

## Planning Committee

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**MEMBERS:** Councillor Murray (Chairman); Councillor Sabri (Deputy-Chairman); Councillors Jenkins, Miah, Murdoch, Salisbury, Taylor and Ungar

## Agenda

- 1 Minutes of the meeting held on 7 July 2015.** (Pages 1 - 10)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

**5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

**6 1 Baldwin Avenue. Application ID: 150502 (HHH).** (Pages 11 - 14)

**7 3 Churchdale Place. Application ID: 150374.** (Pages 15 - 22)

**8 14 Ratton Drive. Application ID: 150213 (HHH).** (Pages 23 - 28)

**9 18 Buckhurst Close. Application ID: 150636 (HHH).** (Pages 29 - 34)

**10 Flat 18 Chatham Court, 28 Chatham Close. Application ID: 150384.** (Pages 35 - 38)

**11 61 Willingdon Park Drive. Application ID: 150551 (HHH).** (Pages 39 - 44)

**12 153 Victoria Drive. Application ID: 150092.** (Pages 45 - 54)

**13 199 Seaside. Application ID: 150646.** (Pages 55 - 60)

**14 St Philips Church Hall, 1 St Philips Place. Application ID: 150495 (PPP).** (Pages 61 - 66)

**15 South Downs National Park Authority Planning Applications.**

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Registering to speak – Planning Applications** - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at [www.eastbourne.gov.uk/planningapplications](http://www.eastbourne.gov.uk/planningapplications)).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

**Please note: Objectors** will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

## Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

**Local Democracy**, 1 Grove Road, Eastbourne, BN21 4TW  
Tel: (01323) 415023/415021 Text Relay: 18001 01323 410000, Fax: (01323) 410322  
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Tuesday, 7 July 2015  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)  
Councillors Jenkins, Miah, Murdoch, Salisbury, Taylor and Ungar

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### **24 Minutes of the meeting held on 2 June 2015.**

The minutes of the meeting held on 2 June 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### **25 Apologies for absence.**

There were none.

### **26 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Taylor declared a personal interest in minute 32 Langney CP School as a member of East Sussex County Council Planning Committee. Councillor Taylor remained in the room whilst the application was considered but did not take part in the discussion or vote thereon.

### **27 34 Marlow Avenue. Application ID: 150496 (HHH).**

Erection of garden store at rear – **ST ANTHONYS**. Two general observations and one letter of support had been received. One additional comment had been received stating that the neighbouring resident had no objection to structure, but had concerns regarding the possible installation of sink and services for a washing machine, whether the inclusion of services would change the intended use from 'Shed / Store' to extension of dwelling and whether the mains water and waste water would be subject to Building Control.

Mr Callf also provided additional comments and a cross section drawing relating to drainage that had been installed but subsequently removed as confirmed by Mr Keohane.

The relevant planning history for the site was detailed within the report.

Mr Callf addressed the committee in objection stating that he had no objections to the structure, however he did raise concerns regarding the potential addition of foul waste disposal to the site and the possibility that the site may be used as a place of residence. Mr Callf also raised concerns regarding the potential for localised flooding, as no surface water drainage

was proposed. Mr Callf advised that there had been a breach to the existing manhole cover.

Mr Keohane, on behalf of the applicant, addressed the committee in response stating that no waste removal treatment was proposed and that the structure would be used for the storage of food items only. Mr Keohane confirmed the drainage system had been removed from the site.

The Senior Specialist Advisor (Planning) confirmed that any breach of man hole covers and underlying pipework would be investigated by Building Control and that any damage would be required to be replaced and repaired.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions; 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:  
 DWG. NO.: 1 - Proposed Ground Floor Plan (Rec'd 01/05/2015)  
 DWG. NO.: 2 Rev. A - Proposed Front & Side Elevations (Rec'd 14/05/2015)  
 DWG. NO.: 3 Rev. A - Proposed Rear Elevation (Rec'd 14/05/2015)  
 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as 34 Marlow Avenue, and shall not be let or sold separately.

**28 48 St Leonards Road. Application ID: 150141 (PPP).**

New build 3 Storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Reduction of proposed building to 2 storeys consisting of 7 dwellings and 7 car parking spaces. (Amended description) – **UPPERTON**. 21 objections had been received in response to the initial consultation and a further eight objections had been received in response to the consultation on the amended proposal.

The relevant planning history for the site was detailed within the report. The Specialist Advisors for Arboriculture, Economic Development and Planning Policy raised no objection to the proposal. East Sussex County Council Highways Department raised no objection subject to conditions and a S106 legal agreement.

The committee discussed the application and raised concerns regarding the design of the proposed development and its subsequent effect on the character of the surrounding street scene.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that the proposed development by reason of its poor design and external appearance would be intrusive and harmful to the predominant character of the area, contrary to Policies Policies UHT1, UHT4 and UHT15 of the Eastbourne Local Plan and Policy D10A of the Eastbourne Core Strategy.  
 Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

**29 153 Victoria Drive. Application ID: 150092.**

Conversion of first floor residential accommodation to form 1 one-bedroom flat and 2 two-bedroom flats with access from the rear – **OLD TOWN**. Two general comments and one of support had been received.

The committee was reminded that they had sought further details regarding the noise impact of the plant and machinery associated with the Sainsbury's retail store at ground floor level which would need to be assessed before a decision could be reached. The applicants had commissioned an acoustic report to identify the extent of the noise impacts that the ground floor use would create. This report concluded that subject to double glazed windows incorporating trickle vents then the new residential apartments to the rear would not suffer any material impact from the ground floor use. This view was supported by the Specialist Advisors (Environmental Health). A condition was recommended to control the installation of double glazed units.

The relevant planning history was detailed within the report. The observations of East Sussex County Council Highways Department were summarised within the report.

The committee discussed the application and raised concerns regarding the soundproofing measures, requesting that officers further negotiate sound mitigating solutions for the dwellings proposed.

**RESOLVED: (Unanimous)** That the application be deferred to allow the Planning Department to propose and negotiate further improvements to the screening and soundproofing measures for the proposed dwellings.

**30 280 Kings Drive. Application ID: 150369.**

Two storey extension at side and single storey extension at rear – **RATTON**. Two objections had been received.

The relevant planning history for the site was detailed within the report. The observations of the County Archaeologist were also summarised.

**RESOLVED:** That permission be granted subject to the following conditions; 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission 2) The development hereby permitted shall be carried out in accordance with the approved drawings no. 1514/03 Rev. A submitted on 5th June 2015 and drawings no. 1514/04 and 1514/05 submitted on 2nd April 2015 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed on the east elevation (facing 278 Kings

Drive) without planning permission obtained from the Local Planning Authority 5) The living accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as 280 Kings Drive and shall not be let or sold separately.

**31 BMX Track, The Old Rifle Range, Hampden Park. Application ID: 150484 (PPP).**

Formation of a BMX pump track adjacent to the skate park – **HAMPDEN PARK**. One letter of objection and three representations of support had been received. One further letter was reported at the meeting broadly welcoming the facility but offered some caution over noise disturbance at the site and surrounding area if formal events were held at the facility.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Arboriculture and Open Spaces were also summarised.

**RESOLVED: (By 6 votes to 1 with 1 abstention)** That permission be granted subject to the following conditions; 1) Commencement within three years 2) Development in accordance with approved plans 3) Tree protection 4) No changes in soil levels within the root spread of the trees 5) Submission of details of access route, site office and materials storage

**32 Langney CP School. Application ID: 150471.**

Proposed temporary single classroom, ramp and steps –**ST ANTHONYS**.

The relevant planning history for the site was detailed within the report.

The committee discussed the application and agreed that the use of temporary classrooms was not the best environment for education and that such developments should continue to be monitored by the committee. Members also requested that East Sussex County Council consider including a covered walkway to the main school building.

NB: Councillor Taylor took no part in the discussion on this item.

**RESOLVED:** That East Sussex County Council be advised that Eastbourne Borough Council raised no objections to the current proposal.

**33 Seaside Garage, 10-16 Fairlight Road. Application ID: 150457 (PPP).**

Demolition of existing garage and construction of 4 x 3 bedroom, 2 storey terraced houses. (Amended description) – **DEVONSHIRE**. One letter of objection and two letters of observation/comment had been received.

The relevant planning history for this site was detailed within the report. The observations of the Specialist Advisor (Planning Policy) and East Sussex County Council Highways Department were also summarised.

The committee discussed the application and agreed that the boundary treatment should reflect that of the surrounding properties and should therefore include a low boundary wall to match the existing properties.

**RESOLVED: (Unanimous)** That 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 permission 2) The proposed development shall be carried out in strict accordance with the approved plans and documents 3) No development shall commence until details of a Phase II Soil Investigation is submitted to and approved in writing by the Local Planning Authority. If contamination is found to be present, then details of a remediation strategy detailing how this contamination shall be dealt with shall be submitted to and approved by the Local Planning Authority prior to the commencement of excavation work 4) Prior to reaching damp course level, samples or precise manufacturers details of all the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter 5) Notwithstanding the approved details, the development shall not be occupied until full details of boundary treatment and hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of trees and planting plans, species specification and samples of hard landscaping materials 6) The development shall not be occupied until the existing access shown on the approved plan has been stopped up and the kerb & footway reinstated in accordance with details submitted to and approved in writing by the Director of Communities, Economy and Transport 7) During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site to prevent contamination and damage to the adjacent roads 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), gate, fence, walls or any other means of enclosure than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority 11) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble 12) No bonfires or burning of waste materials shall take place anywhere on the site at any time.

**Informatives:**

- All external materials to be used in the development shall conform to the guidelines set out in the Eastbourne Townscape Guide.

- The applicant's attention is drawn to the need for a S184 licence for the reinstatement of the kerb and footway. The applicant should contact ESCC on 01273 482254 prior to commencement of development to apply for the licence and pay the necessary fee.

-The applicants be advised that given the age of the building and the commercial nature of former use there may be materials in the building and or on the site that require the disposal by a dedicated specialist contractor.

**34 Shortdean Place. Application ID: 150322 (PPP).**

Provision of additional garage (to double garage approved under permission EB/1983/0388), lowering of dwarf boundary wall and re-landscaping of adjacent open area – **OLD TOWN**. Nine objections had been received.

The relevant planning history for the site was detailed within the report.

**RESOLVED: (By 7 votes with 1 abstention)** That permission be granted subject to the following conditions; 1) Commencement within 3 years 2) Development in accordance with the approved plans 3) Submission of brick samples 4) Painting of garage doors 5) Completion of landscaping before occupation of garages 6) The garage hereby approved shall not at any time be used for the commercial (Business) purposes including commercial storage and the parking of a non-domestic vehicles.

**35 Site 5, Sovereign Harbour. Application ID: 150352 (RMT).**

Application for approval or reserved matters following outline approval (130002) – **SOVEREIGN**. Three comments had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor (Planning Policy) and Bespoke were also summarised.

Southern Water Services Ltd, the Environment Agency, Sovereign Harbour Residents Association and East Sussex County Council Highways Department made no comment. The Environment Agency made no objections to the application.

