



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 29 September 2015.** (Pages 1 - 6)
- 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 3 Selwyn Road. Application ID: 150800. (Pages 7 - 12)

7 29 Bedfordwell Road. Application ID: 150443. (Pages 13 - 18)

8 51 Woodgate Road. Application ID: 150192 (HHH). (Pages 19 - 24)

9 Aldi - Former Cosmetica Site, Faraday Close. Application ID: 150872. (Pages 25 - 30)

10 Morrisons, 1 Hargreaves Road. Application ID: 150790. (Pages 31 - 34)

11 7 Upperton Road, Churchill Retirement Living. Application ID: 150803 (PPP). (Pages 35 - 46)

12 The Hawthorns, 4 Carew Road. Application ID: 150742 (PPP). (Pages 47 - 54)

13 1 Stuart Avenue. Application ID: 150738. (Pages 55 - 64)

14 51 Upperton Lane. Application ID: 150694 (Pages 65 - 74)

15 Moira House (Menege). Application ID: 150594. (Pages 75 - 80)

16 Moira House (Stable block). Application ID: 150585 (PPP). (Pages 81 - 88)

17 Site 7b, Pacific Drive. Application ID: 150796. (Pages 89 - 102)

18 Woods Cottages, Langney Rise. Application ID: 150757. (Pages 103 - 110)

19 44-48 East Dean Road. Application ID: 150499 (PPP). (Pages 111 - 118)

20 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).

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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Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk

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Tuesday, 29 September
2015
at 6.00 pm



Planning Committee

Present:-

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

71 Minutes of the meeting held on 1 September 2015.

The minutes of the meeting held on 1 September 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

72 Apologies for absence.

Councillor Murray.

73 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 Salisbury declared a prejudicial interest in minute 77, 28 Gorringe Road, as the applicant was her employer. Councillor Salisbury withdrew from the room whilst the item was considered.

Councillor Ungar declared a personal interest in minute 77, 28 Gorringe Road as he knew the applicant. Councillor Ungar remained in the room whilst the item was discussed and voted thereon.

Councillor Ungar declared a personal and prejudicial interest in minute 76, 258 Sevenoaks Road, as he knew the family that reside in the property. Councillor Ungar addressed the committee from the floor and withdrew from the room whilst the item was considered.

74 1 Baillie Avenue. Application ID: 150760.

Erection of a two storey building to provide 2no. studio flats on and adjacent to 1 Baillie Avenue – **ST ANTHONYS**. Three objections and a petition signed by 42 residents had been received.

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

The committee was advised that the applicant had written in support of the application and stated;

- The dwelling capacity was the same whether the extension was used to provide two additional bedrooms or two studio flats, with the only

difference being the bedrooms would be inhabited by two separate individuals rather than a large family.

- The house would retain a large front and rear garden.
- The two studios were proposed to have their own separate access.

The decision to apply for two studios was taken following the sale of the land to the rear and the subsequent approval of flats rather than houses on this land. The applicant now considered this was not the right area to construct a 4 bed house.

RESOLVED: (Unanimous) That permission be refused on the grounds that the provision of two additional residential units to this corner plot is considered to constitute over development which would be detrimental to the surrounding residential area and the small size of the proposed units is considered to provide substandard accommodation for future occupiers contrary to Policy B2 of the Core Strategy Local Plan 2013.

75 41 Pevensey Road. Application ID: 150759 (PPP).

Proposed conversion of a previously approved 2-bedroom ground floor flat into 1no. 1-bedroom flat and 1no. 2-bedroom flat including a new single storey ground floor rear extension – **DEVONSHIRE.**

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

The committee was advised that the applicant had written in support of the application and stated;

- The floor areas were within or close to the national space requirements for single occupancy 1-bedroom flats. The applicant had agreed to amend the application to better meet those standards and had reduced Flat 2 from a 2-bedroom flat to a 1-bedroom flat for single occupancy.
- To revert the development back into the originally approved scheme of a single 2 bedroom flat and incorporate the extension into it, would require significant investment which would make the project unaffordable. This would also reduce the type of accommodation available which was in high demand.
- The flats are finished to a high standard.

RESOLVED: (Unanimous) That permission be refused and enforcement action authorised on the grounds that the small size of the proposed units is considered to provide substandard accommodation for future occupiers contrary to Policy B2 of the Core Strategy Local Plan 2013.

The enforcement action should secure the removal of fixtures and fittings sufficient to enable the use as two independent units of residential accommodation.

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.

76 258 Sevenoaks Road. Application ID: 150921.

Retention of existing 2m high closed board timber fence to facilitate extension of rear/side garden boundary – **LANGNEY**. One letter of support and two of observation / concern had been received.

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

The applicant has suggested some alterations to the fencing which could be controlled by condition to improve the appearance such as cutting off the corner of the fence adjacent to the neighbouring property 256 Sevenoaks Road front garden and the planting of shrubs along the fence line to soften the appearance.

The committee was advised that applicants had also written in support of their application and stated;

- We liaised closely with neighbours of 256 Sevenoaks road regarding the intention to erect a fence. At the time we were not aware that the property was rented.
- When we received correspondence from the Council that the development required planning permission works were ceased the intention was always to change the colour and add vegetative screening.
- The fence was no different in design, shape or height to any other perimeter fence in Sevenoaks Road. Once the initial impact of our fence was softened it would not look out of place.
- We were careful and sensitive with our fence so as not to encroach on public greenspace or detract from the open plan covenants pertaining to the front of the property.

One letter of support and three additional objections had been received for the following reasons;

- Impact on visibility/road safety;
- Character of the estate was 'open plan';
- Over shadowing to front garden of 256, which impacted on vegetation;
- Increase in noise pollution.

Councillor Ungar addressed the committee in support of the application stating that fence was the appropriate height and had not been an issue for the East Sussex County Council Highways Department.

NB: Councillor Ungar withdrew from the room.

The committee discussed the application and agreed that the fence was inappropriate due to the open plan nature of the estate.

RESOLVED: (By 5 votes with one abstention) That permission be refused and enforcement action be authorised to secure the removal of the unlawful fence, on the grounds that the development has resulted in a form of development that has an over-dominant and unneighbourly relationship to/with the occupiers of the adjacent property, in addition to compromising the setting/character of this part of this open plan estate. The proposal is considered to conflict with policies UHT1, UHT4 and HO20 of the Saved Policies of the Eastbourne Borough Plan and Policies B1, B2, D10a of the Eastbourne Core Strategy Local Plan.

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.

77 28 Gorringe Road. Application ID: 141403.

Extension of existing bungalow to form new storey and 2 level side extension incorporating one existing three bedroom unit, two new 2 bedroom units and a new 1 bedroom unit – **UPPERTON**. Four objections had been received.

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

Mr Ranger addressed the committee in objection stating that the application was an overdevelopment and that it would compromise their privacy. Mr Ranger also expressed concern regarding the groundwork and potential damage caused by excavation work.

RESOLVED: (By 5 votes with one abstention) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) Windows proposed to the side (north-west) elevation shall be obscurely glazed and non-opening unless over 1.7m in height from the internal floor level 4) Details to be submitted of stopping up of existing access, and kerb and footway reinstated in accordance with details 5) New access shall be in position shown on the submitted plan 6) Submission of details in relation to provision of parking spaces, areas shall be retained for that use and shall not be used other than for the parking of motor vehicles 7) Submission of details in relation to cycle parking 8) Submission of details in relation to covered bin storage 10) Notwithstanding the details shown on the approved drawing, the provision for bin storage shall be increased/amended to the front path area, with cycle parking moved to the site of bin storage 2 of the approved drawing.

Informative:

1. Highways dropped curb informative.
2. Informative in relation to bin/cycle parking as required by condition 9.

78 1 Samoa Way. Application ID: 150804 (HHH).

Retention of new boundary fence – **SOVEREIGN.**

The relevant planning history for the site was detailed within the report. The observations of the Sovereign Harbour Residents Association were also summarised.

Members were advised that in addition to the comments included in the Officer's report, Sovereign Harbour Residential Association raised the following issues:-

- The boundary of the properties in Hobart Quay on the opposite side of Pacific Drive were brick pillars with half brick wall between and wooden panels above.
- The new fence obstructed the view of vehicles leaving the estate
- The fence displayed a negative frontage and loses open aspect of Pacific Drive
- It would be out of keeping with the proposed development of Site 8
- If permission was approved it would set a precedent.

Members debated the issues and concluded that the boundary treatment was visually intrusive into the street scene and conflicted with the open plan nature of the site in particular and the wider area in general.

RESOLVED: (Unanimous) That permission be refused and enforcement action be authorised to secure the removal of the unlawful fence, on the grounds that the size design and location of the new boundary fence is such that it has resulted in a form of development that is over-dominant and visually intrusive, compromising the setting and character of this part of this open plan estate. The proposal is considered to conflict with policies UHT1, UHT4 and HO20 of the saved policies if the Eastbourne Borough Plan and Policies B1, B2, D10a of the Eastbourne Core Strategy Local Plan.

79 South Downs National Park Authority Planning Applications.

There were none.

80 Exclusion of the Public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown beneath the item below. *(The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

81 4 Nuthatch Road.

Unauthorised operational development connected with a use that is at a level that would exceed that considered to be incidental to the enjoyment of the dwelling house. Seven letters of objection and one letter of support had been received.

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

RESOLVED: That formal enforcement action be taken given the reported impact on residential amenity to the adjoining occupiers and nearby residents as a result of the intensification of the use to limit the number of pigeons kept at the premises.

The steps required to comply with the notice would require a 50% reduction in the available 'pigeon holes' within the outbuildings.

The meeting closed at 7.10 pm

Councillor Sabri
(Deputy Chairman in the Chair)

Agenda Item 6

App.No: 150800 (PPP)	Decision Due Date: 7 October 2015	Ward: Upperton
Officer: Anna Clare	Site visit date: 16 September 2015	Type: Planning Permission
Site Notice(s) Expiry date: 12 September 2015		
Neighbour Con Expiry: 12 September 2015		
Press Notice(s): N/A		
Over 8/13 week reason: within time		
Location: 3 Selwyn Road, Eastbourne		
Proposal: Demolition of lean to extension, conservatory and garage and erection of new bungalow together with associated off-street parking.		
Applicant: Mrs Margo Hastings		
Recommendation: Approve		

Executive Summary

The principle of development is acceptable, the scale of the building and the relationship to the surrounding properties is such that there should not be any material loss of residential amenity.

The external fabric of the building has been altered to be rendered walls under a slate roof; these are considered to be appropriate to the site and surrounding area.

