of the unit, up to the flat roof at first floor level (externally), and will then be directed away from the residential properties on Lottbridge Drive across the flat roof. The existing extraction vent on the rear elevation will infilled.
- The front elevation is unaffected by the proposal.
- To the rear of the site is a temporary water tank structure, which will be re-built in brick to form additional sink / kitchen space.

Applicant's Points:

- The opening hours are proposed as 5pm to 11pm, seven days a week.
- The section of wall upon which the ducting is proposed to rise contains a communal stairwell from ground to first floor.
- Contact has already been made with Food Hygiene & Safety - Environmental Health to ensure that the layout and food storage / waste facilities accord with legislation.

Consultations:

Consultation was carried out by letter to 12 neighbouring residents and businesses within Queens Parade, and two site notices were displayed opposite the unit. Representation was also sought from the Environmental Health and Planning Policy, summarised below:

Food Hygiene & Safety - Environmental Health (13.03.13):

(A) The applicant(s) should be advised through a suitable Informative to contact this department to discuss any additional legal requirements on the internal layouts of the proposed premises with particular respect to the detailed layout of the kitchen areas and regarding appropriate written food safety procedures to ensure it complies with the food Hygiene Regulation (EC) No 852/2004

(B) Adequate facilities must be provided for the storage and disposal of food waste

Provision should be made for sufficient covered receptacles to contain refuse generated from the premises. Receptacles should be stored on a hard standing which is impervious and easy to clean and there should be access to a water supply and drainage to enable these receptacles to be cleaned.

Planning Policy (26.03.13):

The application site is located within the Hampden Park (Queens Parade) Neighbourhood Shopping Centre (as identified on the Eastbourne Policies Map), and is also located within the Hampden Park neighbourhood (as identified in the Core Strategy).

Core Strategy Policy 'D4: Shopping' identifies a retail hierarchy to provide a sustainable network of local shopping. The Hampden Park (Queens Parade) shopping centre is designated as a Neighbourhood Shopping Centre.

Borough Plan Policy 'SH7: District, Local and Neighbourhood Centres' considers the balance between class A1 (retail) uses and non-A1 uses within shopping centres.

As the proposal is for a change of use from one non-A1 use to another non-A1 use, there is no change to the number of non-A1 uses in the shopping centre and therefore Planning Policy have no comment to make on this application.

Neighbour Representations:

- One formal objection was received from Councillor Ansell representing the surrounding residents and businesses.
- A petition was received, noting the objections of 120 local residents and businesses, collected at the neighbouring cafe.

In summarising the objections, the material planning considerations raised are as follows:

- Harm to residential amenity, in particular noise
- Highways issues in relation to parking
- Loss of A1 uses within the parade, in relation to the neighbourhood policy requirement

In addition, the following other concerns were raised, which are not recognised as material planning considerations:

- Oversaturation of A3 / A5 uses in the Hampden Park area
- Competition with local businesses – the additional fastfood outlet will impact on existing cafes and fastfood outlets
- The consultation notification area was not considered to be wide enough

Appraisal:

The key considerations in determining the application relate to: residential amenity of neighbouring occupants and environmental impact, policy requirement relating to A1 uses, community facilities, and parking, as detailed below.

- Community facilities:
Consideration should be given to the role a laundrette plays in providing a local neighbourhood service and providing a community meeting point. In this instance, the unit has been vacant for a period of more than 10 months, and no interest has been expressed in re-instating the laundry business. The loss of the laundrette has already taken place, and given the number of vacant units within the parade, it is reasonable to consider the suitability of alternative non-A1 uses.

- Policy requirement relating to A1 uses:
Policy 'SH7: District, Local and Neighbourhood Centres' of the Eastbourne Borough Plan considers the balance between class A1 (retail) uses and non-A1 uses within shopping centres. As outlined in the planning policy consultation response, the proposal is for a change of use from one non-A1 use (Sui generis use) to another non-A1 use (A3/A5 use). There is therefore no change to the number of non-A1 uses in the shopping centre and similarly the number of A1 uses remains unchanged. On this basis, the change of use is not contrary to policy.
- Residential amenity of neighbouring occupants and environmental impact:
The rear elevation of unit is located 4.55m from dwellings on Lottbridge Drove and also has flats above the unit. The nature of the A3 / A5 use increases the risk of residential and environmental amenity being compromised. Taking into consideration the route of the extraction flue (being directed over the roof, facing away from residential properties), it can be concluded that suitable measures have been taken to minimise the impact.
Given the neighbouring café (A3), which has a flue on the rear elevation, the noise levels and environmental impact of the development are not dissimilar to other uses within the parade of shops.
The applicant is advised via an informative to liaise with the Food Hygiene & Safety and Environmental Health Teams to ensure that legislative requirements are met, and that equipment to be used in the extraction unit is suitable within a residential environment.
- Parking
The parking facilities for Queens Parade are accessed off The Hydneye and also serve the units which face onto the roundabout. Immediately in front of 1 the Hydneye are double yellow lines. The change of use from a laundrette to a fast food restaurant is not considered to increase the number of car users to the parade, and the 15 spaces which serve Queens Parade are considered adequate to accommodate the number of customers collecting take-aways.
- Additional concerns identified in petition:
In accordance with the planning system, competition between local businesses is considered to be a market-driven element, rather than being a material consideration in determining an application. From a planning perspective, the bringing back of vacant units into use increases the vitality and active frontages within a parade, and the increase in occupied units can, in many cases, act as a draw to a neighbourhood shopping area.
- In conclusion, the application is recommended for approval.