Mrs Weeks, Sovereign Harbour Community Association, addressed the committee in support stating that the application had the full support of the residents and that the development would strengthen the existing relationships within the community.

**RESOLVED: (Unanimous)** That the reserved matters be approved.

**36 Water Treatment Works, Waterworks Road. Application ID 150589.**

Provision of a microfiltration building and ancillary equipment –  
**DEVONSHIRE.** Two responses had been received.

The observations of the Specialist Advisors for Policy and Environmental Health and East Sussex County Council Highways Department were summarised within the report.

East Sussex County Highways Department raised no objections subject to a condition requiring highway signage for construction traffic as follows:

- The controls requested by the East Sussex County Council Highways Department would be worked into the full text of Condition No4 within the tabled report.

An additional letter of support had been received from local resident.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions; 1) Commencement within three years 2) Carried out in accordance with the approved plans 3) Hours of operation 4) Deliveries and working practices in accordance with planning statement and traffic management plan

### **37 Conservation Guidance documents.**

The committee considered the report of the Senior Specialist Advisor (Planning and Conservation) advising members that the Council documents *Guidance for Designation and Review of Conservation Areas* and *Conservation Areas in Eastbourne Companion Document*, had been updated to include the National Planning Policy Framework [NPPF] which superseded Planning Policy Statement 5 (PPS 5) in 2012.

The report also sought authority to go out to public consultation on proposals for the draft Good Practice for the Selection of Local Heritage Assets (Buildings of Local Interest and Areas of High Townscape Value).

The purpose of the draft Guidance Manual was to provide explanatory information and guidance on the purpose of a local heritage list and identified the criteria local communities could use to select; assets such as buildings, areas, spaces and places that matter to them. The document set a common framework of criteria that would be used to objectively determine the level of protection afforded to local heritage assets.

Subject to approval of the recommendations within the report, it was proposed to carry out public consultation on the draft Guidance Manual in compliance with the Council's adopted Statement of Community Involvement. Consultation would be carried out with Historic England, Victorian Society, Twentieth Century Society, Historic Parks and Gardens, local amenity groups and historic societies, residents and occupiers of the Borough would be notified via a notice published in the local newspaper. The consultation period would last for 12 weeks.

The draft Guidance Manual established the framework through which identification of local heritage assets could be assessed objectively in order

to ensure that their inclusion on the local heritage asset list could be justified and were defensible.

**RESOLVED:** 1) That the committee authorise public consultation on the draft Good Practice for the Selection of Local Heritage Assets (Buildings of Local Interest and Areas of High Townscape Value) 2) That on completion of the public consultation exercise the results shall be reported to Planning Committee prior to the referring the document onto Cabinet for adoption. 3) That the update of the *Guidance for Designation and Review of Conservation Areas* and *Conservation Areas in Eastbourne Companion Document*, to include The National Planning Policy Framework [NPPF] which superseded Planning Policy Statement 5 (PPS 5) in 2012 be noted.

### **38 Enforcement Policy Statement 2015.**

The committee considered the report of the Senior Specialist Advisor (Planning) requesting that members endorse the revised Enforcement Policy Statement 2015.

The proposed changes to the previously adopted enforcement policy were modest with the significant changes from the October 2014 version being:-

- Revised title
- Section 6 ii) page 11, outlines how the Council would work proactively to mitigate the potential breaches of planning control
- Section 9 Direct Action page 20, outlined the parameters and criteria against which the Council would pursue Direct Action.
- Section 9 Monitoring of Conditions page 22, outlined the informative that would be attached to all approval notices.

Members noted that the Policy statement continued to:-

- Promote the joined up enforcement approach, recognising that working closely with others from outside the planning service was essential to maximise outcomes
- Reflect and reinforce the more proactive work already undertaken by the planning enforcement processes and also by the Difficult Properties Group in taking positive action to improve the environment of the Borough and the amenities of its residents.
- Planning Committee would receive a quarterly report detailing the actions and outcomes relating to enforcement matters.

Members were advised that since the Enforcement Policy Statement was adopted in April 2010 it had been successfully implemented to bring about significant changes in the Council's approach to enforcement issues in general.

Planning enforcement now enjoyed a significantly higher profile than in the past. Public expectation is also higher and therefore a more robust policy document which more clearly identifies when and how action could be undertaken was required to ensure that these expectations could be met.

It was considered that given the profile now afforded by the National Planning Policy Framework it was recommended that this updated document be referred to Cabinet for formal adoption.

**RESOLVED:** 1) That the Enforcement Policy Statement 2015 be endorsed  
2) That the Enforcement Policy Statement 2015 (as the local approach for conducting/undertaking the planning enforcement function within the Borough of Eastbourne) be referred to Cabinet for formal adoption.

### **39 Seafront Local Plan - Issues and Options.**

The committee considered the report of the Senior Head of Regeneration, Planning and Assets seeking member's views on the Seafront Local Plan Issues and Options report which would be published for consultation with the community and key stakeholders for a 12 week period between 17 July and 9 October 2015.

The Local Development Scheme (LDS) outlined the work programme for the production of planning policy documents and identified the preparation of a Seafront Local Plan to maximise the seafront's contribution to the town as a defining asset and significant contributor to the local economy. The LDS scheduled consultation on an Issues and Options report would take place over the summer of 2015.

The Seafront Local Plan would be a Development Plan Document that would form part of the Local Plan for Eastbourne. It would set a framework for future development on the seafront with the aim of enhancing the positive contribution that the Seafront makes to the town and the local economy. The Seafront Local Plan would have to be in conformity with the Core Strategy and the Town Centre Local Plan, as well as national policy.

**RESOLVED:** 1) That Cabinet be advised that the Planning committee support the development of a Seafront Local Plan.

### **40 South Downs National Park Authority Planning Applications.**

There were none.

The meeting closed at 8.51 pm

**Councillor Murray (Chairman)**

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# Agenda Item 6

<b>App.No:</b> 150503 (HHH)	<b>Decision Due Date:</b> 14 July 2015	<b>Ward:</b> Old Town
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b>	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 12 June 2015 <b>Neighbour Con Expiry:</b> 12 June 2015 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Referred to Committee by Chair		
<b>Location:</b> 1 Baldwin Avenue		
<b>Proposal:</b> Two storey extension to front and side, and extension to roof (loft conversion) with gable dormers to side and rear.		
<b>Applicant:</b> Mr A Manton		
<b>Recommendation:</b> Approve conditionally		

## **Executive summary:**

This application has been referred to Committee from Delegated given that proposed external appearance of the extended dwelling would be different from others in the area and the Chair wanted to understand the views of Planning Committee.

It is considered that whilst there is a change to the external appearance of the property there would be no material adverse impact on visual or residential amenity sufficient to justify a refusal, and as such the scheme complies with local and national policies.

## **Planning Status:**

Residential area  
Archaeological Notification Area

## **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

HO20: Residential Amenity

**Site Description:**

This detached, two storey, inter-war dwelling is located on the west side of Baldwin Avenue, with side and rear boundaries adjoining dwellings in Milton Road. It is a building typical of the suburban style of architecture of the time, with brick plinths and quoins, tile hanging and render. The garage has been converted into habitable accommodation, although there is still space for a car on the remaining drive.

**Relevant Planning History:**

000149

Proposed single-storey extension to front of garage and first floor side extension.  
Approved unconditionally 3 May 2000

090542

Proposed single storey rear extension and first floor side extension to include rooms in the roof  
Approved conditionally 2 October 2009

**Proposed development:**

Planning permission is sought to extend the building at the front and side on both floors, together with an extension to the roof, including the provision of gabled dormers to the side and rear. A porch is also proposed to the front.

The projection to the side is modest at 0.75m, whilst to the front the increase is 1.6m at ground level (excluding the porch which projects a further 1m) and up to 3.1m at first floor level.

The roof extension does not exceed the highest part of the ridge, but sections of it are to be raised by 1.3m to match it; both gables are modestly proportioned and their ridges, too, would match the highest part of the roof.

It is proposed, in conjunction with the extensions, to remodel the overall appearance of the dwelling with a modern finish, involving the rendering of almost the whole of the exterior and the use of grey aluminium coated timber windows; the roof would remain in clay tiles.

**Consultations:**

County Archaeologist – no recommendations, as unlikely to have any impact.

**Neighbour Representations:**

No representations have been received.

**Appraisal:**

The main issues to take into account in determining this application are the impacts on visual and residential amenity.

**Visual amenity:**

This end of Baldwin Avenue curves gently to meet the junction with Milton Road, and the dwellings, whilst not following a rigid building line, generally sit parallel to the that curve. The corner terminates with the rear of the neighbouring property in Milton Road, and the

scheme has been formulated to take advantage of the siting of the flank wall of that property and the curve in the road to bring the whole property forward. The applicant has stated that he does not wish to extend the property to the rear, as his garden is already small (compared to his neighbours) due to its proximity to a tightly angled corner.

The principal change is to the character of the building from suburban inter-war to very modern, and this would be emphasised by its forward projection. In this respect, the proposed development would be somewhat out of character with the surrounding properties. It is the case that the site is not in a conservation area and therefore the external changes would be permitted development.

It is considered that, on balance, there would be no harm to visual amenity.

Residential amenity:

The relationship with properties on either side would not result in any overshadowing, loss of outlook or loss of privacy; no representations have been received from neighbouring residents. It is concluded that there would be no adverse impact on residential amenity.

Other matters:

There are no trees of any merit on the site, although it is intended to keep as much of the vegetation along the front boundary as possible.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that there would be no adverse impact on visual or residential amenity, and therefore the proposal complies with local and national policies.

**Recommendation:** Approved conditionally

**Conditions:**

1. Commencement within 3 years
2. Development in accordance with approved plans
3. roof tiles to match those on the existing property
4. Hours of operation (Construction)

**Appeal:**

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

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# Agenda Item 7

<b>App.No:</b> 150374	<b>Decision Due Date:</b> 10 July 2015	<b>Ward:</b> St Anthonys
<b>Officer:</b> Richard Elder	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 19 June 2015 <b>Neighbour Con Expiry:</b> 19 June 2015 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Referred to Planning Committee		
<b>Location:</b> 3 Churchdale Place, Eastbourne		
<b>Proposal:</b> Erection of a detached 2 storey, 2 bedroom house on land adjacent to 3Churchdale Place. (Amended description).		
<b>Applicant:</b> Mr Robert Weston		
<b>Recommendation:</b> Refuse		

## **Executive Summary:**

The proposed development does not differ significantly from the previous refused application in September 2014 and would constitute an overdevelopment of a constrained site, by reason of its scale and siting, and would be out of character with, and detrimental to the regular and symmetrical layout of the surrounding properties, and the outlook from the adjacent dwelling.

## **Planning Status:**

Residential area

## **Relevant Planning Policies:**

### National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

- 12. Conserving and enhancing the historic environment
- 13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C6: Roselands & Bridgemere Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- HO1: Residential Development Within the Existing Built-up Area
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

**Site Description:**

A semi-detached, inter-war, two-storey dwelling located in the northern corner of this small cul-de-sac of eight properties arranged as four identical pairs in a symmetrical pattern. It has a wide side garden, and part of the garden of a dwelling in Northbourne Road was purchased some years ago to enlarge the rear garden. A hardstanding for one vehicle is located in the front garden.