The proposal would comply Policies UHT1, UHT4, HO6 and HO20 of the Eastbourne Local Plan, Policy B2 of the Eastbourne Core Strategy and Paragraphs 17 and 53 of the NPPF.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution

B2 Sustainable Neighbourhood

C2 Upperton Neighbourhood Policy

D5 Housing

D10 Historic Environment

D10 A Design

Archaeological Notification Area

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas
UHT1, UHT4, HO6 and HO20

Site Description:

The site is located on the west side of Selwyn Road to the rear Montclare House, 28 Upperton Road. The existing property is part 2 storey to the southern end of the site and single storey to the northern end incorporating a single storey garage building.

The land slopes relatively steeply upwards from south west to north east where the ground level of the application site is approximately at ground floor ceiling height. In addition the land also slopes up from left to right when looking from the front.

Montclare House is a large 4/5 storey building incorporating 18 flats.

Relevant Planning History:

EB/1982/0031
ALTS TO CONV GARAGES, STORES & FLAT INTO 2 BED HOUSE WITH ATTACHED GARAGE Approved Conditional
1982-03-02

EB/1981/0483
ALTS INC PROV OF DORMER WINDOWS, CONV GARAGES, STORES & FLAT INTO 2X2 BED FLATS WITH INTEG GARAGES
Refused
1981-10-06

EB/1972/0780
F/FL ADDTN, ALTS & CONV OF FLAT OVER GARAGES & STORES TO FORM 4 BED HOUSE WITH INTEG GARAGE
Approved Conditional
1972-11-02

140496
Construction of rear conservatory, take down and rebuild of kitchen store; insertion of window and enlargement of existing basement
LD Certificate (proposed)
Issued
03/06/2014

150437
Outline application (all matters reserved) for demolition of lean to extension, conservatory and garage and erection of a 2 storey detached building to provide 2 x 2 bedroom flats and associated off-street parking.
(Amended description)
Outline (all reserved)
Refused
26/06/2015

940578

Erection of a conservatory at side.

Planning Permission

Approved unconditionally

20/10/1994

Proposed development:

Full planning permission is sought for the demolition of the northern section of the building and garage in order to create a developable zone to accommodate 1 detached 2 bedroom 3 person bungalow.

The scheme proposes four off street car parking spaces in total, two for the retained existing property and two for the proposed bungalow. In addition both the retained and the proposed properties retain a modest element of outside amenity space (courtyard garden).

The bungalow will be accessed from Selwyn Road and provides the following accommodation within 66sqm of internal floor area:-

- Entrance porch/lobby
- Kitchen living room
- 1 x double bedroom
- 1 x single bedroom
- Bathroom

The application has been amended since first being submitted; the changes relate to re-siting of the building to allow for full size off-street parking spaces to be provided and also the external materials have been changed to render and slate roof to reflect more closely the neighbouring properties.

Consultations:

External:

East Sussex County Council Highways:- Objected to the scheme as originally submitted in terms of parking spaces not fit for purpose; the revised application has overcome their concern.

Neighbour Representations:

Nine objections have been received and cover the following points:

- Given the change of levels from Montclare House to the development site there are concerns over the degree of direct overlooking
- Will the drainage works be fit for purpose and not lead to localised flooding
- Proposed materials unsuitable to the character of the area, it should be slate and rendered to match others in the area, windows and doors should be timber
- Potential for future accommodation within the roof space, this may lead to further loss of privacy
- Boundary fence needs to be of sufficient height to mitigate direct overlooking

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.

Therefore, it is considered that the main considerations in the determination of this proposal relates to whether the site could accommodate this development, and is appropriate on this site in this location, sympathetic to the character and appearance of the surrounding residential area, its impact on residential amenity and its acceptability on highway and parking grounds.

Scale and Design

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to be appropriate in scale and form.

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.

The surrounding area is characterised by a mix of design styles and building heights within which two storey terraces comprise the principle built form. The application proposes a bungalow with external materials/finishes that reflect the broader character of the site and surrounding area, in this regard the scheme would therefore not be harmful to the character and appearance of the area.

The scale of the proposed new dwelling and the ridge height is such that it would be visible from neighbouring properties to the rear. However as the scheme proposes a bungalow with a means of enclosure along the rear boundary line of the plot will mean that there will not be any material overlooking to the plot/flats to the rear.

As such, the proposal would fail to accord with Policies UHT1 and H06 of the Eastbourne Local Plan.

With regard to external amenity space both existing and proposed units would have access to a modest external courtyard gardens. This is considered to appropriate for the nature and type of accommodation proposed. It is therefore considered to comply with Policy B2 of the Eastbourne Core Strategy and Paragraph 17 of the NPPF.

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

Policies H020 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

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

Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Given the separation distance between the proposed building of approximately 10.8 metres and that the scheme is a bungalow with a satisfactory boundary treatment that there should not be any material loss of residential amenity through direct overlooking or over dominant or unneighbourly relationship.

It is accepted that there will be noise disturbances and congestion issues through demolition and construction phases of the development, these are considered to be short-lived and would not in and of themselves justify a refusal of consent,

Given the above it is considered that the development accords with Policies UHT4 and HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

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.

Recommendation:

Grant permission subject to conditions

Conditions:

- 1 Time limit
- 2 Approved Drawings
- 3 Boundary treatments
- 4 Carpark to be laid in accordance prior to occupation
- 5 All Permitted development rights removed
- 6 Demolition and Construction times 08:00 to 18:00 Mon – Fri, 08:00 – 13:00 Sat and not at all on Sundays Bank and public holidays

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

App.No: 150443	Decision Due Date: 18 June 2015	Ward: Upperton
Officer: Anna Clare	Site visit date: 22 September 2015	Type: Outline (some reserved)
Site Notice(s) Expiry date: 24 May 2015 Neighbour Con Expiry: 13 October 2015 Press Notice(s): N/A		
Over 8/13 week reason: To negotiate amendments to the scheme and re-consult with neighbours.		
Location: Cedar House, 29 Bedfordwell Road, Eastbourne, BN21 2BQ.		
Proposal: Outline application (with Appearance, Landscaping and Scale reserved) for demolition of existing hostel and erection of 6 x 3 bedroomed flats - consideration of access and layout only.		
Applicant: Mr M Watts		
Recommendation: Grant outline planning permission subject to conditions.		

Executive Summary:

The application seeks Outline Planning approval for the redevelopment of the site to accommodate 6 X 3 bedroom apartments.

Access and Layout to be determined now and Appearance Landscaping and Scale reserved from subsequent approval.

The proposed scheme has been amended following advise that the original proposal was over development of the site. The layout of the building is considered acceptable and respects the building line of the adjacent properties. Given the context of the site and the existing building it is not considered that the proposed layout would result in significant impacts on the adjacent properties to warrant a refusal of the application.

The appearance, the scale and landscaping of the site will be considered at the reserved matters stage.

Access to the site is existing and the provision of 6 parking spaces for 6 units is considered acceptable. Therefore the proposal is considered acceptable for the reasons set out in the report.

Planning Status:

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Core Strategy Local Plan 2013 Policies

- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D5: Housing
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- HO2: Predominantly Residential Areas
- HO20: Residential Amenity
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The property, 29 Bedfordwell Road, which has been known as 'Cedar House', is a substantial detached 2 storey property, (together with basement), currently vacant and had been recently marketed as a 'former NHS residential home'.

The site is located on Bedfordwell Road, and it is located at the junction of the Bedfordwell Road and Lewes Road.

On either side of the subject property are similar properties, both residential, the one on the north side, (No.28), being substantial, and rising to 3 storeys, with a considerably higher ridge than the subject property, and on the south side the property, (No. 30), also substantial, has a similar ridge height. Further up Bedfordwell Road to the north, properties rise up ever higher, especially a newly developed nearby apartment block, with 'The Hawthorns' beyond.

The application property is of traditional design with brick, Sussex hanging tiles and gables, with the properties on either side in similar style. It shares a similar building line to properties immediately on either side with substantial rear gardens and a significant distance to properties to the rear.

The application property itself has a modern 2 storey flat roofed flank extension on the north side.

Relevant Planning History:

EB/1984/0559

Change of use from hotel to hostel for patients discharged from psychiatric hospital.

1984-12-11

140172

Change of use from sui generis (hostel) to single private dwelling.

Planning Permission

Approved conditionally

09/05/2014

Proposed development:

The application seeks outline planning permission for Access and layout for the demolition of the existing building and erection of a building to accommodate 6no. 3 bedroom flats.

Illustrative drawings have been supplied demonstrating how a new building could look and these illustrative drawings show that the proposed building could be three storey's in height with the third storey in the roof space. Each storey contains two 3 bed flats.

There is existing access onto Bedfordwell Road and 6No. parking spaces are proposed to the front forecourt area to serve the flats.

Two ground floor flats are proposed with private amenity space to the rear, with a further shared garden accessed by either side access path for the upper flats.

Consultations:External:East Sussex County Council Highways

No objection raised to the proposal. The ESCC Parking Calculator suggests (based on local car ownership data) there should be 8 parking spaces provided for the proposed 6 flats. This is one less than proposed.

Neighbour Representations:

Objections have been received from the following properties;

- 5 The Gardens
- 28 Bedfordwell Road
- 30 Bedfordwell Road

For the following reasons;

- Design out of character
- Demand for on-street parking
- Access is directly onto a main road
- Impacts on daylight and sunlight to 28 Bedfordwell Road

- Impacts of loss of light and privacy to habitable rooms of 30 Bedfordwell Road
- Height and width of the proposed building is out of keeping with neighbouring properties

Appraisal:

Principle of development:

There is no objection in principle to the proposed development, providing there would be no significant impact on the amenity of the surrounding properties and the design was appropriate for the setting in accordance with relevant sections of the NPPF 2012, policies of the Core Strategy Local Plan 2012 and saved policies of the Borough Plan 2007.

Although outline permission is sought for only access and layout, the applicant has provided a drawing showing the design of building which could be accommodated within that layout. The design of the building is not for determination, this would form a subsequent application for reserved matters.

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

The application proposes the demolition of the existing building and the erection of a new building. The application is for layout and access only. The proposed building would be set back 1500mm from either side boundary, the adjacent buildings are also set back from the boundaries which reduces the impact in terms of amenity.

The layout within the site of the proposed building has been amended to bring the property closer to the building line provided by the two adjacent properties. Whilst this has impacts to the size of the forecourt and therefore proposed parking this improves visually the impact of the proposal on the surrounding area.