Human Rights, and Equality and Diversity Implications:

No outstanding issues.

Conclusion:

Given the existing Sui generis use of 1 The Hydneye, the development does not result in a loss of A1 uses within the parade, and is not contrary to policy.

By virtue of the height and design of the flue, the environmental impact of the A3/A5 use is considered to be suitably managed, and impact on neighbouring dwellings is minimal. The change of use will not result in a detrimental impact on the streetscene and will contribute to the vitality of the surrounding commercial and residential area. Subject to conditions, the proposal accords with Eastbourne Borough Plan (Saved policies, 2007), the Core Strategy (2012) and the National Planning Policy Framework (2012).

RECOMMEND: Permission be granted subject to the following conditions:

Conditions:

- Time limit
- In accordance with approved plans

Informatives:

- Liaise with Food Hygiene & Safety Team regarding layout and waste / food storage facilities
- Liaise with Environmental Health Team regarding the extraction unit equipment

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 16 April 2013

Item 3

App.No.: EB/2013/0066	Decision Due Date: 6 March 2012	Ward: Langney
Officer: Jane Sabin	Site visit date: 11 March 2013	Type: County Council consultation
Site Notice(s) Expiry date:	N/A	
Neigh. Con Expiry:	N/A	
Weekly list Expiry:	N/A	
Press Notice(s)- :	N/A	
Over 8/13 week reason:	Referred to Committee by Chair	
Location:	Shinewater Community Primary School, Milfoil Drive	
Proposal:	Retrospective application for the retention of two mobile classroom units.	
Applicant:	ESCC Childrens Services	
Recommendation:	No objections be raised.	

Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
LCF18	-	Extension of educational establishments
HO20	-	Residential amenity

Proposed development:

Retrospective consent is sought for the retention of two mobile classroom units within the school grounds. One is used as a classroom, the other for other activities (such as a breakfast club), which serves six other schools in the town. The application has been submitted to East Sussex County Council, and this Council's views are sought on the proposal.

Applicant's Points:

- The use of temporary accommodation is a recognised way of ensuring local authorities can fulfill their statutory duty
- It is important to establish long term demands for education; if the need becomes permanent then the authority will consider providing permanent accommodation, subject to funding

- Numbers have fluctuated at Shinewater over the years, and this trend is expected to continue. All of the permanent accommodation is used to its full potential
- Permission is sought for a period of seven years until 2020, to see the present cohort of pupils in their journey through the school curriculum

Consultations:

N/A

Neighbour Representations:

N/A

Appraisal:

The units have little impact on the visual amenities of the area and remain in a reasonable condition.

Human Rights Implications:

None.

Recommendation:

No objections be raised.

Committee Report 16 April 2013

Item 4

App.No.: EB/2013/0067	Decision Due Date: 6 March 2013	Ward: Langney
Officer: Jane Sabin	Site visit date: 11 March 2013	Type: County Council consultation
Site Notice(s) Expiry date:	N/A	
Neigh. Con Expiry:	N/A	
Weekly list Expiry:	N/A	
Press Notice(s)- :	N/A	
Over 8/13 week reason:	Referred to Committee by Chair	
Location:	Shinewater Community Primary School, Milfoil Drive	
Proposal:	Installation of one single mobile classroom unit to the west of the main school building.	
Applicant:	ESCC Childrens Services	
Recommendation:	No objections be raised	

Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
LCF18	-	Extension of educational establishments
HO20	-	Residential amenity

Proposed development:

Permission is sought to site a single mobile classroom unit adjacent to a double unit on the north west side of the hard playground. The application has been submitted to East Sussex County Council, and this Council's views are sought on the proposal.

Applicant's Points:

- The school has been chosen to pilot a 5 year nurture scheme for vulnerable children with classes of 8 children and 2 teachers undertaking a very specific type of support work
- There is no space within the school building, which is being used to its full potential
- Consent is sought for a period of 5 years to support the pilot of the nurture scheme

Consultations:

N/A

Neighbour Representations:

N/A

Appraisal:

The proposed unit will sit alongside a much larger unit on the edge of the playground to the rear of the school, and as such will have no impact on the visual amenities of the area.

Human Rights Implications:

None.

Recommendation:

No objections be raised.