The application site is defined as the whole of the side garden, approximately half of the additional rear garden, and half of the front garden.

**Relevant Planning History:**

820319

Two storey extension at the side to provide a dining room and WC, with an additional bedroom and bathroom over.

Approved 21/01/1982 NOT IMPLEMENTED

080550

Erection of a detached two-bedroom house with parking spaces in the rear garden of 3 Churchdale Place

Refused 14/10/2008

140740

Erection of a two storey, two bedroom attached dwelling.

Planning Permission

Refused

03/09/2014

Refused for the following reasons:

- (1) The proposed development would be an overdevelopment of a restricted site, by reason of its scale and siting, and would be out of character with, and detrimental to the regular and symmetrical layout of the surrounding properties, and the outlook from the adjacent dwelling. The proposal therefore conflicts with policies UHT1, UHT4, HO6, and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007, policies B2, C6 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraph 56 of the National Planning Policy Framework.
- (2) The application makes no provision for affordable housing or compensatory flood storage and therefore conflicts with policy D5 of the Eastbourne Core Strategy Local Plan 2013 and policy US4 of the Eastbourne Borough Plan (Saved Policies) 2007.

**Proposed development:**

Permission is sought to construct a two storey detached house to the side of 3 Churchdale Place incorporating a pitched hipped roof, casement windows, obscure glazed windows to the north east flank and French doors at the rear opening out onto the rear garden. The footprint would be broadly similar to the existing house but would be stepped back into the site by approximately 2 metres.

The materials would match the brick, tiles and UPVC windows and doors. The front forecourt would provide one parking space, aligned with the side boundary fence and therefore at an angle to the road.

**Consultations:**

Internal:

Specialist Advisor (Planning Policy) – No objection - application is liable for CIL, forms for which confirming liability have accompanied the application

External:

None

**Neighbour Representations:**

Ten objections have been received and cover the following points:

- The development will adversely affect the character of the small close, its planned layout and the area in general.
- Overdevelopment - site too small would result in a further dwelling being crammed into a small space, resulting in an eyesore.
- The rear of the property would be out of alignment with the existing rear walls, and if trees were to be removed, this would be intrusive for the residents of Northbourne Road

- Insufficient parking - will adversely affect parking in the close which is very limited.
- Would exacerbate existing problems with access for deliveries, refuse vehicles and emergency vehicles.
- Overlooking and loss of privacy to bedrooms and garden.
- Loss of light, overshadowing.
- Harm to flora and fauna on site.
- Adverse impact on environment & biodiversity.
- Concerns that the proposal would lead to undue flooding to surrounding properties.
- Noise

### **Appraisal:**

#### Principle of development:

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Paragraph 53 goes on to say that inappropriate development of residential gardens should be resisted where development would cause harm to the local area.

The application site is a residential garden and is considered a greenfield site as such. The NPPF seeks to resist development such as this unless it would not cause harm to the local area.

Reason for refusal 1 of the previous application 140740 set out that the principle of development on this site is not acceptable and would constitute an inappropriate form of development that would harm the visual and environmental amenity of the local area. As such, it is considered that this amended resubmission does not address this reason for refusal and the proposal remains an inappropriate form of development in this location.

Other considerations in the determination of this proposal relate to whether the development is sympathetic to the character and appearance of the surrounding residential area, its impact on residential amenity and its acceptability on highway grounds with regard to sufficient provision of an off-street parking space and additional crossover.

#### Design, siting and layout

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy H06 states that within primarily residential areas planning permission will be granted for infill residential development, where it can be satisfactorily demonstrated that the development of other adjacent sites would not be

unreasonably prejudiced subject to appropriate siting, scale and materials which reflects the local townscape.

Policy B1 of the Eastbourne Core Strategy states that spatial development strategy will deliver at least 5,022 dwellings by 2027 within the built up area boundary, in accordance with the principles of sustainable development. It will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land. Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

Although the size of the garden is generous, the site is a very irregular shape, which makes the siting of further development difficult to assimilate satisfactorily into its surroundings. The precise siting of the dwelling is set back in an attempt to address the relationship with the adjacent property and the planned layout of the close, however the result would not be successful. The dwelling would sit awkwardly on the site resulting in a poor relationship with the front of no.5 Churchdale Place, out of keeping with the pattern of development of the close.

The layout of the front forecourt and parking arrangement appear to be contrived and awkward on plan and it is considered that it would have a cramped appearance on this prominent corner site. Together these elements demonstrate that the proposal would be an overdevelopment of a constrained site, out of character with its surroundings and fails to address reason for refusal 1 of the previous application 140740.

As such, it is considered that the proposal would constitute an inappropriate and unsympathetic form of development which would fail to harmonise with the character and appearance of the local area, detrimental the appearance of the local area as a result, contrary to Policies UHT1, UHT4 and HO6 of the Eastbourne Local Plan and Policies B1 and B2 of the Eastbourne Core Strategy and the National Planning Policy Framework.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy H06 states that within primarily residential areas planning permission will be granted for infill residential development, where it can be satisfactorily demonstrated that the development would not significantly harm residential or environmental amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

It is considered that the scale and siting of the proposal would have an adverse impact on the outlook from 5 Churchdale Place and the character and appearance of the symmetrical layout of the close.

As such, it is considered, therefore, that the proposal is ill-conceived and would fail to address any of the constraints or amenity value of the site. It would dominate this constrained corner garden site and would be inappropriate, unsympathetic and would harm the environmental amenity of the local area as a result, contrary to Policies H06 and HO20 of the Eastbourne Local Plan, Policy B2 of the Eastbourne Core Strategy and paragraph 53 of the National Planning Policy Framework.

Impacts on highway network or access:

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

Policy H06 states that within primarily residential areas planning permission will be granted for infill residential development, where it can be satisfactorily demonstrated that provision of adequate car parking would be provided.

The provision of one additional small dwelling is unlikely to have a significant impact on highway safety, or on the capacity of the roads in the vicinity. It is agreed that the awkward parking arrangement is not ideal, but a refusal on this reason would not be sustainable.

As such, it is considered that the proposed development would accord with Policy TR11 of the Eastbourne Borough Local Plan and East Sussex County Council parking standards SPG.

Other matters:

The proposed development is liable for the Community Infrastructure Levy and the applicant has submitted the liability documentation concerning their liability towards CIL if planning permission is gained.

This CIL contribution would also capture a financial contribution to flood storage compensation and would thus address the previous reason for refusal 2 of the previous permission 140740 refused in September 2014.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

The proposed development would constitute an inappropriate and unsympathetic form of development which would result in an overdevelopment of a constrained site by reason of its scale and siting, out of character with, and detrimental to the regular and symmetrical layout of the surrounding properties, and the outlook from the adjacent dwelling at 5 Churchdale Place.

**Recommendation:**

Refuse

**Reasons For Refusal**

- (1) The proposed development would constitute an inappropriate and unsympathetic form of development which would result in an overdevelopment of a constrained garden site by reason of its scale and siting and would be out of character with and detrimental to the regular and symmetrical layout of the surrounding properties and the outlook from the adjacent dwelling at no.5 Churchdale Place. The proposal therefore conflicts with policies UHT1, UHT4, HO6, and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007, policies B2, C6 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraph 53 of the National Planning Policy Framework.

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# Agenda Item 8

<b>App.No:</b> 150213 (HHH)	<b>Decision Due Date:</b> 5 August 2015	<b>Ward:</b> Ratton
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 9 April 2014	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 23 March 2015		
<b>Neighbour Con Expiry:</b> 17 July 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Deferred for negotiation		
<b>Location:</b> Tudor Lodge, 14 Ratton Drive, Eastbourne		
<b>Proposal:</b> Two storey extension at side to form annexe and single storey extension at rear.		
<b>Applicant:</b>	Mr C Smith	
<b>Recommendation:</b>	Approve	

## **Executive summary:**

The proposed development, whilst ill-conceived and harmful to the character and appearance of the host building, would have the benefit significant screening from the public realm. As such it is considered, on balance, that the scheme is supportable.

## **Planning Status:**

Residential  
Area of High Townscape Value

## **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating Sustainable Neighbourhoods  
C12: Ratton & Willingdon Village Neighbourhood Policy  
D10: Historic Environment  
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT5: Protecting Walls/Landscape Features  
UHT16: Protection of Areas of High Townscape Value  
HO20: Residential Amenity

**Site Description:**

The application property comprises a large, detached two storey dwelling in the Arts and Crafts style, occupying a generous plot with large gardens to the front and rear in an elevated position on the north side of Ratton Drive. The front elevation is largely unaltered save for a modest side extension and a large array of solar panels on the front roof slope.

This part of Ratton Drive is designated as an Area of High Townscape Value, due to the quality of the design of the properties, characterised by Arts & Crafts detailing and the use of vernacular materials, together with the quality of the public realm found in the width of the streets, generous grass verges, mature vegetation and large plots with significant gaps between the buildings.

**Relevant Planning History:**

EB/1983/0016

Single storey extension at side  
Approved 15 February 1983

EB/1995/0471

Erection of conservatory at rear.  
Approved 8 November 1995

**Proposed development:**

Permission is sought to erect a two storey extension on the west side of the property, and a single storey extension to the rear towards the east side.

The two storey element would measure 5.2m wide and 10.3m deep (10.7m into the double height bay), under a hipped and pitched roof 8.5m high to the ridge. The extension would follow the rear building line of the dwelling, but would sit forward of the front corner of the property by 3m. The extension would provide an annexe, with a sitting room, shower room and study (shown as a kitchen on an earlier plan) on the ground floor, and two bedrooms and a bathroom on the first floor, accessed from a staircase centrally located within the annexe. The annexe would be accessed either via a door located off the existing lounge or a rear door leading to the garden, however there would be no through access at first floor level.

The single storey extension would measure 6m wide and 4.25m deep, under a concealed flat roof with an overall height of 3.4m, and would provide an extended kitchen area.

Both additions are proposed to be constructed in matching materials, including black painted weatherboarding at first floor level, which is a particular feature of the property.

**Consultations:**Internal:

The Specialist Advisor (Conservation) objects to the application, noting that the property is in the Arts & Crafts style reflective of the character that makes a positive contribution to the immediate and wider Area of High Townscape Value. Aesthetically it is defined by the use of vernacular detailing and materials, mostly unaltered, elevated and set back from Ratton Drive, accessed via a formal drive way, which together with No 16 allows for glimpsed views of the, distinct roofscape, chimney stacks and materials through the

mature vegetation on the front boundary, the character of which makes a positive contribution to the immediate and wider area.