The existing building has an unsympathetic two storey side extension with a flat roof towards the rear of the building. The neighbouring property No.28 Bedfordwell Road has a pitched roof side extension to the boundary with the site. On balance given the context of the site and the existing situation it is considered the proposed building in terms of layout would not have a significant impact on the adjacent property to warrant the refusal of the application.

Impacts on highway network or access:

The scheme proposes 6 residential units with 6 off street parking spaces with turning area.

It is considered that given the location close to the town centre and on public transport routes that 100% parking would be appropriate. It is acknowledged that given the on street parking pressures in the locality that 100% parking density would provide sufficient off street parking to meet the general needs of the development.

Planning obligations:

Given that the proposed development is for 6 flats, the application is not CIL liable, neither is there a requirement for affordable housing or a commuted sum in lieu of.

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.

Recommendation:

Approve outline planning permission subject to conditions.

1. Time for commencement
2. Submission of reserved matters
3. Submission of details of bin storage
4. Reconstruction of the access
5. Wheel washing
6. Details of surface water drainage to prevent discharge from the site to the public highway
7. No occupation until parking areas have been provided in accordance with details to be submitted
8. No occupation until cycle parking areas have been provided in accordance with details to be submitted
9. Turning space for vehicles to be provided
10. Boundary treatments
11. Cycle parking

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Agenda Item 8

App.No: 150192 (HHH)	Decision Due Date: 21 April 2015	Ward: St Anthonys
Officer: Anna Clare	Site visit date: 18 March 2015 and 15 May 2015	Type: Householder
Site Notice(s) Expiry date: n/a Neighbour Con Expiry: 17 September 2015 Press Notice(s): n/a		
Over 8/13 week reason: Awaiting amendments to scheme, re-consultation and referral to planning committee.		
Location: 51 Woodgate Road, Eastbourne, BN22 8PB.		
Proposal: Proposed part single and part two storey extension at rear together with associated patio and steps.		
Applicant: MR AND MRS THOMPSON		
Recommendation: Approve conditionally		

Executive Summary:

The proposed scheme has been amended to reduce the impact on the adjoining/adjacent properties. A similar extension has been approved and built at 45 Woodgate Road in effect setting a precedent for the principle of extensions of this type.

Given the property is semi-detached and the two storey extension is proposed to the detached side of the property with reasonable separation between this detached neighbour the impact of the two storey extension is considered acceptable.

The ground floor extension is large at 4m in depth and height, however on balance this is considered acceptable and therefore it is recommended that planning permission is granted subject to conditions.

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

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO20: Residential Amenity
US5: Tidal Flood Risk

Site Description:

The site is comprised of a two storey semi-detached single dwelling house on the southern side of Woodgate Road, close to the junction with Baillie Avenue. The property has a walled front garden with access down the eastern side of the house to an approx. 35m rear garden which is approx. 0.5-0.6m below the ground floor level of the existing building at the rear elevation.

The rear of the property itself is staggered, with a single storey protrusion (2.7m deep x 2.9m wide, lean-to style roof) at the eastern side. There is a change of levels down from the floor level of the dwelling to the rear garden.

Relevant Planning History:

141607

Demolition of existing rear conservatory and small kitchen extension, and construction of single storey rear extension

Approved conditionally

04/03/2015

120070

Erection of single storey extension to the rear (4m in depth)

Householder

Refused – on grounds of impact on adjoining property.

16/03/2012

060314 – 45 Woodgate Road

Erection of a part single, part two storey extension at rear

Householder

Approved conditionally

26/06/2006

Proposed development:

The applicant is seeking permission to replace the existing lean-to with a two storey and single storey extension comprised of:

- A ground floor element (continuation of the finished floor level of the ground floor level of the main building) 4m deep across the full width of the building, eaves height 3.6m, max height 4m. The extension is proposed with a flat roof, with roof light, elevation to the east would include two high-level windows in the eastern side elevation (approx. 1.9m from floor level), a triple paned fully glazed door to the rear elevation. Steps down are shown from the rear extension without any platform area.
- A first floor element with hipped roof over, 3.1m in width, 3m depth with window in the rear elevation only.
- The proposal also includes new door at ground floor level in the side, eastern elevation.

Consultations:

Neighbour Representations:

Objections have been received from the adjacent property NO.49 to both the original and revised scheme and cover the following points:

- Loss of natural light,
- Loss of privacy from increased overlooking to rear garden.

No.57 Woodgate Road objected to the scheme on the following grounds;

- Increased risk of localised flooding in heavy rain due to reduced soak away of water,
- Risk of precedent being set for this scale of development locally.

Appraisal:

Principle of development:

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

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

Inevitably there will be some impacts from an extension of this size on the adjoining and adjacent occupiers.

To the east No.49 will unavoidably suffer a degree of overshadowing from both the two storey element, and the ground floor extension. At the furthest point the two storey extension would extend 3m, and the single storey ground floor extension 1m beyond this. However, given the property is detached on this side the extension would be set back just over 1m from the boundary, and the adjacent property is also set back from this boundary. Therefore reducing the impact of the first floor extension.

The new windows in the east side elevation are approximately 1.9m above floor level and therefore overlooking would be minimal towards the adjacent property. There are steps down from the extension to the patio with no proposed platform which restricts overlooking to both neighbouring properties. The adjacent property No.49 have objected to the proposal on the grounds of increased overlooking from first floor windows to the rear garden area. Given that there is considerable existing overlooking from first floor windows, and from dormer extensions in the wider area, it is not considered that the proposed bedroom window would increase overlooking to an extent to warrant a refusal of the application.

To the west no.53 will suffer a degree of overshadowing, but the greater part of this will be the immediately adjacent single storey extension extending 4m from the rear elevation (which would be close – approx. 0.8m – to the window of a habitable room), and the two storey section which would be 3.2m from the boundary. The applicant has proposed to extend the extension maintaining internal floor level which results in an extension at a height of 4m from garden level. The adjoining property has a rear door and windows at ground floor level however these are raised with steps down to garden

level which reduces the impact of an extension of this size in terms of overbearing impacts.

Design issues:

The extension would add bulk to the existing property, particularly with the drop from ground floor level to garden level. The extension is proposed to be rendered, the existing property is brick however many in the immediate vicinity are rendered and therefore this would not be considered out of keeping.

Other matters:

A similar extension has been approved and built at 45 Woodgate Road in effect setting a precedent for the principle of extensions of this type.

The increased risk of flooding (as raised by objection) is considered to be negligible as the area proposed for development is currently paved.

There has already been an application for a rear extension refused at this property under application 120070. This was a 4m, full width ground floor extension maintaining the ground floor level of the existing house, which would have had a maximum roof height (excluding roof light) of 3.5m (4m above garden level). This was refused due to the proximity of a 4m extension close to the boundary with (and window of a habitable room of) no.53. However, it is considered that given permitted development rules have altered since 2012 that the size of the extension on balance is considered acceptable.

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 should have a fairly innocuous impact on the surrounding area as it is confined to the rear of the property with limited visibility from public viewpoints.

The precedent for two storey extensions has been established by application 060314. Given the two storey element of the proposal is to the west, the semi-detached side of the property, the impact on the adjacent property is reduced and on balance considered acceptable.

Careful consideration has been given to the ground floor extension, the height and length and therefore impact on the adjoining property. On balance this is considered acceptable and therefore it is recommended that planning permission is granted.

Recommendation:

Approve conditionally

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following drawings (except where stated in conditions 4 and 5):

- 202000.02 Revision D – Proposed plans
(Received by EBC on 25 August 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. 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, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority to any elevation or roof slope of the approved extension.

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

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 9

App.No: 150872	Decision Due Date: 14 October 2015	Ward: Hampden Park
Officer: Anna Clare	Site visit date: 06 October 2015	Type: Variation of Condition
Site Notice(s) Expiry date: 19 October 2015 Neighbour Con Expiry: 19 October 2015 Press Notice(s): N/A		
Over 8/13 week reason: To bring to planning committee		
Location: Former Cosmetica Site, Faraday Close, Eastbourne		
Proposal: Application to vary condition 6 (Hours of Delivery) of planning permission granted 31 March 2015 for the erection of a foodstore together with associated car parking and landscaping (Ref: 140958) to allow deliveries between the hours of 0500 and 2300 Monday to Sunday.		
Applicant: The Owner and/or Occupier		
Recommendation: Approve variation to condition and the applicant be advised that the notice will not be issued until a modification to the S106 connected to 140958 has been completed to the satisfaction of all parties.		

Executive Summary:

Planning permission was granted in March 2015 for the development of the site as a foodstore (Aldi), a condition of this permission was that deliveries shall not be made outside of the following times; 0700-2100 Monday to Saturday and 1000-1800 on Sundays. This application seeks to vary this condition to allow deliveries between the hours of 0500 and 2300 on any day. The application originally requested the removal of the condition which would effectively mean that deliveries could take place at any time.

The application has submitted a noise statement which concludes that the delivery of goods will not have an impact on the surrounding residential properties. Given the separation distances, and that the Council do have the power to take action under separate legislation (Environmental Protection Act 1990) should deliveries result in impacts on the amenity of residents it is recommended that the variation to the condition be granted.

Relevant Planning Policies:

National Planning Policy Framework 2012

11. Conserving and enhancing the natural environment

Site Description:

The site refers to the site of the previous industrial building once occupied by Cosmetica Manufacturing Ltd which was vacant for some time and formed part of the Hampden Park Industrial Site. Planning permission was granted in March 2015 for the redevelopment of the site as a foodstore (Aldi). The site borders residential properties to the north and west, with Lottbridge Drove to the East.

Relevant Planning History:

140958

Erection of foodstore together with associated car parking and landscaping.
Planning Permission
Approved conditionally
31/03/2015

Application Proposal:

The application proposes the variation of condition 6 of planning permission granted 31 March 2015 to allow deliveries between the hours of 0500 and 2300 Monday to Sunday (every day).

Consultations:

Specialist Advisor (Environmental Health)

Recommends approval of the variation on the basis of the mitigation measures in place as stated in the Noise Assessment submitted.

Neighbour Representations:

Objections have been received from the following residents;

- 11 Brampton Road
- 19 Brampton Road
- 21 Brampton Road
- 27 Brampton Road
- 38 Brampton Road
- 6 Mallard Close

On the following grounds;

- Noise to surrounding residential properties
- Additional traffic
- Cannot guarantee that reversing beep will be turned off
- Why is there a need to deliver at 5am on a Sunday when the store cannot open until 10am

Appraisal:

Principle of development:

There is no objection in principle to the alteration of the conditions to allow additional hours of delivery for the store, providing it can be demonstrated that the hours would not result in significant impacts in terms of noise of the surrounding residential properties in accordance with Policy B2 of the Core Strategy Local Plan 2013.