The two storey extension sited on the west projects forward of the existing building line (front elevation), resulting in an incongruous footprint when balanced against the plan form associated with the pattern of development which addresses Ratton Drive. It is acknowledged that due to the topography of the area and siting of No 16 (to the west) the forward projection of the extension does not project past the building line of the neighbouring property. However in considering the design intent of the original layout, which makes a contribution to the character of the area, a rear projecting extension would be more sympathetic to the overall urban fabric and the setting of nos. 14 and 16, which does allow glimpsed views of the distinct roofscape of No 14, which in turn contributes to the immediate and wider area. In considering the scale and mass of the proposal, in terms of height this is equivalent to the principal dwelling, whilst the two small windows centrally located on the extensions west elevation provide little relief to the overall mass. In addition, the integrity of the chimney stack, in relation to the interpretation of the intended Arts & Crafts style of Tudor Lodge is eroded by the proposed roofscape.

A side extension is not unacceptable, however in this instance the scale and siting does result in an uncomfortable addition, when balanced against the intended urban pattern of Ratton Drive, whilst the mass and scale undermine those characteristics which make a positive contribution to the Arts and Crafts style associated with the immediate area.

It is recommended the extension is moved back, so it does not project past the built line of the principal building and the roof junction between the principal building and extension reduced or reconfigured to better reveal the chimney stack as a feature. In addition the massing of the west elevation of the extension is given some form of relief; this could be achieved by reconfiguring the internal arrangement and providing an enclosed projecting stairwell on that elevation.

#### External:

#### Neighbour Representations:

Three objections have been received and cover the following points:

- Negative impact on the character and appearance of the area, particularly detrimental to the spacing between buildings
- Overdevelopment
- Loss of more trees than stated
- Mass, size and scale of the extension is too large
- Loss of light and privacy
- Overshadowing
- Intrusive overlooking of the front and rear gardens of 16 Ratton Drive, and overpowering impact of a large blank wall so close to the boundary, also resulting in loss of light to the side windows and terrace (the black colour of the timber cladding would exacerbate this). Use of bay windows will lead to direct loss of privacy to the whole of the front garden and the first floor bedroom window; rear facing window will also overlook the rear garden at close proximity. No.16 gained consent for a granny annexe in 2013, but this only single storey to avoid impact on neighbours and the wider area
- Extending forward by 3m would set a precedent for others, resulting in the loss of the existing "staggering" in line with the sweep of the road

- The substitution of the kitchen by a study does nothing to address any of the concerns raised by residents and officers, and there is nothing to prevent the a kitchen being reinstated following an approval, or to use it as a second home
- A more modest proposal on a single storey basis should be more than ample when attached to an already substantial property
- Loss of on-site parking/increase in street parking
- Visual impact of, potentially, more/re-sited solar panels

### **Appraisal:**

The main issues to take into account in determining this application are the impacts on residential and visual amenity, and specifically the designated Area of High Townscape Value.

#### Residential amenity:

The single storey rear extension adjacent to 12 Ratton Drive would no impact on the amenities of the occupiers of that property, given the distance and extent of screening and vegetation between them. No objection has been received in this respect.

The two storey extension would have the most impact on adjoining residents. Although there are strong objections from a resident to the rear in Walnut Tree Walk, it is not considered that the objections in respect of light, overshadowing and loss of privacy could be sustained, given that the application site has a rear garden depth of 35m and the objectors property has a rear garden 27m deep, notwithstanding the significant raised ground level of 14 Ratton Drive.

The property most affected would be 16 Ratton Drive, immediately to the west of the extension. The extension would sit approximately 1.5m from the common boundary, 2.75m beyond the rear no.16 and 0.5m behind the front building line. The projection beyond the rear of no.16 would not have any impact on the windows of habitable rooms, and it is considered that this would also be the case for the windows at the front of the dwelling, as even looking out from the side facet of the bay would not permit views into windows. There are four windows at first floor level on the flank elevation of no.16, but these all appear to be secondary windows to the front and rear bedrooms; whilst the amount of light to these windows would be affected, they are not principal windows and it is not considered that this would amount to a substantive reason for refusal. Turning to the overlooking of the front garden, it is acknowledged that the bay at first floor level would increase the view of no.16's front garden to a degree that would not be insignificant, as it would be 6m closer to the boundary than existing windows. Most front gardens are completely within the public domain, however this is not the case in this section of Ratton Drive, where the gardens are not only significantly elevated but well screened by hedges with some trees. A flush window would improve this situation somewhat.

#### Visual amenity:

The design of the existing dwelling is of a high standard and makes a positive contribution to the character and appearance of the Area of High Townscape Value. The front elevation has, as its main focus in architectural terms, a slim weather boarded gable with an arched window rising from a tiled roof over a narrow single storey projection on the east side, which provides an elegant feature due to its proportions. This is balanced by a double height bay on the west side. The proposed extension, with

a significant width (a little under half the width again of the original dwelling), its forward projection of 3m, repetition of the double height bay, and hipped roof 1.5m higher than the existing gable, would completely dominate the elegance of the original, well designed frontage, and would result in an incongruous feature that would not sit comfortably the existing building. Large extensions, particularly two storey extensions would normally be expected to be subservient to the original dwelling; the current proposal does completely the opposite, but without the proportions and grace of the existing building. It would therefore be detrimental to the character and appearance of the Area of High Townscape Value.

Negotiations to reduce the impact of the extension whilst providing the same number of rooms with the same degree of separation (i.e. as an annexe) have been suggested. This included setting the extension back to the front building line, dropping the ridge height and relocating the large central staircase, which also enabled more of the existing chimney stack to remain visible. The applicant has declined to make any changes, other than to re-label the kitchen as a study on a resubmitted floor plan. The applicant has cited an annexe at 8 Ratton Drive as being comparable, however whilst this is of a similar design, no part of it extends forward of the original dwelling. The adjacent property at 16 Ratton Drive has an extant permission for an annexe, but this is single storey and is set back, albeit by a small amount. The dwelling is already large (it currently has five double bedrooms) and whilst there is no objection in principle to a side extension, no justification has been made to outweigh the harm resulting from such a large addition, which is out of proportion with the original building.

The roofscape of an area is important to its overall character, and is of particular importance in conservation areas (where there are no permitted development rights to alter roofs) and Areas of High Townscape Value. It is therefore essential to give very careful consideration to alterations above ground floor level, and which have an impact on the roofscape. It is the case that there is a good degree of screening along the front boundary which may act as a foil to development behind it, although the trees are a mix containing deciduous specimens which only provide screening at some times of the year.

#### Impacts on trees:

The submitted plan indicates one small tree for removal, and it is likely that two more would be affected; however none of these trees are worthy of protection, and only one, a conifer, is visible from outside the site.

#### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

#### **Conclusion:**

The proposed development, whilst ill-conceived and harmful to the character and appearance of the host building, would have the benefit significant screening from the public realm, and it is therefore very much on balance that the scheme is recommended for approval.

**Recommendation:** Approve, subject to conditions

**Conditions:**

1. Commencement within three years
2. Development in accordance with submitted plans
3. Submission of samples of materials
4. Restriction of hours (building works)

**Appeal:**

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

# Agenda Item 9

<b>App.No:</b> 150636 (HHH)	<b>Decision Due Date:</b> 6 August 2015	<b>Ward:</b> Ratton
<b>Officer:</b> Sally Simpson	<b>Site visit date:</b> 10 July 2015	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> N/a <b>Neighbour Con Expiry:</b> 5 July 2015 <b>Press Notice(s):</b> N/a		
<b>Over 8/13 week reason:</b> N/a		
<b>Location:</b> 18 Buckhurst Close, Eastbourne		
<b>Proposal:</b> Single storey side extension to form new disabled shower room and bedroom.(Resubmission of EB/2010/0279)		
<b>Applicant:</b> Mr Andrew Street		
<b>Recommendation:</b> Approve conditionally		

## **Executive Summary:**

Application relates to the retention of a substantially completed side extension.

This extension is identical in every respect to that approved in 2010 however the applicant commenced development after the this consent had lapsed (three years); this application therefore is to seek retrospective consent for the works undertaken at the site.

There have been no relevant Planning Policy changes nor significant changes to the site and surrounding area that would warrant any other recommendation than approval.

The application is recommended for approval

**Planning Status:** Residential property

## **Relevant Planning Policies:**

### **National Planning Policy Framework 2012**

Paragraphs 7-14 & 56-65

### **Eastbourne Core Strategy Policies**

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development, Strategy & Distribution

B2 Creating Sustainable Neighbourhoods

C12 Ratton & Willingdon Village Neighbourhood Policy

D5 Housing High Value Neighbourhoods

D10A Design

**Borough Plan Policies**

Eastbourne Borough Plan 2001-2011

UHT1 Design

UHT4 Visual Amenity

US4 Flood Protection and Surface Water

HO2 Predominantly Residential Areas

HO20 Residential Amenity

**Site Description:**

The application site consists of a two storey detached dwelling located on the east side of Buckhurst close, off Wish Hill.

**Relevant Planning History:**

EB/1961/0313

Erection of 26 det houses with dom garages

Approved Conditional 1961-07-06

EB/1960/0690

Erection of 11 2/st houses of 2 types & 15 chalet bungs each with garage also incl no 13-19,14-20 Melvill Lane

Approved Conditional 1961-01-12

EB/1960/0228

Constr of cul-de-sac road & footpath erection of det bungs & 18 chalet bungs with garages also incl no 13-19 & 14-20 Melvill Lane

Approved Conditional 1960-04-21

EB/1959/0246

Constr of cul-de-sac road, footpath & erection of 24 bungs & semi-bungs also incl no 13-19 & 14-20 Melvill Lane

Approved Conditional 1959-06-25

000228

Proposed two-storey extension at front of house.

Planning Permission Approved conditionally 08/08/2000

100215

Single storey side extension to form disabled shower room and bedroom

Householder Approved conditionally 29/07/2010

950318

Erection of a two-storey extension at side to provide a replacement garage, two bedrooms and shower room.

Planning Permission Approved conditionally 17/08/1995

**Proposed development:**

The applicant is seeking retrospective planning consent for a previously approved proposal which has lapsed beyond the three year time limit.

The proposal is for a single storey extension to the side of the existing property to provide self-contained accommodation for a disabled occupant. The extension will provide a bedroom and shower room, to be compliant with occupational therapist recommendations; together with patio doors leading onto a decked outside area, which will be wheelchair accessible. The existing garage will be demolished to facilitate this extension.

The extension will comprise of a hipped to flat roof and stand 1.5m at its closest point from the rear boundary abutting 1 Upper Wish Hill. The decked area will extend the depth of the extension at 7m and project 1.2m from the northern flank elevation. A level platform will be constructed to the front of the extension to provide separate access. A window unit is proposed to the rear with access doors to the side and front elevations. All materials will match the existing building

### **Consultations:**

#### Neighbour Representations:

2 Objections and 1 letter of support have been received and cover the following points:

- Planning laws were broken, the building was 75% built before we had communication from the Council
- In our opinion it is far too high; it should be shortened by a metre at least. For a shower room and bedroom its size is far too big. It is like a small bungalow.
- Residents have been given no real opportunity to object, as the extension is now built.