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

The extended hours are sought to enable greater flexibility for deliveries to the store and to enable goods to be delivered, unloaded and stocked prior to the beginning of the trading day. Aldi state that from their experience deliveries are typically unloaded 2 hours before opening which allows for shelves to be stocked.

As part of Aldi's operations and the layout of the site lorries will share the car park with customers, it is more satisfactory on health and safety grounds for delivery vehicles to visit the store outside of normal opening hours to avoid possible conflict, furthermore it allows shelf stacking to occur when customers are not moving around the store.

The store does not have a service yard, instead a level dock delivery process is used, where vehicles reverse up to the loading bay located at the side of the store. Goods are then wheeled in cages directly off the lorry into the warehouse, without the use of any lifting equipment or tailgate. This process reduces noise resulting from deliveries.

By increasing the morning delivery window, Aldi state that it will enable more than one store to be serviced by the same lorry, thus reducing road miles and vehicular emissions.

A noise report has been submitted with the application which has been assessed against relevant British Standards. The noise statement submitted states that service vehicles will enter the site from Lottbridge Drove, drive through the car park and manoeuvre into the loading bay. Typically there would be one/two HGV deliveries which will be received before or after store opening due to the HGV having to manoeuvre the car park. Smaller deliveries can occur during the day.

The goods are to be delivered directly into the warehouse via a level docking system directly into the building, empty cages are then loaded directly back into the back of the truck therefore there are no movements of cages within the car park. In terms of noise the loading bay is located in the optimum position screened from the surrounding noise sensitive properties by the store building itself.

The noise statement states that to reduce the impact from deliveries that a service yard management plan includes the following measures

- No reversing alarms to be used during the period 2300 -0700 hours;
- No goods pallets or roll cages to be moved in the external open areas;
- Delivery scheduling to ensure that no more than one delivery will be present in the service yard;
- All delivery vehicles to be driven in a quiet manner as possible, avoiding unnecessary engine revving.

The nearest residential properties to the service dock are those of Brampton Road. The properties of Brampton Road have considerable rear gardens and are separated from the site by 39m. Within the site there is a further landscaped area and the service ramp is to the south-east of the building. There have been objections to the application on the basis of noise and disturbance to these residential properties.

The report concludes that the potential impacts from the proposed increase in delivery hours are acceptable and would not result in adverse impacts on the amenity of residential dwellings given the separation distance.

Given the mitigation measures stated in the noise report, and the separation distances between these properties and the site it is considered that the early morning and late evening deliveries could be undertaken without significant impacts. However, if it were found to cause a nuisance, if the mitigation measures and not followed, then the Council will have powers under the Environmental Protection act to investigate noise nuisance complaints.

There are new residential properties to the north of the site, given the delivery area is to the south of the building it is not considered there would be significant impacts on these properties in terms of noise.

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:

Given the mitigation measures suggested, and the separation distances between the residential properties and the site/delivery area it is recommended that the variation to the condition be granted.

Recommendation:

1. Approve variation to condition

2. Issue a new notice with the inclusion of an additional condition stating that the if the applicant chooses to implement their extended delivery times that this shall only be done in accordance with the applicants noise report.
3. That the applicant be advised that the notice will not be issued until a modification to the S106 connected to 140958 has been completed to the satisfaction of all parties.

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Agenda Item 10

App.No: 150790	Decision Due Date: 23 September 2015	Ward: Hampden Park
Officer: Anna Clare	Site visit date: 06 October 2015	Type: Variation of Condition
Site Notice(s) Expiry date: 27 August 2015 Neighbour Con Expiry: 27 August 2015 Press Notice(s): N/A		
Over 8/13 week reason: To bring application to Planning Committee for decision.		
Location: Morrisons, 1 Hargreaves Road, Eastbourne		
Proposal: Application for variation of condition 8 (Time restriction on loading and unloading) following planning permission dated 17 August 2011 for the development of a Morrisons foodstore and petrol station (Ref: EB/2011/0050) to allow the loading or unloading of goods or materials between the hours of 05:00 and 23:00.		
Applicant: The Owner and/or Occupier		
Recommendation: To approved the variation to the condition.		

Executive Summary:

Current condition precludes deliveries to the store between the hours of 11pm and 6am. Morrisons have requested the variation as they state that this does not allow sufficient time to unpack and stock shelves before store opening at 7am.

The site is situated within a commercial area, away from residential properties therefore it is not considered the variation to the condition to allow deliveries between 5am and 11pm would result in result in harm to warrant the refusal of the application.

Relevant Planning Policies:

National Planning Policy Framework 2012

Core Strategy Local Plan 2013 Policies

B2: Creating Sustainable Neighbourhoods

Eastbourne Borough Plan Saved Policies 2007

HO20: Residential Amenity

Site Description:

The application relates to the Morrison's Store on the corner of Lottbridge Drove and Willingdon Drove, in an established commercial area. The site is access from Hargreaves Road, the other properties accesses from

Relevant Planning History:

110055

New Morrisons foodstore & petrol station

Planning Permission

Approved conditionally

16/08/2011

Proposed development:

The application seeks to vary the condition of the original permission for the development of the foodstore to allow deliveries between 5am and 11pm.

Consultations:

Specialist Advisor (Environmental Health)

Raises no objections to the proposed amendments to the delivery hours.

Neighbour Representations:

No responses have been received.

Appraisal:

Principle of development:

The reason for imposing the condition was to 'accord with the terms of the application and to ensure that the service yard and access is retained solely for that purpose at all times.' There is no objection in principle to the proposed amendment to the hours of delivery providing the hours would not result in significant impacts in terms of noise to surrounding properties in accordance with Policy B2 of the Core Strategy Local Plan 2013.

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

The nearest residential properties are those to Dallington Road which are to the north of the site. Given the separation distance it is not considered there would be any significant impacts on these properties to warrant a refusal of the variation of the condition on this ground.

The site has a service/delivery yard/area to the north-east boundary which is accessed from the main entrance without entering the car parking area. This access road also gives access to other commercial uses surrounding the site, to access the site lorries would not need to pass residential properties.

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:

Given the context of the site it is not considered that the amendment to the hours of delivery, delivering to the site from 5am would result in detrimental impacts on noise sensitive uses. Therefore it is recommended that the variation to the condition is granted.

Recommendation:

Grant variation of the condition.

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Agenda Item 11

App.No: 150803 (PPP)	Decision Due Date: 8 October 2015	Ward: Upperton
Officer: Leigh Palmer	Site visit date: 28/09/15	Type: Planning Permission
Site Notice(s) Expiry date: 10 September 2015		
Neighbour Con Expiry: 10 September 2015		
Press Notice(s)Published: 25/08/15		
Over 8/13 week reason: Reported to Committee within statutory framework		
Location: 7 Upperton Road, Eastbourne		
Proposal: Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping		
Applicant: Mr Alex King		
Recommendation: Subject to S106 covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report.		

Executive Summary:-

The application relates to redevelopment of the former Caffyns Garage site on Upperton Road. The proposed use and scale of development accords the local policies contained within the development plan including the Eastbourne Town Centre Local Plan (ETCLP) and as such there are no objections in principle to the proposed redevelopment.

It is considered that the location, design and siting of the building is such that it would not give rise to a material loss of amenity sufficient to justify a refusal of planning permission.

The proposed use is considered to meet a local need and the level/density of off street parking is deemed to be acceptable for this client group.

Issues over demolition and construction access are to be controlled via planning condition.

Subject to a S106 (Legal Agreement) covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report.

Town Centre Action Plan adopted November 2013

TC1 Character Areas

TC2 Town Centre Structure – *'Improved appearance from Upperton Road*

TC3 Mixed use developments
TC6 Residential development within the Town Centre.
TC9 Development Quality
TC10 Building Frontages and Elevations
TC11 Building heights
TC12 Servicing Access and Storage
TC15 Parking
TC17 Strategic Approach to Town Centre Development Sites – *'delivering 450 units.*
TC20 Development opportunity site 3 – *'Active frontage, pedestrian access, 3-6 storey in height, mix of uses, public realm, access and amenity issues.*

Eastbourne Core Strategy Policy

Eastbourne Core Strategy Local Plan 2006-2027
B1 Spatial Development Strategy and Distribution
B2 Creating sustainable Neighbourhood
C1 Town Centre Neighbourhood Policy
C2 Upperton Neighbourhood Policy
D1 Sustainable Developments
D2 Economy
D10a Design
D5 Housing
D8 Sustainable Travel

Borough Plan Policies

Eastbourne Borough Plan 2001-2011
TR4 Quality Bus Corridors
HO1 Residential Development within the Existing residential area
HO20 Residential Amenity
BI17 design Criteria
TR11 Car Parking
HO2 Predominantly Residential Areas
NE3 Conserving Water Resources
NE4 Sustainable Drainage Systems
NE5 Waste minimisation
NE11 Energy efficiency
NE12 renewable energy
NE28 Environmental Amenity
UHT1 design of new development
UHT2 Height of buildings
UHT4 Visual Amenity

Site Description:

The application site relates to the former Caffyns Garage site (now vacant) fronting Upperton Road close to its traffic light junction with The Avenue.

The site is broadly rectangular in shape measuring 0.25 ha with a frontage along Upperton Road of some 70 m and a depth of plot of approximately 37m. The site currently has vehicle access points from Upperton Road and Southfields Road; the Upperton Road access is achievable by virtue of the floor level of the existing building.

There is approximately a storey height difference in levels down from Upperton Road to Southfields Road.

To the rear of the application plot is Southfields Court a 5 storey block with flat roof, this building fronts Southfields Road and has very ,limited external space. To the west of the site lies the Council Staff carpark and the parking area connected with the Royal Mail sorting office. Opposite side of Upperton Road there are number of large flatted buildings and offices comprising 5-6 storeys in height. To the west of the site (up Upperton Road) lies Marlborough Court and large sheltered block over 5 storeys.

Southfields Road itself is characterised predominantly by large Victorian/Edwardian villas on substantial plots, for the most part the properties closet to the application site entrance have been converted into apartments and or care homes.

The site is located with the Town Centre boundary and approximately 200m from Eastbourne Train Station.

The site has been identified within the Town Centre Local Plan as a suitable development site. Policy TC20 deals with development opportunity site No3 and the parameters of this policy have been outlined within the policy section above.

Relevant Planning History:

The most relevant planning history is outlined below:-

EB/1963/0367

Erection of petrol station, showroom offices, repair shop and car park on roof of basement workshop
Approved Conditional
1963-09-26

EB/1963/0055

Petrol service station, show room workshop, offices and parking and block of flats on 4 upper floors and garages /stores on ground floor
Approved Conditional
1963-02-21

130152

Demolition of existing one and two storey offices and showroom
Notification
Issued
29/05/2013

Adjacent site:-

970355

Erection of 4/5 storey building containing 66 very sheltered housing apartments with common areas comprising lounge, office, dining room, kitchen, staff areas, car park and site works.
Planning Permission
Approved conditionally

02/01/1998

Proposed development:

General Concept:-

The scheme relates to the demolition of the entire building to be replaced by a new building providing accommodation for 61 units for private sheltered accommodation. The scheme is to be built/managed by Churchill Retirement Living a specialist provider delivering accommodation that is designed to meet the needs of the independent retired people and provides self-contained apartments for sale within the block.

It is intended that the apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those over this age with the a partner at least 55 can live in the development. The applicants outline that even with the age restriction as outlined above the average age of the occupiers' within their portfolio is 79, the majority of which are single female households.

The development will have a 'lodge manager' employed by the management company and will provide general site maintenance of the buildings/gardens and also security to the residents. The 'lodge manager' is on site during working hours and when off site there is an emergency alarm system fitted in each apartment and communal areas. The development will be accessed via a video entry system from both the car park level and from Upperton Road.

New Building:-

The new building is to have 5 storeys fronting onto Upperton Road and given the change of levels 6 storey to the rear. The building is to have a flat roof and proposed to use a range of external finishes including facing brick, render and slate coloured cladding panels.

The proposed building incorporates a curved façade to the south-eastern corner of the building in order to provide some visual interest to views from The Avenue and also views to the site up from the train station and from the Town Centre.

A brick and flint boundary wall is proposed along the Upperton Road frontage of the site.

Separation Distances & Height:-

The building is to be located close to the Upperton Road boundary of the site and is kinked at the middle of the building, this reflect the curvature of this part of Upperton Road. The frontage of the building is some 30+m from properties on the opposite side of Upperton Road. The building is proposed to be sited so the back to back distance is some 21+m from the rear of the property Southfields Court. Marlborough Court which lies to the eastern boundary of the site has an 'H' shaped footprint and to the central limb of the 'H' there is a separation of some 18m and a back to back distance to the bottom limb of the 'H' in excess of 23m.

The external height of the building is broadly similar with the properties to the north (opposite) and east (adjacent) of the site and approximately 4m above the height of Southfield Court (rear).

Access & Parking:-

The scheme proposes pedestrian access from the street level on Upperton Road, there is also pedestrian access from within the building (lower ground floor level car park level). Vehicular access to the site is from Southfields Road and provides access to 21 car parking spaces (7 Undercroft and 16 open).

Accommodation schedule:-

Lower Ground Floor:

- Access/parking
- Waste/recycling store
- Buggy store
- Communal lift to all floors
- Communal lounge
- Plant room
- 1 x 2 bedroom flat

Ground Floor:

- 3 x 2 bedroom flats
- 9 x 1 bedroom flats
- Entrance foyer from Upperton Road and lift to all floors
- Guest suite

First, second, third and Fourth Floor:

- 5 x 2 bedroom flats
- 7 x 1 bedroom flats

The scheme therefore proposes 61 residential apartments with the following mix:-

37 x 1 bedroom apartments

24 x 2 bedroom apartments

Amenity Space/balconies:-

All of the apartments have access to the communal landscaped garden on the lower ground floor as well as direct access to a private balcony ranging in size from 5sqm for the main bulk of the units and up to 12sqm for the apartments on the south-eastern corner.

Supporting documentation:-

The application is accompanied by a number of supporting documents whose content can be summarised as:-

Design & Access Statement:- Re-uses town centre brownfield site, promotes a scheme that in design terms is respectful to the characteristics of the site and existing buildings. Scheme complies with National & Local Policies that promotes sustainable development in appropriate locations and supports a client group where there is a large demand for this downsizing accommodation. Scheme would help to meet the Councils housing pressures. There is a growing demand to meet the needs and requirements of an ageing population.

Ecological Report:- The site has low ecological value, this will be enhanced by virtue of the introduction of communal landscaped areas.

Flood Risk Assessment:- The site will have negligible flood risk, accept the need for further work to satisfy the requirements of the Lead Local Flood Authority (see response below)

Transport Assessment:- the site is in a highly sustainable location in relation to public transport, shops and other goods and services. Excellent bus connections/frequency to a number of destinations. 21 cap parking spaces is considered entirely appropriate for the scheme/client group. Vehicular access will be onto Southfields Road and given the very limited vehicle movements connected to the use of the site there will not be any material impact upon the local highway network.

Housing Need & Affordable Housing:- Given the demographics both locally and nationally there is a shortfall in this type of accommodation within Eastbourne and that there is growth in the 65+ age group with the 75+ age group is forecast to rise by 75% by 2037.

On viability and site constraint grounds the development cannot deliver on or off site affordable housing units.

Stakeholder Engagement:- Feedback from the public exhibition/training events; the majority of those that engaged in the process were complimentary/supportive of the proposal. Other comments received relating to the following:

- Level of parking provision
- Access to the site
- Construction disturbance
- Need for housing for younger people
- Overprovision of retirement housing.

Response to Eastbourne Design Review Panel (EDRP):- The proposed development was reported to the EDRP where a number of issues were raised:

Development site providing an opportunity to provide a building that enhances the approaches to Eastbourne Town Centre, the new building should address this.

Scale and design of the elevations needs to ensure that the development has a degree on architectural consistency (integrated development)

Key feature on the corner to provide visual interest

Car parking and landscaping needs to be rationalised to provide more useable and pleasant environment.

Privacy of amenity space

Alternative amenity space within elements of the building

The applicant contends that the current proposal has addressed/mitigated the concerns raised by the EDRP

Consultations:

Internal:

Housing Services Manager:- No objection to the principle of the development and given the viability assessment submitted with this project it is accepted that the scheme cannot deliver either on or off site affordable housing units.

Specialist Advisor (Planning Policy) Recommendation: Planning Policy support this development proposal in principle, subject to detailed consideration on matters relating to affordable housing and transport provision.

Strategy and Commissioning (Regeneration):- Subject to the inclusion of a local labour agreement then no objections are raised.

External:

East Sussex County Council Lead Local Flood Authority (ESCC SUDS):- Concludes that the conceptual surface water strategy is acceptable for managing run off generated by the development and recommend conditions (outlined below) to any consent to mitigate the risks:

Prior to construction of the proposed development, a drainage survey is undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.

The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha.

A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for the maintenance needs to be satisfied with the submitted details.

Adult Social Care:- The tenure of outright sale is likely to meet a need in Eastbourne given the demographics. However, it would have been good to have seen a different model proposed such as extra care housing or a model which allowed for an on-site care service particularly as there is very little available for owner occupiers who would like to remain independent but have care and support needs.

Some of the flats are small and below (usually one bed in this client group is 54 Sqm these are average 49sqm, in addition some two beds are below the space standards.

Access to outside space should be fully explored for the well-being of the residents.

Highways ESCC:- To be reported at Planning Committee

Neighbour Representations:

135 neighbour letters were sent out resulting in 10 objections being received commenting in the main on the following issues:-

- loss of light
- Overshadowing
- Construction from Southfields Road may cause congestion and highway safety problems
- Access would be better from Upperton Road
- Double yellow lines in area for safety reasons
- Southfields Road is an accident black spot
- Loss of privacy
- Building is too close to Upperton Road
- Pedestrian Access should be introduced linking Upperton and Southfields
- Construction Noise and Dust
- Loss of View

The Council have received 3 letters of support to the proposal.

Appraisal:

Principle of development:

The site is located with Development Opportunity Site 3 (Policy TC20 of the Eastbourne Town Centre Local Plan [ETCLP], 2014). The proposal would provide sheltered housing for the elderly (considered to be C3 Planning Use Class), which is in need locally, in line with Paragraph 50 of the NPPF. The application would provide 61 flats, going some way to meeting the overall housing delivery target for the Development Opportunity Sites within the Town Centre neighbourhood. The application does not prevent the remainder of the Development Opportunity Site coming forward for a mix of uses, therefore is not contrary to Policy TC20 of the ETCLP. The proposal is in general conformity with the Town Centre neighbourhood vision (Policy C1 of the Eastbourne Core Strategy Local Plan, 2013) in that it "delivers new housing through redevelopment";

The Eastbourne Borough Plan (2003) contains a specific planning policy (Policy HO17: Supported and Special Needs Housing' in relation to the development of residential care homes (C2 Planning Use Class). The proposal generally meets the following criteria contained in the policy, in that the site is in a sustainable and accessible location near to public transport routes, and the scheme's design is functional to the needs of its occupants.

It is acknowledged that as a society the population is ageing and as such there is an increasing requirement to meet the needs and requirements of this sector of the community. The applicants are a specialist provider in this field and would go some way to meeting Eastbourne's demand for elderly sheltered accommodation.

It is considered therefore that the principle of residential development in the manner proposed is acceptable.

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

It is considered that the size, scale and height of the proposed buildings accords with both Planning policy (TC20 of the Eastbourne Town Centre Local Plan) and the character of the surrounding area.

The scheme promotes the redevelopment of a brownfield parcel of land within Eastbourne Town Centre, given this urban location it is considered that the scheme proposes sufficient separation distances between the proposed development and Southfields Court and Marlborough Court (18m – 23m) to mitigate any loss of amenity through direct overlooking and or over-dominant relationship.

The proposed building broadly maintains the building heights of those that adjoin/about the plot, given this and the separation (back to back) distances and the orientation/siting of the building it is considered that the development would not have any material impact upon the amenities of the occupiers of the adjoining and nearby properties.

It is accepted that this site has a number of site constraints making it more difficult to build, none more so than the limited access to the site from Southfields Road and the change in levels up to the Upperton Road.

Some respondents have commented on these constraints and raised concerns over the potential conflict and potential highway safety issues that may occur if the scheme is demolished/constructed from Southfields Road.

It is accepted that with any development scheme there will be noise/disturbance issues along with greater pressure on the local highway network given the removal of demolition materials from the site and the delivery of construction materials. It is considered that this loss of amenity occurs for a relatively short period of time given the commercial pressure for the scheme to be considered so that revenues can be secured.