### **Appraisal:**

#### Principle of development:

The main issues to consider with this re-submission of lapsed planning approval is to ensure that the development, previously approved under reference EB/2010/0279, is being built in accordance with the plans and the impact to neighbouring properties.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Although one of the objections received refers specifically to the height of the development as being too high, an initial site visit by Neighbourhood First has confirmed, from measurements taken, that it is in line with the previously approved plans, to which the neighbour, who was notified at the time, did not object.

The application site has the benefit of mature hedging to the front of the property which is to be retained and will assist in maintaining privacy and prevent overlooking for the occupiers of 18 Buckhurst Close and neighbouring properties.

Although the front window of the development faces the side windows of No. 1 Buckhurst Close, this window is obscure glazed as it serves the shower room and is a distance of approximately 21m away, which is acceptable.

Part of the delay to the commencement of the development, which led, inadvertently to the lapsing of the time limit under EB/2010/0279, was due, in part, to the application

and processing for a disabled facilities grant to fund the extension for the disabled son of the applicant.

The the development is being built in accordance with previously approved plans and there would be no detrimental impact to neighbouring properties.

Design issues:

The application is as previously approved and as such the design and impact issues have been assessed under that application.

Notwithstanding this it is considered that the single storey extension to the side of the existing dwelling is considered to be an acceptable addition. The materials being used match the existing dwelling in terms of type, style and design. As the development is single storey with a pitched roof, it does remain subservient to the host dwelling and is not out of keeping with the range of styles of properties within the immediate area.

Impacts on trees:

There are no trees on site that will be affected by this development.

Impacts on highway network or access:

An existing driveway area will be updated following the completion of the building works.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

The retrospective proposal for a single storey extension to the side of the existing dwelling is recommended for approval, subject to conditions as it is considered to have minimal impact in terms of scale, design, visual and neighbour amenity and therefore complies with policies B1, B2, C12, D5 & D10A of the Eastbourne Core Strategy Local Plan (2013), policies UHT1, UHT4, HO2, HO20 of the Eastbourne Borough Plan (Saved Policies 2007) and the guidance outlined within the National Planning Policy Framework (2012).

**Recommendation: Approve, subject to conditions**

**Conditions:**

1 The development hereby permitted shall be completed in accordance with the following drawings received on 10 June 2015.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

**Appeal:**

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

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# Agenda Item 10

<b>App.No:</b> 150384	<b>Decision Due Date:</b> 9 June 2015	<b>Ward:</b> Sovereign
<b>Officer:</b> Anna Clare	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 9 May 2015 <b>Neighbour Con Expiry:</b> 9 May 2015 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> To bring to Planning Committee for decision.		
<b>Location:</b> Flat 18, Chatham Court, 28 Chatham Green, Eastbourne		
<b>Proposal:</b> Retrospective application for the retention of raised decking to patio(Amended description).		
<b>Applicant:</b> Mr Gordon Jackson		
<b>Recommendation:</b> Refuse planning permission and authorise Enforcement Action to secure the removal of unauthorised decking.		

## **Executive Summary:**

The application is brought before planning committee for a decision given the objections, and as the works are existing to authorise enforcement action seeking removal of the unauthorised works should permission be refused.

The development consisting of the installation of decking to the rear terrace of the flat leads to significant overlooking impacts detrimental to the amenity of the occupier of the adjoining flat No.19 which cannot be overcome or controlled by condition. Therefore it is recommended that planning permission is refused and enforcement action is taken to seek removal of the decking.

## **Relevant Planning Policies:**

National Planning Policy Framework 2012

7. Requiring good design

Core Strategy Local Plan 2013 Policies

B2: Creating Sustainable Neighbourhoods

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

HO20 Residential Amenity

**Site Description:**

The site refers to a ground floor flat, No.18, with rear terrace area, within Chatham Court a block of 22 flats situated on Chatham Green a Cul-de-sac within Sovereign Harbour. The site is not listed, nor is it situated within a conservation area.

**Relevant Planning History:**

An enforcement investigation was commenced in July 2014 following a complaint that the decking had been erected without planning permission. The Owner of the property was informed that planning permission was required for the works and it was requested that an application was submitted to retain the works as per our enforcement policy in order for a proper assessment to be carried out and neighbours to be consulted.

**Proposed development:**

The application seeks to retain a section of decking to the rear terrace of the property facing the sea. The section of decking measures 3.1m in width, by 3.4m in depth covering approximately a third of the terrace area to a height of 38cm. The installation of the decking was completed in April 2014 and brought to our attention in July 2014.

As per our policy the Owner of the property (on a without prejudice basis) was afforded the opportunity to apply for planning permission to retain the works to allow for an assessment of the works and for neighbour consultations to be carried out.

The decking was installed to allow a view when seated towards the sea, which without the raised decking is not possible given the height of the rear wall. The applicant has suggested a screening consisting of a trellis and shrubs to be installed to the boundary between the application site and Flat 19, to a height of 40cm, 85cm above the height of the raised decking. This has not been installed.

**Consultations:**Neighbour Representations:

Two objections have been received to the application.

Flat 10 which shares a boundary with the application site to the north, have objected to the application on the grounds that the raised height increases overlooking, development sets a precedent for other properties, and lack of freeholder consent.

Flat 19 which shares a boundary with the application site to the south, have also objected to the application on the grounds of loss of privacy and loss of visual amenity.

Flat 20 raise no objection to the application.

## **Appraisal:**

### Principle of development:

In principle there is no objection in principle to alterations to the flat/terrace area provided there would be no significant impact on the amenity of the surrounding residential occupiers and the works were acceptable in terms of design, in accordance with the National Planning Policy Framework 2012, policies of the Core Strategy Local Plan 2013 and Saved Policies of the Borough Plan 2007.

### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The rear terraces of the flats are separated by brick walls approximately 80cm in height with a further railing to a height of 35cm giving a total height of approximately 115cm. Therefore without the installation of decking there is an element of overlooking, and a lack of privacy when both standing and seated on the existing terraces.

The decking raises the level of the terrace by 38cm, adjacent to the boundary of the property with Flat 19. This additional height increases both the real overlooking when both standing and seated, and the perception of being overlooked for the occupiers of the adjacent property. Although there has always been an element of overlooking and a lack of privacy between the flats which is acknowledged, it is considered the increased height which leads to those using Flat 18's terrace to be dominating and over bearing to the occupiers of the adjacent property which is considered unneighbourly.

The perception of being overlooked and the overlooking impact is significantly increased by the raised decking, it is not considered that the impact could be mitigated sufficiently by screening or controlled by condition.

It is acknowledged that the applicant has suggested the installation of a trellis to the boundary wall to mitigate overlooking. However the proposed screening at little over the height of the existing railing would do little to mitigate the additional overlooking. A trellis would have to be in excess of 38cm in height to have any impact in terms of reducing the overlooking impact.

Whilst it is acknowledged that the original situation allowed for considerable overlooking the increased height leads to additional significant real and perceived overlooking contrary to policy B2 of the Core Strategy Local Plan and Saved Policy HO20 of the Borough Plan 2007.

### Design issues:

Given the decking is not visible from public viewpoints it is considered there is minimal impact on the visual appearance of the building and therefore there is no objection to the works in terms of design.

Impact on character and setting of a listed building or conservation area:

The site is not listed, nor is it situated within a conservation area.

Other matters:

No other matters identified.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

Whilst it is appreciated why the works were undertaken, to maximise the view of the sea from the terrace, the installation of the decking results in a significant increase in real and perceived overlooking to the adjoining property No.19 Chatham Court's terrace. The development by virtue of the height of the decking is considered to result in an overbearing and unneighbourly development detrimental to the amenity of the occupiers of the property contrary to policy B2 of the Core Strategy Local Plan 2013 and Saved Policy HO20 of the Borough Plan 2007.

**Recommendation:**

Refuse planning permission and authorise enforcement action to seek removal of the unauthorised decking.

**Reason for refusal:**

The decking by virtue of the height and location adjacent to the boundary results in significantly increased overlooking and perceived overlooking, and results in an overbearing and unneighbourly development detrimental to the residential amenity of the occupiers of the adjoining property No.19 Chatham Court contrary to policy B2 of the Core Strategy Local Plan 2013 and Saved Policy HO20 of the Borough Plan 2007.

# Agenda Item 11

<b>App.No:</b> 150551 (HHH)	<b>Decision Due Date:</b> 16 July 2015	<b>Ward:</b> Ratton
<b>Officer:</b> Sally Simpson	<b>Site visit date:</b> 4 June 2015	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> N/a <b>Neighbour Con Expiry:</b> 14 June 2015 <b>Press Notice(s):</b> N/a		
<b>Over 8/13 week reason:</b> Deferred to Committee by Chair.		
<b>Location:</b> 61 Willingdon Park Drive, Eastbourne		
<b>Proposal:</b> Two storey extension at rear.		
<b>Applicant:</b> Mr & Mrs P. Ibbott		
<b>Recommendation:</b> Approve, conditionally		

## **Executive Summary:**

Following a delegated meeting the chair deferred this application to the next available committee meeting in order for the those interested in the application to attend planning committee and witness the debate and would also allow for the committee to know and understand the full impacts of the development in terms of residential amenity.

**Planning Status:** Residential dwelling

## **Relevant Planning Policies:**

### **National Planning Policy Framework 2012**

Paragraphs 7-14 & 56-65

### **Eastbourne Core Strategy Policies**

Eastbourne Core Strategy Local Plan 2006-2027  
B1 Spatial Development , Strategy & Distribution  
B2 Creating Sustainable Neighbourhoods  
C12 Ratton & Willingdon Village Neighbourhood Policy  
D5 Housing High Value Neighbourhoods  
D10A Design

## **Borough Plan Policies**

Eastbourne Borough Plan 2001-2011  
US4 Flood Protection and Surface Water  
UHT1 Design  
UHT4 Visual Amenity  
HO2 Predominantly Residential Areas  
HO20 Residential Amenity

## **Site Description:**

The application site comprises of a two storey detached residential dwelling with separate garage, located on the West side of Willingdon Park Drive. It is similar in style and design to other properties along this road, built in the mid 1950's.  
There is an existing single storey flat roofed extension to the rear elevation.

## **Relevant Planning History:**

EB/1976/0071  
S/st rear extn & erection of partly enclosed porch at front  
Approved Unconditional 1976-03-09

EB/1955/0399  
27 det houses with dom garages  
Approved Unconditional 1954-07-22

## **Proposed development:**

The applicant is seeking planning consent to erect a two storey extension to the existing rear elevation.

An existing ground floor extension (extending from the rear elevation by approx. 3m) will be further extended by 1.14m from the rear of the existing house. This will provide an enlarged living room with bi folding doors accessing the rear garden and an enlarged kitchen space.

The proposed extension at first floor level will extend from the existing rear elevation by 4.5m and measure 8.36m across the full width of the house. This part of the extension will provide a master bedroom and a second bedroom. Together with internal alterations (which will be the subject of a building regs application) an ensuite bathroom will be provided for the master bedroom and a fourth bedroom will be formed.

The newly formed bedrooms at the rear will have windows that overlook the existing rear garden. The master en-suite bathroom will have a window in the north elevation which will be obscure glazed, matching the existing bathroom window, also in this elevation.