Both Southfields road and Upperton Road have issues in terms of appropriateness for the siting of the demolition/construction access. Given the desire to maintain the openness of the more strategic route it is considered that Southfields Road would be more appropriate. This position has been verbally agreed by ESCC Highways. In addition a demolition and construction method statement will be controlled via planning conditions.

Design & Layout Issues:

Members will note the site forms part of a key development within the ETCLP and as such the broad parameters of the redevelopment have been promoted/supported by this policy document, namely the storey height and the desire to accommodate a key architectural feature of interest on the elevation facing the train station.

In addition and as outlined earlier in this report the scheme at pre application stage was reported to Eastbourne's Design Review Panel. This panel raised a number of design issues that needed further exploration. It is considered that the application now before members has addressed these key themes.

The overall design concept is acceptable and given the policy issues outlined above it is considered to be in conformity with the development plan and as such a refusal based on the design principles could not be justified or substantiated.

It is noted within the response from Adult Social Care that some of the flats have a modest internal floorspace. The applicant contends that the size of the proposed flats is consistent with the rest of their portfolio and has developed over a number of years to deliver the size/quality of accommodation that is required by their client group. Notwithstanding this it is considered that the development also incorporates communal lounge/garden and also private balconies in excess of 5sqm in area; these features when taken/assessed collectively with the internal floor space of the individual flats is considered to provide a level of accommodation suitable for the client group.

Given this a refusal based on the size (individual floorspace) of the proposed flats could not be justified/substantiated.

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

There are no buildings of local/national historic importance on or near the site that will be affected by the development.

The site is not located within a conservation area or an area of High Townscape Value.

Given this it is considered that the mixed character of the local street scene outlines the context within which the appropriateness of this development should be assessed.

Impacts on trees & Biodiversity:-

Given the former use and nearly 100% site coverage there is little scope for any existing habitat. Notwithstanding this the scheme promotes a landscaped garden which would enhance the local biodiversity as well as providing some visual enhancements to this part of the site.

Impacts on highway network or access:

The impacts upon nearby residential properties from demolition/construction of the scheme has been outlined in previous sections of this report.

The density of parking is considered acceptable for the this use/client group given the age of the residents and car ownership across the applicants portfolio.

Given the very low car ownership/occupancy of the residents it is considered that the off street carparking is sufficient to meet staffing and visitor needs and as such there should not be any material impact upon the local highway network and given this impact is less than severe in NPPF terms then a refusal based on highway impact could not be justified/substantiated.

Sustainable development implications:

The applicant outlines that with the redevelopment of a town centre brownfield site, utilising modern construction techniques and incorporating (where possible) other

sustainable features (SUDS) the scheme would deliver a highly sustainable form of development.

In addition for all those residents who down size into this scheme their former accommodation would be reused and thereby to some extent reduce the pressure for the release of further developable land.

Other matters:

Affordable housing and CIL and S106 agreement:-

The scheme has been assessed and evaluated and it can not sustain (viability) the delivery of on-offsite affordable housing units. Given this no affordable housing contributions are sought.

As the scheme proposes flats then there is no CIL requirement.

It is recommended that if the scheme be supported then a S106 should be entered into securing local labour contributions in line with the Local Labour and Training Technical Note (linked to Policy D2 'Economy' of the Eastbourne Core Strategy Local Plan, 2013) and also limitations over the age of the occupants of the scheme in order to prevent the scheme being occupied in the open market and thereby placing greater pressure on parking and amenity space.

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.

Recommendation:

Subject to a S106 agreement covering 'Local Labour Initiatives' and 'age of resident restriction' then the scheme be granted subject to the following conditions:-

1. Time Limit
2. Accordance with approved drawings
3. Prior to their installation all external materials submitted and approved
4. Prior to their installation all boundary treatments submitted and approved
5. Prior to first occupation refuse/recycling shall be made available to residents along with a statement for the presentation of bins on collection day.
6. Prior to the first occupation buggy store shall be made available to residents
7. Prior to the first occupation the car park shall be laid out in accordance with the details
8. Demolition/construction method statement
9. No plant machinery to be used outside of the following times 08:00 – 18:00 Monday to Friday and 08:00 13:00 Saturdays and not at all on Bank or public holidays.
10. Prior to commencement other than demolition Hard and soft landscaping submitted and approved

11. Prior to construction of the proposed development, a drainage survey is undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.
12. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha.
13. A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for the maintenance needs to be satisfied with the submitted details.
14. Prior to the construction on site, other than demolition a contaminated land assessment and associated remedial strategy is to be submitted and agreed.
15. The Building shall not be occupied until details of all exterior lighting have (including security lighting) have been submitted and approved.
16. Before the development hereby permitted is commenced full details of all proposed extract flues, ventilation systems and meter boxes shall be submitted to and approved

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 12

App.No: 150742 (PPP)	Decision Due Date: 19 September 2015	Ward: Upperton
Officer: Toby Balcikonis	Site visit date: 02 September 2015	Type: Planning Permission
Site Notice(s) Expiry date: 3 September 2015 Neighbour Con Expiry: 03 September 2015 Press Notice(s): N/A		
Over 8/13 week reason: The application is within date		
Location: The Hawthorns, 4 Carew Road, Eastbourne		
Proposal: Alterations to create enclosed vestibule/wind break to front entrance below existing canopy roof, erect external lift shaft and alterations to rear entrance to create draught lobby.		
Applicant: Mr Adrian Doyle		
Recommendation: Approve with conditions		

Executive Summary

Changes to the entrance lobbies are considered to be minor, not affecting the character of the host property and not having any material impacts upon the occupiers of the nearby residents.

Proposed lift shaft is located in a position on the main building that does not materially affect the appearance of the host property, nor the character of the wider area. It is noted that some of the residents have raised concerns over the operational impacts of the lift shaft; the applicant has supplied information that outlines that there should not be any material impacts upon the quality of the living environment for the existing residents.

Application is recommended for approval subject to conditions.

Planning Status:

The application site is a residential care home located within a predominantly residential area.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C2: Upperton Neighbourhood Policy
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

HO16: Sheltered Housing

HO17: Supported and Special Needs Housing

HO20: Residential Amenity

Site Description:

The 4 Storey application premises are situated on the junction of Carew Road and Bedfordwell Road, accessed on car and foot via the former.

The site is bounded by brick walls with flint panelling with semi-matures trees and shrubs characterising the boundary along Carew Road, with a number of more mature trees, some of which are the subject of a Tree Preservation Order (TPO) occupying the Western portion of the site, towards the junction with Bedfordwell Road.

The Bedfordwell Road boundary is characterised by brick wall and a mixture and mature (TPO) trees and to the Western side of the site, and shrubs and hedges planted along the boundary within the wall adjacent to the nursing home itself.

Relevant Planning History:

EB/1996/0551 (960407)

Demolition of existing buildings and erection of retirement residence comprising 105 rooms and suites together with manager and co-manager's flats and various communal rooms.

Planning Permission - Approved Conditionally (21/03/2015)

990710

Access road, car parking area and turning head (amendment to approved scheme granted under EB/96/0551).

Planning Permission - Approved conditionally - 27/05/1999

Proposed development:

There are three elements to the applicants proposal:-

- 1) Create an enclosed vestibule/wind break to front entrance below an existing canopy roof,
- 2) Alterations to rear entrance to create a draught lobby.
- 3) The applicant also seeks permission to erect an external lift shaft.

1) Front Entrance Alterations (Carew Road Elevation):

- New lobby formed using aluminium framed curtain wall system, complete with auto sliding doors.

- Maximum height of 3.15 metres
- Additional Foot Print of approximately 12.5 square metres

Associated alteration to form a new draught lobby include, the removal of existing external doors and replacement of existing internal lobby doors with new automatic, aluminium, sliding doors to suit the existing opening with barrier matting laid throughout the existing and new draught lobby.

2) Rear Entrance Alterations (Bedfordwell Road Elevation):

- Existing conservatory structure removed and all adjoining finishes made good.
- Block piers either side of new opening with steel over, and coloured render to match the front entrance, with pitched roof (inclusive of 2 no. roof lights installed) extended across from existing as pitch to match.
- Formation of new glazed screen with automatic, sliding doors to create rear entrance lobby covering approximately 6.9 square metres.
- Access to main building from automatic, inward opening, double doors to existing opening.

3) External Lift Shaft:

- New lift shaft approximately 12.75 metres in height constructed externally between existing windowed bays near North East Corner of building to accommodate 6 person car.
- Shaft to be generally insulated with render carrier panels supported off steel framing, to receive coloured render to match entrance areas and powder coated aluminium louvre at high level to ventilate lift shaft, colour white.
- Structural opening to be created at each floor internally to create lift door installation.
- Profiled metal sheet roof, polyester powder coated, colour grey, to drain on to existing tiled roof with weir/secret gutter formed around lift shaft.
- Roof overhang/eaves to be altered to suit lift shaft, which would have pitched roof to match.

In support of their application the applicant has provided the following comments:-

APPLICANT'S COMMENTS:

- The Hawthorns was constructed in 1999 and designed, at the time to incorporate a single passenger lift to access all floors. Located centrally off the main atrium.
- The lack of second lift causes regular operation difficulties and mobility issues for residents, especially in the event that the sole lift is out of operation, often leaving resident's 'stranded' on whichever floor they happen to be on at the time.
- It is considered that for both safety of the residents and practicality, a second lift should be installed.

LOCATION:

- Following a review, due to the nature of the building, its layout and superstructure, there are no feasible locations where a lift can be installed internally safely or efficiently without detriment to the layout and causing significant inconvenience to the residents.
- There are 3 external 'recesses' which are ideally sized to allow a lift shaft to be erected externally, located at the end of one of the main circulation corridors.

JUSTIFICATION:

- Whilst identified as a fire escape, the door at ground floor located on the end of the corridor is not required to be a fire escape, with a nearby one designated already.
- Limited residential accommodation adjacent to the lift on the ground floor in this location, meaning that number of people traversing this corridor in the event of an emergency evacuation is significantly less than the other corridors.
- The proposed location is the only corridor that leads directly from the proposed lift to the atrium on the upper floors, better reflecting the operation needs of the facility.
- Proposed location is close to existing power plant room, to efficiently provide the required 400 volt, power supply, with limited disturbance to residents.
- Siting the lift externally within an independent lift shaft structure allows for suitable insulation to ensure that there is minimal impact on the residents located adjacent to the lift.