Existing windows in the west and south elevation will provide light for the third bedroom. The fourth bedroom, formed from internal alterations, proposes a window in the south elevation.

## **Consultations:**

### Neighbour Representations:

3 Objections have been received: 2 letters from one property and 1 from another

Their comments are summarised as follows:

- We object to the second storey extension due to the excessive elevation which will block natural light to the rear of our property.
- We object to the proposed new window on the North facing wall which will look directly into our property.
- The boundary on the south side (between no's 63 and 61) is subject to repeated flooding. We are concerned that further lack of sunlight resulting from the proposed extension will exacerbate this problem and cause further loss of shrubs, trees and foliage.
- Viewed from the rear of my property it appears that this extension will be dominant and overbearing where currently there is unrestricted light.
- a resident located to the rear of the application site, voiced concerns regarding any potential loss of trees between their respective boundaries, but no formal letter has been received.

### **Appraisal:**

#### Principle of development:

The main issue to consider when assessing this proposal for a two-storey extension at the rear is the impact on visual and neighbour amenity.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

#### Overlooking and Loss of Privacy

Although there will be a proposed additional window in the north elevation, this will be to serve an en-suite bathroom for the master bedroom, adjacent to the existing bathroom. The window, therefore, will be obscure glazed and, should planning permission be granted, will be conditioned to be retained as such thereafter. This will retain privacy and prevent overlooking for current and future resident/neighbours at 63. Willingdon Park Drive.

The proposed new window in the south elevation will be to serve the fourth bedroom. The original plan submitted showed the window with one side opening and a one top opener. The issue raised with the agent was that this particular window, as proposed had the potential to overlook the neighbouring garden at No.59. This issue has been addressed with the submission of a revised plan that shows the window measuring up to 1.7m in height from floor level with a one horizontal top opener and an obscure glazed bottom panel.

Should the application be granted approval, this window will be conditioned to be retained as such thereafter, to permanently retain privacy and prevent issues of overlooking.

Overbearing relationship and loss of light

No. 59 has a large conservatory with a pitched roof at the rear of their property, whilst No. 63 has a two storey extension at the rear with a dormer at first floor level, granted consent last year. There is also a single storey extension with a pitched roof to the side, which is subservient to the main dwelling but forward of the garage of the application site. There are no flank windows to this addition at ground floor level.

An issue of potential loss of light to the rear of their property has been raised by the residents of No.63 Willingdon Park Drive. There is an existing measurement of almost 2.6 m from the corner of the proposed extension to the boundary shared with the neighbour, between which sits the single storey garage of the application site. The window of the ground floor room of No 63, located in the corner of this property, serves a utility room. It is considered that the size and scale of the development and the degree of separation between these dwellings and that they have wide plots and that the main window affected is a non-habitable room all contribute to the assessment that the degree of impact upon No63 is less than significant and would not substantiate a reason for refusal.

#### Design & Materials:

The materials for the proposed extension will be facing brick to match the host dwelling with the proposed new windows being upvc to match the existing windows of the principal dwelling.

#### Impacts on trees:

There will be no loss of trees which currently provide a full and natural screening between the application site and the neighbour sharing a boundary at the rear of the site.

#### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

#### **Conclusion:**

The proposal for a two storey extension to the existing rear elevation is considered to be acceptable in terms of scale, bulk and design. The impact on visual and neighbour amenity is considered to have no detrimental impact and meets the criteria of policies B1, B2, C12, D5 & D10A of the Core Local Strategy (2013), policies UHT1, UHT4, HO2 & HO20 of Eastbourne Borough Plan (saved policies 2007) and the guidance outlined in the National Planning Policy Framework (2012)

**Recommendation:** Approve, subject to conditions

#### **Conditions:**

1. Time Limit

2. The development hereby permitted shall be carried out in accordance with the following drawings:

- Drawing number 243300-01 received on 19 May 2015
- Drawing number 243300-03 Revision b received 29 June 2015

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties

5. The proposed flank window in the South elevation of the development hereby permitted shall be obscure glazed on the bottom panel, with a horizontal top opener and shall be instated more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such (as detailed on the approved plan - 243300-03 Revision b received 29 June 2015).

Reason: To safeguard the privacy of the occupiers of the adjoining property.

6. The proposed bathroom window in the North elevation of the development hereby permitted shall be obscure glazed and be permanently retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property.

**Appeal:**

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

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# Agenda Item 12

<b>App.No:</b> 150092	<b>Decision Due Date:</b> 1 <sup>st</sup> April 2015	<b>Ward:</b> Old Town
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 26 <sup>th</sup> February 2015, 19 <sup>th</sup> May and 25 <sup>th</sup> June 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 5 <sup>th</sup> March 2015		
<b>Neighbour Con Expiry:</b> 2 <sup>nd</sup> May 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Planning Committee Cycle and Deferred		
<b>Location: Former</b> The Drive Public House, 153 Victoria Drive, Eastbourne		
<b>Proposal:</b> Conversion of first floor residential accommodation to form 1 one-bedroom flat and 2 two-bedroom flats with access from the rear		
<b>Applicant:</b> Mr Julian Konti		
<b>Recommendation:</b> Grant Planning Permission		

## Executive Summary:

Members should note that the officers recommendation on this scheme remains one of approval as highlighted within the July report appended to this agenda item. However if members resolve to refuse the application then a revised recommendation has been tendered below.

Following the submission of an acoustics report, which was discussed at the July Planning Committee Meeting, members were dissatisfied with the provision of double glazed windows and trickle vents suggested to attend to the noise pollution created by the plant machinery installed to the rear at first floor level. Subsequently, the case was deferred to the August Planning Committee Meeting to allow the applicant to provide an alternative means of reducing the noise pollution.

The applicant has stated that they are of the opinion that the double glazed windows and trickle vents are sufficient to attend to the noise levels at the property. They declined from reconfiguring the internal layout of the three residential units to ensure that the habitable rooms are located to the front of the building and will not seek to install an acoustic structure around the plant to reduce noise emissions. The applicant has stated that by providing the "double glazing and ventilation which provides a level of amenity that meets all the guidance" they have made adequate provision to address the noise nuisance and are not prepared to alter the scheme further.

In a statement from the acoustic specialists consulted by the applicant, the following assessment was made:

*Site inspection and analysis of the noise monitoring time histories suggests that the plant noise contributions, when operational, are similar in level to the typical ambient LAeq levels due to other surrounding noise sources (i.e. road traffic). Average daily ambient noise levels at the proposed flats would therefore be the same if the plant was not there... Enclosing the plant items, as suggested, is understood to not be possible as the plant is not part of the development, and hence out of the control of the developer... enclosing the plant is not likely to result in a reduction of average façade noise levels to those measured during the survey.*

Members were clear in the debate and resolution from the July Planning Committee that for them residential amenity was an overriding material consideration that should be given significant weight in the assessment of the proposal. In this regard without further mitigation the application was unlikely to be acceptable.

As is evident above officers have tried to solicit improvements/changes to the scheme without success and following the July committee resolution a reason for refusal is now tendered in order to give members some guidance if they want to overturn officers recommendation.

The revised recommendation is due to the proposed scheme not sufficiently addressing the issues raised with regards to residential amenity and that the subsequent development would not be considered to be of a high enough standard expected in Eastbourne. The habitable rooms affected by the sound of the plant when windows are open would restrict occupiers in opening windows especially during the night (when the plant would still be active, but road traffic noise would be at a minimum). Therefore, the scheme is not considered to deliver environmental well-being (as specified in Policy D1 of the Core Strategy Local Plan 2013 Policies) and will not fully respect residential amenity (as specified in Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007).

#### Revised recommendation

The proposed residential flats by reason of their proximity to noise emitting plant and machinery without satisfactory mitigation is considered to give rise to poor quality living environment for the occupiers of this accommodation. The scheme is not considered therefore to deliver environmental well-being (as specified in Policy D1 of the Core Strategy Local Plan 2013 Policies) and will not fully respect residential amenity (as specified in Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007).

## **JULY COMMITTEE REPORT (BELOW)**

### **Executive Summary:**

The application relates to a case which was deferred at the last Planning Committee meeting because it was thought that details referring to the noise impact of the plant and machinery associated with the Sainsbury's retail store at ground floor level would need to be assessed before a decision could be reached. The proposal is for the sub-division of the existing first floor residential unit above the Sainsbury's retail store (previously the "manager's flat" above 'The Drive' public house). The applicant seeks permission to create two additional units, which will provide three self-contained flats in total.

The siting, scale and design/appearance of the proposed property is considered to be appropriate to the predominant character of the area and as such the proposal is considered to acceptable in principle.

In addition, the information supplied by the applicant with regards to the noise impact of the plant and machinery has led to the recommendation of the inclusion of an additional condition. This condition seeks to ensure that the internally experienced noise levels do not exceed the guidelines set out by the World Health Organisation and complies with the National Planning Policy Framework.

### **Planning Status:**

Residential unit above Sainsbury's retail store (previously 'The Drive' public house)

### **Relevant Planning Policies:**

#### National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

#### Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy  
D1: Sustainable Development  
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas  
HO20: Residential Amenity  
UHT1: Design of New Development  
UHT4: Visual Amenity

**Site Description:**

Victoria Drive is formed predominantly of residential properties of a substantial size with street trees appearing at intervals along the pavements.

153 Victoria Drive (former Drive Public House) occupies the corner plot where Beechy Avenue meets Victoria Drive, on the west side of Victoria Drive. Adjacent to the site are the junctions of Milton Road and Victoria Drive and Green Street and Victoria Drive. South of no. 153 is a bowling club with associated car park.

The property was most recently used as a pub with residential unit (Managers flat) above, although it was last occupied and used as such some time ago.

The ground floor of the property is currently under refurbishment as a Sainsbury's retail store. The building has a hip-to-pitch roof and a number of dormer windows at first floor level to the front, rear and south side. The principal building is set back from the road, with a substantial hard surfaced area to the front and sides, used formerly as pub car park.

**Relevant Planning History:**

There is an extensive planning history for the site with majority relating to the former Public House. The most recent applications relating to the Sainsbury's scheme are listed below:

120758

Installation of ATM to front elevation together with extension of roof overhang

Planning Permission - Approved conditionally, 03/04/2013

130124

Ventilation and extraction units

Planning Permission - Approved conditionally, 21/05/2013

130125

Exterior alterations and modifications

Planning Permission - Approved conditionally, 30/05/2013

130128

Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear

Planning Permission - Refused, 11/06/2013

130129

Demolition of conservatory and infilling side elevation at ground floor level

Planning Permission - Approved conditionally, 29/05/2013

130225

Remove and reconstruction of boundary wall, provision for hard landscaping, parking and bollards

Planning Permission - Withdrawn, 02/05/2013

130261

Conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flats

Planning Permission - Withdrawn, 02/05/2013

130304

Fascia signs.

Advertisement - Advert Approved, 03/09/2013

**Proposed development:**

The applicant seeks permission to reconfigure the layout of the first floor of the property to create provision for three self-contained units to replace the existing single unit.

The scheme proposes the inclusion of one flat with one bedroom and two flats with two bedrooms which are to be accessed from the rear of the building via an external staircase.