SPECIFICATION:

- The selected proposed lift, whilst not the most cost effective solution has the following significant characteristics which make it the most suitable choice for the proposed location:
- It is an extremely quiet lift during operation, with acoustic levels of less than 50Db (A) in the upper part of the shaft, 1 metre away from the machine and less than 30Db (A) in the room next to the shaft. This is further enhanced by the fact that the lift is located in an independent shaft which is detached from the main building.
- The proposed lift offers excellent ride comfort, with car vibrations of ISO A95 <14mg which will ensure that the residents located adjacent to the proposed lift are not affected by its installation.

Consultations:

Internal: There will be no disturbance to trees or any important vegetation as a result of the proposed development.

Neighbour Representations:

23 Neighbouring residential properties have been consulted in respect of the current proposal, resulting in the receipt of 5 letters of objection and 1 general observation summarised as follows:

- Location considered unsuitable due perceived disturbance to 8 adjacent occupiers over 4 floors
 - Noise & Disturbance
 - Perceived disturbance for most of day
 - Peak times at meal times and when bins emptied on daily basis
 - People using/waiting for lift (conversations etc.)
 - Furniture / goods moved via lift
 - Impact to privacy
 - People using/waiting for lift in close proximity to apartments
 - Health & Safety
 - People/objects directly outside doors – tripping hazard
 - Fire hazard if blockages outside apartment front doors
 - Loss of Communal window decreasing natural light and ventilation
 - Temperature can get very high in communal corridor
 - Hot and unpleasant

- Some of the respondents have claimed that all adjacent residents of The Hawthorns have expressed concern as to the potential for ongoing noise and disturbance during any construction phase.

General observation made by resident of adjacent building at 24 Bedfordwell Road noting the congestion caused in the outside road making deliveries difficult to rear entrance of Hawthorns. Suggest imposing restrictions during construction work

Appraisal:

Principle of development:

There is no objection in principle to extending the existing retirement living accommodation so long as there is no negative impact to any of the TPO trees on site, and would not have an unacceptable impact on either visual amenity, or on the amenities of residents of The Hawthorns, or any of the nearby surrounding residential properties.

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

FRONT & REAR DRAUGHT LOBBIES:

There are no concerns related to the proposed installation of front and rear access draught lobbies to replace existing entry systems. Any nearby residential occupiers (of The Hawthorns) should not suffer significant disturbance as a result of the proposed development.

COMMUNAL LIFT:

Suitability of Location / Noise and Disturbance:

- 8 residential occupiers are situated within relatively close proximity to the proposed lift
 - It is accepted that there would be the potential for increase in noise and disturbance from what the existing residential occupiers enjoy at present, due to greater amounts of human traffic passed the front door to their apartments. It is considered that the management company could reinforce behaviours around the entrance to the lift with signage etc. reminding residents to be mindful of their neighbours to help mitigate the potential for impact.
 - It is considered that the impact directly from the lift itself should be minimal, due to it being constructed in an insulated external shaft, reducing the effects of noise and vibration to the adjacent occupiers.
 - The proposal for the lift and choice of location was stated to have undergone consultation with the residents committee to ensure that they were fully aware of the proposals and potential timescales involved in respect of the proposed installation.
- It is widely acknowledged that the requirement for a second lift is essential for the establishment, with the proposed location being the main point of contention.

Impact to Privacy:

- Not considered that there would be any significant loss of privacy as a result of new lift located at end of communal corridor.
- There would be no overlooking/loss of privacy in to external windows of adjacent occupiers as a result of the proposed development.

Health and Safety:

- Loss of communal window
 - Although not ideal, it is considered that residents can still open external windows within rooms to help regulate temperature within own personal living accommodation. The time spent in corridors is likely to be limited.
 - The existing windows are relative small in size, and the predominant light source for the long corridors are bay way of artificial lights already, and therefore it is considered that the loss of limited natural light, although regrettable, is not considered to impact directly on the amenities of the adjacent residential occupiers.
- Fire Hazard
 - Concerns have been raised as to potential for risk of tripping as a result of persons and objects being immediately outside residents doors, when waiting to use the lift, leading to the potential for a tripping hazard, especially in a scenario concerning means of escape.

Design issues:

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. 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 Borough 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, setting, alignment and layout

FRONT & REAR DRAUGHT LOBBIES:

The proposed draught lobbies would be constructed using a palette of materials considered to be appropriate for the host building, meaning that the resulting development would harmonise with the appearance of the building, and the wider neighbourhood, and for this reason is considered to be acceptable in this regard.

COMMUNAL LIFT:

It is considered that the external appearance of the proposed lift would not have a significant detrimental visual impact to either the host building, or the wider area. The proposed location is considered to be sympathetically located between projecting bays to reduce any visual impact.

The palette of proposed materials used in the external finish of the lift shaft is considered appropriated for the host building an location, resulting in an acceptable appearance.

Impacts on trees:

The proposed works would have no material impact on any external soft landscaping, hedges and bushes and would not impact any tree, including TPO trees located on site.

The applicant states that "The Hawthorns have a robust landscaping maintenance regime" and where any significant works to trees would only be undertaken following consultation with the Local Planning Authority.

Sustainable development implications:

The installation of the proposed new draught lobbies should help reduce the amount of heat escaping from the communal areas of the building and should help prevent the a wind tunnel effect from occurring when an outside door is opened, thus helping to increased energy efficiency within the establishment.

The installation of a new second lift, should increase convenience for residents, enabling them to be more mobile and self-sufficient. A secondary lift should also reduce the impact to the residents if one of the lifts is out of order or requires servicing, helping to minimise disruption.

Even residents who have objected to the proposed position of the lift, acknowledge that a second lift is required for the aforementioned reasons.

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 development is not considered to result in any significant loss of residential amenity by way of impacts through loss of privacy, loss of light or overshadowing or by disturbance caused by noise or vibration from the proposed lift and would be in-keeping with the host property and the character of the area and would therefore accords to policies UHT1, UHT4 and HO20 of the Saved Policies of the Eastbourne Borough Plan and Policies B1, B2, D10a of the Eastbourne Core Strategy Local Plan.

Recommendation:

It is recommended to approve the application with the following conditions:

Conditions:

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved drawings submitted on 16 July 2015:

DWG. NO.: AL(0)PL01 Rev A - Proposed Site Plan
DWG. NO.: AL(0)PL02 Rev A - Proposed Ground Floor Plan
DWG. NO.: AL(0)PL03 Rev A - Proposed First Floor Plan
DWG. NO.: AL(0)PL04 Rev A - Proposed Second Floor Plan
DWG. NO.: AL(0)PL05 Rev A - Proposed Third Floor Plan
DWG. NO.: AL(0)PL06 Rev A - Proposed Elevations
Lift Requirement Statement July 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those detailed within the drawings hereby approved.

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

4) That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area.

5) The operational requirements of the lift hereby approved shall be implemented and operated in accordance with the Lift Requirement Statement July 2015 submitted with the application.

Reason in the interests of maintaining the amenities of the residents within this building,

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 13

App.No: 150738	Decision Due Date: 12 th October 2015	Ward: Old Town
Officer: Thea Petts	Site visit date: 30 th September 2015	Type: Outline (some reserved)
Site Notice(s) Expiry date: 14 th September 2015 Neighbour Con Expiry: 14 th September 2015 Press Notice(s): N/A		
Over 8/13 week reason: Planning Committee Cycle		
Location: 1 Stuart Avenue, Eastbourne		
Proposal: Erection of a three-bedroom, detached, two storey dwelling house with vehicular access from Baldwin Avenue.		
Applicant: Mr & Mrs Moore		
Recommendation: Approve conditionally		

Executive Summary:

This application has been referred to Committee from Delegated because the Chair wanted to understand the views of Planning Committee.

It is considered that whilst there will be infill of a large portion of the existing garden of 1 Stuart Avenue in order to create a new dwellinghouse, the proposed scheme would not result in 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:

Application site is a section of rear garden of an existing dwellinghouse in a predominantly residential area falling within an Archaeological Notification Area.

Relevant Planning Policies:

National Planning Policy Framework 2012

6. Delivering a wide choice of high quality homes
7. Requiring good design

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods
C5: Ocklynge & Rodmill Neighbourhood Policy
D1: Sustainable Development
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Area
HO20: Residential Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT20: Archaeological Sites and Scheduled Monuments

Site Description:

Stuart Avenue is located in the northernmost part of Old Town ward. The road links Baldwin Avenue in the west with Cobbald Avenue to the east, ending at the boundary shared with Upperton Ward. Detached dwellinghouses with generous rear gardens typify the built environment of the area.

1 Stuart Avenue occupies the northern corner plot where Baldwin and Stuart Avenues meet. The property shares boundaries with 3 Stuart Avenue to the side (east) and Ocklynge Junior School to the rear (north). The dwellinghouse is set back from both Stuart and Baldwin Avenues and benefits from a large rear garden. The garden is markedly larger than any others in the immediate area.

There is a fence of approximately 1.8m in height along the boundary shared with no. 3 and a wall and fence combination of approx. 2m in height to the rear and side along Baldwin Avenue. Beyond this in the school playing field, is a copse of Ash trees immediately the other side of the wall.

Relevant Planning History:

130600

Proposed four-bedroom, detached, two-storey dwelling house in part of residential garden, together with vehicular access
Withdrawn, 16/10/2013

Proposed development:

The applicant seeks outline permission to construct a new dwellinghouse in what is currently the rear garden of no. 1 Stuart Avenue. The matters to be approved as part of this application are: access, landscaping, layout and scale (Appearance reserved). The current scheme replaces a similar previously withdrawn scheme submitted in 2013. The elements of the current proposal are considered to be more appropriate than the previously submitted scheme which was withdrawn (in terms of scale, especially).

The proposed dwellinghouse is to be a two storey detached dwellinghouse with gardens to side and rear and driveway to the front with vehicular access from Baldwin Avenue. Design features of the surrounding area are to be reflected in the design features of this new dwelling, although matters of appearance are reserved at this stage. The ridge height of the proposed dwelling is to be lower than that of nos. 1 and 3 Stuart Avenue at approximately 8.4m in height with an eaves height of 5.4m (1 Stuart Avenue stands at approx. 8.65m with an eaves height of 5.4m). Approximately, the dwellinghouse will stand at 9m wide and 7.8m in depth. The northern section of the house (kitchen and breakfast room at ground floor level and bedroom 2 and bedroom 3 at first floor level) is to be set 1m forward of the southern half of the building. This has partially been the result of an amendment made during the life of the scheme which sought to reduce the effect on the amenity of the occupiers of 3 Stuart Avenue in terms of potential overlooking. There are windows proposed for the front and rear elevations of the dwellinghouse on both the ground and first floors. There are no windows proposed for the side elevations. Principal access to the property will be at the centre of the front elevation, with sliding doors located on the side elevation (south) and sliding doors for the rear elevation servicing the breakfast room (east).