- 1 x 2 bed approx. 93sqm
- 1 x 2 bedroom approx. 60 Sqm
- 1 x 1 bedroom approx. 50 Sqm

There are no external alterations proposed as part of the development.

**Consultations:**

Internal:

Specialist Advisor (Environmental Health) – no comment

External:

Highways ESCC – Report dated 8<sup>th</sup> May (excerpt):

*The current residential use which could continue without any further consent would create a demand for 1-2 parking spaces and the*

*proposal would create demand for 3-4 spaces based on local car ownership levels. The increase that would be created would therefore only be 1-2 cars.*

*Although the surrounding streets are well used for on street parking, as the increase is so minor it is unlikely that there would not be at least 2 free on street spaces within reasonable walking distance of the site. It is also noted that the area is reasonably well served by buses and has a number of shops, services, schools, etc. which limits the need to travel beyond walking distance.*

*As with all applications the test for highway related issues is whether a severe impact would be created by the development. In this case it is not considered that such an impact would result and therefore I do not wish to restrict grant of consent.*

*(Condition recommended with regards to cycle parking)*

### **Neighbour Representations:**

No objections have been received. Two general comments have been made and one comment of support have been received. These representations cover the following points:

- Lack of parking provision could impact the surrounding area
- No objection to proposal in principal
- General support of proposal

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 and Policy D1 of the Core Strategy seeks to protect the residential and environmental amenity and natural and built environment of existing and future residents.

Historically, the first floor of the property has been used as a residential unit. Although two units are to be added as part of this development, it is not considered that it will result in over development of the site.

The scheme submitted initially was to include provision for a fourth studio unit. It was requested that this unit be removed and the space integrated into the remaining three units as the quality of this proposed studio unit

(with a considerable proportion located under the skelining) was not considered likely to provide a good enough standard of accommodation. Since its integration and the subsequent reconfiguration of the proposed layout, the scheme is considered to offer a suitable standard of accommodation.

Some concern has been raised with regards to the lack of parking provision. Although there may be an increase of cars parked on the roads near the property, other reasonable transport links do exist in this location. As such, and in accordance with the recommendation from East Sussex County Council Highways, a condition shall be placed on the permission which will ensure that adequate cycle parking provision is made prior to the occupation of the units. This should encourage occupiers to use alternative means of transport.

The access to the flats via external steps to the rear has been in situ historically. However, under its previous use the first floor was also accessible by way of an internal staircase. As this internal staircase will no longer be available, and with an increase of units at first floor level, there is likely to be an increase in use of this access. It is possible that this may have an impact on the adjacent property to the rear of no. 153, namely 1 Beechy Avenue. The base of the staircase is located approximately 11.8m from the boundary shared with 1 Beechy Avenue. As such, the access in itself is not considered to have a detrimental effect on the amenity of the occupier of the adjacent property. However, as there is to be an area of flat roof alongside the rear access, in addition to the platform which leads from the top of the stairs to the two external doors, a condition will be applied to the permission which will prevent this area from being used as an amenity area. This will ensure that the area is used on a transitory basis for accessing and leaving the property and will therefore avoid causing harm to the amenity of 1 Beechy Avenue.

Design issues:

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. In relation to this, Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The proposed scheme does not include any alterations to the external appearance of the building. As such, there will not be any resultant design implications on the street-scene.

The layout of the three proposed units is considered to offer an acceptable quality of accommodation to prospective occupiers. Although the second bedroom of the smaller two bedroom unit is quite small, it is considered appropriate for a small child or as a study/office. The remaining bedrooms of the development are considered acceptable to spacious in size. Although in some of the rooms, the low skimming will result in the loss of some floor space, it is not considered that this loss of space will result in a poor standard of accommodation.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

The proposed scheme is considered to work in line with the aforementioned policies, both preserving the established character and appearance of the area and not posing a threat to the residential amenity of the area.

**Recommendation:**

Approve conditionally

1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.  
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 27th January 2015 and 4th April 2015 respectively:

- 12-0106/PL74, Site Location and Block Plan
- 12-0106/PL73, Elevations
- 12-0106/PL71, Floor Plans

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the plans to which the permission relates

3) Access to the flat roof adjacent to the principal accesses to the units hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Nor shall this access and ancillary staircase be used as a balcony, patio, roof garden or similar amenity area at any time.

Reason: In order to protect adjoining properties from overlooking and noise disturbance, safeguarding the amenities of the occupiers/users of neighbouring plots/properties

4) The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

5) The development hereby approved shall not be occupied until recommendations contained within the acoustic report no. AS8378.150616.NIA dated 16th June 2015 and submitted as part of the application are met.

Reason: To ensure that noise levels experienced internally at the property do not exceed recommendations made by the World Health Organisation and complies with the National Planning Policy Framework.

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<b>App.No:</b> 150646	<b>Decision Due Date:</b> 7 <sup>th</sup> August 2015	<b>Ward:</b> Devonshire
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 23 <sup>rd</sup> July 2015	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 16 <sup>th</sup> July 2015		
<b>Neighbour Con Expiry:</b> 16 <sup>th</sup> July 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> 199 Seaside, Eastbourne		
<b>Proposal:</b> Erect single storey extension and first floor addition at rear		
<b>Applicant:</b> Mr Carlos Dantas		
<b>Recommendation:</b> Refuse		

**Executive Summary:**

This application is an amended scheme to one which was refused in June's Planning Committee Meeting.

Amendments to the refused scheme include the reduction in height of the rear first storey element and the subsequent inclusion of a dual pitched roof to replace the mono-pitched roof.

**Planning Status:**

Mid-terrace two storey residential property

**Relevant Planning Policies:**

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

#### Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C3: Seaside Neighbourhood Policy
- D1: Sustainable Development
- D10a: Design

#### Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO20: Residential Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity

#### **Site Description:**

Seaside runs through the centre of Devonshire Ward from north west to south east. The road is lined predominantly with residential properties, however there are groupings of mixed use and solely commercial properties along the stretch. In addition, there are some recreational areas along the road. Archery Recreation Ground and Seaside Recreation Ground lie on the west side of the road and Princes Park can be accessed to the east.

199 Seaside stands on the east side of the road, it is one of the houses opposite Seaside Recreation Ground. The property is mid-terrace and benefits from small front and rear gardens. To the sides the property shares boundaries with nos. 197 and 201 Seaside. There is a twitten to the rear which runs along the rear of the terrace on Seaside and the rear of the adjacent terrace on Taddington Road.

All of the properties fronting Seaside between Bardon Road and Beamsley Road have two storey additions to the rear. These additions are of different sizes, but are similar in design (having tiled mono-pitched roofs with side facing roof slopes). The full height of all of these two story additions (with the exception of 213 Seaside) sit at the same height of the eaves of the principal dwellinghouses. Most pair with an adjoining property to create a dual pitched roof between the pair. 213 Seaside, the northernmost property at the end of the terrace, would appear to benefit from the largest of these additions which maintains the full height of the original building and extends further back than any of the other properties in the terrace. Most of the other properties in the terrace have extended beyond the two storey extensions with a single storey on the end of the rear projection. This is the case with 199 Seaside and its adjoining neighbours.

In the case of no. 199 and adjoining properties nos. 197 and 201, windows in the two storey additions are located in the side elevation, not the rear.

**Relevant Planning History:**

150424

Erection of first floor rear extension and single storey rear extension to side of rear projection

Householder – Refused, 10/06/2015

**Proposed development:**

The applicant seeks permission to extend the dwellinghouse by way of a single storey ground floor extension to the side and a first floor addition to be constructed over the existing single storey rear extension. This is an amended version of a scheme which has been previously submitted and refused at Planning Committee on 2<sup>nd</sup> June 2015.

Approximately, the proposed side addition would extend 1.35m beyond the side wall (less than 0.1m from the boundary shared with no. 201), 3m beyond the inside rear wall, would have an eaves height of 2.5m and a full height of 3.35m. The structure is to have a mono-pitched roof (side facing roof slope) with two roof lights. As part of the alterations on this elevation, the window furthest from the principal dwellinghouse is to be blocked-up. Tiles are to be used for the roof (these are to match the existing) and the walls are to be rendered (to match existing).

The first floor addition will not increase the footprint of the dwellinghouse. The rear wall of the extension is to line-up with the rear wall of the single storey extension (approximately 2.1m from the rear wall of the two storey projection), as is the side wall (facing 201 Seaside). The side wall of the first floor addition (facing 197 Seaside) is to be approximately 0.3m away from the boundary. Approximately, the addition is to have an eaves height of 4.55m and a full height of 5.5m with a dual pitched roof. The addition is to be clad in Eternit wall treatment. The existing triple aspect casement window at ground floor level is to be replaced with uPVC framed glazed double doors and a triple aspect casement window is to be installed on the rear elevation at first floor level.

**Consultations:****Neighbour Representations:**

Three objections have been received and cover the following points:

- Loss of natural light to adjoining neighbour
- Loss of privacy to rear amenity spaces of adjoining properties
- External appearance of alterations would not be in character with the area
- Proximity of ground floor side addition to adjoining neighbour would create problems with regards to noise
- Weight of addition would put strain on foundations set on shingle

**Appraisal:****Principle of development:**

There is no objection in principle to making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The proposed side extension is atypical of any extension made to properties along the row. And although acceptable in principle, the extension would enclose the limited space available to the rear of these properties.

The first floor addition over the existing single storey ground floor element raises a number of concerns in this scheme as it did previously. Although the overall height of the addition has been reduced in the conversion from a mono-pitched roof to a dual pitched roof, the full height of the structure will still be approximately 5.5m (0.8m lower than the refused scheme). Whilst the height reduction is noted, it is considered that the first floor extension would result in a considerable loss of light to adjoining property, 201 Seaside. Primarily, light is received to this property via windows in the side elevation (with the exclusion of a window to the rear at ground floor level). This is typical of most of the properties along the terrace. This being the case, any extension at first floor level at 199 Seaside has the potential to negatively impact the level of light received to no. 201. The amended scheme is considered to cause such a loss of light. The application property is positioned to the south of no. 201, as such it is likely to have a considerable impact on no. 201 all year round. In addition, the proposed extension to the rear of no.199 is likely to result in some overshadowing of no. 201 due to its position.

The loss of light and overshadowing which would result from the first floor rear extension is considered to be significant enough to be in contravention of Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007 and as such, the scheme will be recommended for refusal.

Design issues:

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. In addition, Policy B1 of the

Eastbourne Core Strategy provides the spatial vision and strategic objectives which seek to ensure that future growth in Eastbourne is delivered at an appropriate level and in a sustainable manner and Policy B2 seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

It is considered that seen in isolation the design of the extension incorporating a pitched roof represents an enhanced design over that which was previously refused. Notwithstanding this the terrace of which 199 Seaside is a part has been subject to alterations to the rear since the houses were first built. The character of the rear of these properties is, therefore, varied. However, there are some unifying characteristics which give the terrace some continuity at the rear.

Typically, the two storey additions are set in from one side boundary by approximately 1m, have mono-pitched tiled roofs, are treated with render and the full height of the additions are set below the eaves level of the main dwellinghouses. Additionally, the rear walls of the existing two storey additions are 'blind walls' and do not have windows inserted; the windows appear in the side elevations. Many of the two storey additions have further single storey ground floor additions attached on the end of the rear projections. Again, these additions do vary along the terrace, but generally they have tiled roofs and rendered external walls.

The proposed single storey ground floor extension is considered acceptable as the materials used on the external surfaces will match those of the existing dwellinghouse. Visually, the extension is likely to further reduce the limited rear amenity space as the void between nos. 199 and 201 is to shrink. Although this is not to great detriment in relation to design as this side alteration is to be at the rear of the property.

The first floor addition to the rear is to have a dual pitched roof. The scale of this roof will appear generally out of keeping as other dual pitched roofs along the row are of a greater scale and usually span two properties. In addition, this extension is to be clad in Eternit wall treatment. This material is not in character with the properties in the immediate area and is not considered ideal in this situation, neither is the small scale dual pitched roof. However, the rear of no. 199 is not visible from the public realm. As such, harm caused to the established character and appearance of the area is considered minimal.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the submitted scheme would have an unacceptable impact on the amenity of adjoining neighbours, no. 199 Seaside in particular. The proposed development (first floor element) would result in loss of light received by no. 201 and would subsequently overshadow this property due to its position south of no. 201. In addition, the rear windows proposed for the first floor would result in potential overlooking of the adjoining properties (nos. 197 and 201 Seaside). As such, it is found to be discordant with Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007 and is recommended for refusal.

**Recommendation:**

Refuse

**Reason for refusal:**

Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007 requires proposals to demonstrate that they do not cause unacceptable overshadowing and/or loss of light or they will be refused. By virtue of its position, the proposed first floor addition to the existing rear projection of the property would detrimentally impact the amenity of the adjoining property, 201 Seaside due to loss of light and overshadowing. In addition, the rear amenity spaces of both adjoining properties are not currently overlooked. The proposed first floor window would introduce a level of overlooking, which would also threaten residential amenity.

The first floor element of the proposal does not negate loss of light and overshadowing sufficiently, nor does it remove potential for significant overlooking to the rear. As such the scheme is not considered to respect residential amenity and is found discordant with Policy HO20.

**Informatives:**Statement of positive and proactive action

The Council has published its saved policies of the Borough Plan 2007 and the Core Strategy Local Plan 2013 on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The Council also offers a pre application advisory service which applicants are encouraged to engage with prior the submission of any application.

Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

# Agenda Item 14

<b>App.No:</b> 150495 (PPP)	<b>Decision Due Date:</b> 2 July 2015	<b>Ward:</b> St Anthonys
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 15 May 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 31 May 2015 <b>Neighbour Con Expiry:</b> 31 May 2015 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Determination delayed to await further information to make informed decision.		
<b>Location:</b> St Philips Church Hall, 1 St Philips Place, Eastbourne		
<b>Proposal:</b> Formation of a playground enclosed by a 1.4 metre high fence and replacement of a window with a door for access. (Amended description).		
<b>Applicant:</b> Ms Margaret Barr		
<b>Recommendation:</b> Refuse application		

## **Executive Summary:**

The current application seeks permission for the formation of an outdoor playspace situated directly in front of the existing church hall, for use in conjunction with 'Pooh's Children's Nursery' who provide childcare for between 30 – 37 per session, between the hours of 8am to 6pm Monday to Friday primarily within the church hall itself.

The nursery currently benefits from an existing outdoor playspace to the rear of the property, which is limited by planning condition (under application reference EB/2002/0465) for use by a maximum of 6 children at any one time, for which some complaints (more than 6) have been recorded.

The proposed playspace in front of the community hall would be bounded by 1.4 metre closed board fencing and cover a footprint of approximately 90 square metres in size. The majority of the playing surface would remain grassed as existing and have no permanently fixed outdoor play equipment, which would be stored indoors out of operating hours.

The new proposed outdoor playspace would be used in addition to the existing, located to the rear of the hall.

It is recommended to refuse the application due to its detrimental impact upon the visual amenity and open plan character of the location.

## **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C6: Roselands & Bridgemere Neighbourhood Policy

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT8: Protection of Amenity Space

HO20: Residential Amenity

**Site Description:**

Located at the junction of St. Philips Avenue and Whitley Road and opposite the Fire Station, the application site relates to an area of green space located in front and to the side of an existing community hall currently used as a children's nursery ('Pooh's Nursery School').

Bounded by a dwarf wall alongside Whitley Road and St Philips Avenue and open to the West where the grassed area terminates and an area of hardstanding constructed of block pavements serving the entrance to the community hall, flats and adjacent parking area.

The nursery also has exclusive use of an outdoor courtyard to the rear of the hall which it utilised as an outdoor play area for the children.

**Relevant Planning History:**

020367

Demolition of existing church and hall and the erection of new church hall and community facilities, together with 16 flats and six houses.

Planning Permission - Approved conditionally - 03/03/2004

**Proposed development:**

The applicant, (the church warden of St Philips Church) seeks permission for the formations of a playground area approximately 90 square metres in size in front of the existing community / church hall. It is the intention that this space would be used in addition to the existing space used at the rear.

The proposed outside play space, for use in conjunction with the existing nursery would remain as a predominantly grassed area, aside from a small area of hard surface. Covering approximately 5 square metres in size, the hard surfacing would be located directly adjacent to the building to provide a landing area for access to and from the outdoor play space from a newly formed access doorway in place of an existing window.

The proposed outdoor playground would be bounded with a new close boarded fencing to an overall height of 1.4 metres from grass level. A security locked close boarded gate with galvanised ironmongery would be installed in the Northern corner of the playground to provide an access from the adjacent paved area.

The new outdoor playspace would be used by monitored groups of children utilizing the area which would contain non-permanent play equipment which would be stored indoors outside of the Nursery's operating hours of 8am – 6pm.

Access to the proposed outdoor space would be via the installation of an access door in an existing opening located on the front elevation, where currently a window is installed.

**Consultations:**

Neighbour Representations:

27 Letters of consultation were sent to neighbouring properties in conjunction with the application.

5 objections have been received and 1 observation letter which cover the following points:

**OBJECTIONS:**

- Detrimental to visual amenity
  - "An eyesore"
- Attract 3<sup>rd</sup> parties - loitering & Anti-social behaviour
  - Possible vandalism
  - Issues of rubbish
- Loss of amenity space for nearby residents - no other place space for flats
  - Space for dogs, children, community to socialise
- Perceived noise & Disturbance issues
  - Bedrooms located at front of building
- Possible impact to highway safety
  - Drivers distracted
- Ongoing parking issues
  - Fears problems would be exacerbated

**OBSERVATIONS:**

- If permission granted for front, will rear space cease being used?
- Potential for further increase in noise levels

**OTHER COMMENTS RECEIVED:**

- Not suitable location for a nursery
- Church hall should be for community use which has ceased
- Nursery already has external play space to the rear
- Grassed area used as a short cut to buses

**Appraisal:**

Principle of development:

The use of the community hall for that as a children's nursery with outside play space to the rear is already established, and therefore the proposed creation of an outdoor playground would be acceptable in principal so long as it does not have a significant adverse impact on the amenities of the surrounding residential occupiers, and whose visual appearance would not have a detrimental impact on the character of the area.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

A nursery has operated at the location for a number of years, with the only issue being the number of children using the existing outdoor playspace to the rear exceeding the prescribed amount of children using the space (6 at any one time controlled by planning condition).

The proposed playspace would not replace that which exists to the rear, but would provide supplementary outdoor predominantly grassed area for the children to use. It is proposed that no permanent / fixed outdoor play equipment would be installed. Readily moveable play equipment would be brought indoors outside of the operational hours of 8am – 6pm, when the space would be locked and not in use.

The adjacent residential flats of St Philips place have bedrooms located at the front of the property which would not suffer from adverse impact from noise generated from children using the proposed space at times when these rooms are likely to be used.

Rooms more commonly associated with daytime use such as the living room areas are located to the rear of the properties away from the proposed new space and therefore should not suffer an additional loss of residential amenity than may already be experienced from the existing outdoor play area in the rear courtyard.

It is noted from comments received that the adjacent residents have enjoyed use of the grassed area in front of the community hall without restriction. However, it is noted that the original planning consent for the development of the community hall and flats also proposed construction of a church on the space, which has as yet not been constructed, and is unlikely to be for the foreseeable future.

It is noted that over half of the 'green' amenity space would remain unaltered by the current proposal.

Design issues:

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and use appropriate materials (preferably locally sourced). Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout.

The proposed location for the enclosed playground would be on an area of green space characterised by its open-plan nature.

It is considered that the introduction of a means of enclosure in the form of a closed board fence of 1.4 metres in height would appear incongruous to its surroundings and would not respect the character of the location and therefore would not accord with the aforementioned policies.

It is therefore recommended the application be refused on these grounds.

Impacts on highway network or access:

Despite the concerns detailed within representations received from neighbouring residents, the formation of an outdoor play area in the proposed location should not have an unacceptable impact on the safety of persons using the adjacent highway.

Although it is acknowledged that Whitley Road carries significant volumes of traffic throughout the day, the position of the proposed 1.4 metre high boundary fencing is such that sufficient visibility splays would still be maintained to facilitate safe use of the highway and in particular the drivers of vehicles joining Whitley Road via St Philips Avenue.

Additionally, residents voiced concerns regarding the potential adverse impact to parking in the locale, for which it has been stated by them to be a long running issues. The applicant has confirmed that the proposal is not linked to a planned growth in the number of children using the nursery, and therefore there can be no impacts to parking directly attributed to this proposal that in and of itself would lead to the grant of consent being restricted.

Other matters:

In representations received it has been advised that the current location is not suitable for a nursery, and that the church hall should be used for wider community use, which has ceased due to the occupation by the nursery.

The nursery school use is authorised, and therefore the suitability of the use of the hall cannot form part of the assessment for the current application.

It is accepted that schools and day nursery's are important in the Governments aspirations to stimulating the economy in that they are integral in assisting people/families return and continue to work. Whilst this is a material considerations in the determination of this application the scheme itself does not give rise to an increase in attendance and thereby would not support the wider growth agenda.

Similarly there is no evidence within this application that the day nursery would close if this facility were not to be provided.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

Due to the detrimental visual impacts of the proposed scheme the application is on balance not considered to be supportable.

**Recommendation:**

It is recommended that the application be refused for the following reasons:

**Summary of reasons for decision:**

The introduction of a 1.4 metre high closed board fence would be intrusive and alien in its appearance and out of character with the prevailing open plan nature of the area and would not accord with policies UHT1 and UHT4 of the Eastbourne Borough Plan 2007 Saved Policies and policy D10a of the Eastbourne Core Local Strategy.

**Informatives**

For the avoidance of doubt, the plans (submitted on 01.05.15) hereby refused are:

DWG. NO.: 10056/02 – Proposed Layout Plan

DWG. NO.: 10056/03 – Existing Elevation – Proposed Elevations

**Appeal:**

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