A hardstanding area is to be sited between the dwellinghouse and Baldwin Avenue. Two car parking spaces will be available and the principal elevation of the dwellinghouse is to stand approximately 8m from the front boundary wall (at the closest point). The house will be positioned to the north of the plot (1.5m from the boundary shared with Ocklynge Junior School). The rearmost wall of the house is to be 5.7m from the boundary shared with 3 Stuart Avenue and the side boundary approximately 7.5m from the proposed boundary shared with 1 Stuart Avenue (this will be the rear boundary of 1 Stuart Avenue).

Some young trees and shrubs are to be removed from the west side of the plot close to the boundary to allow for the hard standing and vehicular access.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – response dated 2nd October 2015:

The trees indicated as removed within the site are of such a category that they should not be considered a constraint to development.

The group of Ash with in the adjacent school playing field will not be adversely affected by the proposed development but may come into conflict with the proposed dwelling post development. I have noted this for the reason that once the proposed development has been built the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may

have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

The close proximity of the proposed development to the neighbouring group of Ash may lead to blocked gutters to the new dwelling unless suitable gutter guards are installed.

External:

County Archaeologist - – response dated 1st September 2015:

The proposed development is situated within an Archaeological Notification Area, defining an area of prehistoric, Roman and Saxon settlement and activity. Recent archaeological investigation in the adjacent school grounds identified large quantities of prehistoric and Saxon finds, indicative of settlement activity. To the south, observations made during early 20th century house building, identified at least two farm complexes and recorded a number of human burials. It is therefore highly likely archaeological remains exist in the garden of 1 Stuart Avenue.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

Conditions recommended.

Highways ESCC - response dated 1st October 2015:

No formal comments. Proposed access provision is considered adequate.

Neighbour Representations:

One general observation and two objections have been received. The general observation from 105 Baldwin Avenue stated that:

- Bedroom of 1 Stuart Avenue overlooks new development site
- Garden too small for two storey Baldwin Avenue style house (inc. drive)
- Development too close to trees which are used by local wildlife (woodpeckers) and will damage roots
- Tree roots will do damage to development

One objection is from 103 Baldwin Avenue and covers the following points:

- Building works and associated traffic would have an impact on safety of the children travelling to and from the school
- There are existing parking issues associated with the school at certain points of the day
- There have been near accidents involving children recently

Another objection has been received from 3 Stuart Avenue and covers the following points:

- The proposed development will have no benefit for 3 Stuart Avenue
- Concerns over loss of privacy in the garden
- Fear that the proposed dwelling will result in potential for overlooking
- Loss of view of the South Downs from property
- Negative financial impact on 3 Stuart Avenue, reduced saleability etc.
- Building works would prohibit the full use and enjoyment of the garden
- Loss of sunlight to rear garden
- Concerns over destruction of trees
- Building site would be dangerous to children travelling to and from the school

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 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents. As an extension to this, Policy D10 states that all significant heritage assets will be protected and where practicable there is a presumption in favour of protection of all heritage assets from inappropriate change, including both designated and non-designated assets (Archaeological Notification Areas are such an asset). Proposals within Archaeological Notification Areas will be required to demonstrate the direct and indirect effects of development proposals on archaeological sites and their settings as specified in Policy UHT20 of the Eastbourne Local Plan. Planning permission will not be given without adequate assessment of the archaeological implications.

Neighbours at no. 3 Stuart Avenue have objected to the proposal on a number of grounds, some of which cannot directly be taken into consideration due to the fact that they are not material planning considerations. However, some issues were raised regarding amenity, scale of development and a view of the South Downs, all of which have been taken into consideration in the assessment of the scheme.

The occupiers of no. 3 do enjoy a view of the South Downs from a first floor bedroom window, however it is not considered this is a significant view which requires protection as many other properties must be overlooked in order to

enjoy it – it is not uninterrupted. Also, the view of the Downs would not be wholly obscured from this window as a result of the development.

The scale of the proposed dwellinghouse was also objected to, but it is not considered that a house of this scale and position would be out of keeping or have an overbearing relationship with nearby properties as the ridge height is to be lower than that of those nearby and there is ample space between the building and the other detached adjacent properties.

Another concern was that the proposed dwelling would overshadow no. 3 Stuart Avenue. It is likely that there will be some overshadowing to the far end of the garden of no. 3 late in the day and at certain times of the year. However, the proposed dwelling is north west of no. 3 and as such, the loss of light will be minimal and will not affect the dwellinghouse itself or the majority of the rear garden space.

The final concern which can be taken directly into consideration is the potential for overlooking. It must be noted that the garden of no. 3 is currently almost entirely overlooked by nos. 1 and 5 Stuart Avenue and to some extent those further away. As such, the rear facing windows of the proposed dwellinghouse will not overlook any part of the garden of no. 3 that isn't already overlooked. However, to ensure that there would be no loss of privacy, it was requested of the applicant that an alteration to layout of the rear wall be amended. The amendment brought a section of the rear wall closer to the boundary in order to obscure the view from the rear facing first floor window, creating a stepped rear elevation. The other two rear facing windows will be conditioned to be obscure glazed.

Subsequently, it is considered that the points in the objection have been attended to and with the minor amendment, the proposed scheme is considered to be appropriate in this location. The proposed dwellinghouse is unlikely to have a significant impact on any surrounding properties in terms of amenity. However, the superseded scheme did raise some concerns with regards to overlooking from the first floor bedroom window (rear). As a result, the applicant submitted an amended plan which sought to reduce potential for overlooking from the rear first floor bedroom window. The rear wall of the southern section of the house was pushed back 1m towards the rear boundary (east) of the plot. In so doing, the view from this rear facing window will be obscured and it is likely that the rear elevation of 3 Stuart Avenue will not be visible from this window, however, before the amendment, it is likely that privacy may have been compromised to some extent. In addition, it will be conditioned that the other two rear facing windows at first floor level will be obscure glazed (both of these windows are to service bathrooms). Additionally, permitted development rights for the insertion of windows and doors to the side elevation (facing 1 Stuart Avenue) will be removed by way of a condition attached to any consent granted.

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. 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.

The appearance of the proposed dwellinghouse is a reserved matter and cannot be fully assessed at this stage. However, the siting, scale and mass of the proposed dwelling are considered to be appropriate in this location. The area is typified by two storey detached dwellings of a similar scale to the proposed and as such, the development will harmonise in its location.

The position of the proposed dwellinghouse, both set back from Baldwin Avenue (the road from which it is to be accessed) and some distance from the boundaries shared with no. 1 and no. 3 Stuart Avenue. This spacing is characteristic of the area. The existing pauses in the built environment which, although reduced following development, will help to retain the established character of the area. In addition, the building is to stand at a height which will be slightly lower than the neighbouring properties. As such it will not dominate the street scene or have an overbearing relationship with adjacent properties.

The wall and hardstanding to the front of the property are elements which are commonly seen on Baldwin and Stuart Avenues and in the surrounding area. As such, this element of the proposal is considered appropriate.

Impacts on trees:

Some small trees are to be removed from the west side of the plot as part of the development. However, these trees are not considered to greatly contribute to the character and appearance of the area and as such, their removal is unlikely to be very impactful. In addition, following consultation with the Specialist Advisor for Arboriculture, it is considered that the trees are not worthy of protecting by a TPO.

The new dwellinghouse is to be positioned close to the boundary shared with Ocklynge Junior School. As a result, the copse of Ash trees in the school playing field may have an impact on the dwellinghouse with regards to leaf litter and any other nuisance which may be caused by the trees in the future. However, it is not considered that this should prohibit development. Neither should the removal of the small trees from the application site, as advised by the Arboriculturalist.

Impacts on highway network or access:

The submitted details of the proposed vehicular access and available parking spaces are considered appropriate and have met the requirements set by East Sussex County Council.

Other matters:

County Archaeology has returned with a request for conditions to be attached to any permission granted in order to preserve the archaeological remains which may exist at the site. This is in-line with the NPPF.

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:

Subsequent to the minor amendment regarding the rear facing first floor bedroom window, it is considered that the proposed scheme works in-line with the aforementioned policies and is appropriate in its setting (notwithstanding the reserved matters regarding the appearance of the development which are to be approved later). The creation of this proposed dwelling is appropriate in terms of scale, layout, landscaping and access and is therefore recommended for approval.

Recommendation:

Approve conditionally

Conditions:

1. Time for commencement
2. Reserved matters
3. Approved Drawings

4. Removal of pd rights for windows, doors, dormers and rooflights.
5. The two rear facing first floor windows serving the bathroom and en suite bathroom shall not be glazed otherwise than with obscured glass.
6. No development shall take place until the developer has secured the implementation of a programme of archaeological work.
7. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed.

Informatives:

- 1) The proximity of the proposed development to the neighbouring group of Ash trees in the adjacent playing field may lead to blocked gutters to the new dwelling unless suitable gutter guards are installed. Once

the proposed development has been completed the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

- 2) Please apply to ESCC for a licence to install a vehicle crossover.

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Agenda Item 14

App.No: 150694 (PPP)	Decision Due Date: 8 September 2015	Ward: Upperton
Officer: Jane Sabin	Site visit date: 24 August 2015	Type: Planning Permission
Site Notice(s) Expiry date: 23 August 2015 Neighbour Con Expiry: 23 October 2015 Press Notice(s):		
Over 8/13 week reason: Request by applicant to attend committee		
Location: 51 Upperton Lane		
Proposal: Demolition of existing building and flint boundary wall. Rebuilding of flint wall and erection of a two storey dwellinghouse with parking space.		
Applicant: Miss Helen Dupre		
Recommendation: Refuse		

Executive summary:

It is considered that residential development of the site would be an undesirable form of backland development, inappropriate to a narrow service lane serving commercial premises. The design is ill conceived and contrived, and an overdevelopment of a restricted site, resulting in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area, and would also be detrimental to the amenities of adjoining residents by way of loss of privacy and outlook.

Planning Status:

Upperton Conservation Area
Archaeological Notification Area
Source Protection Zone

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C2: Upperton Neighbourhood Policy

D5: Housing

D10: Historic Environment

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT15: Protection of Conservation Areas

HO7: Redevelopment

HO20: Residential Amenity

TR2: Travel Demands

TR11: Car Parking

Site Description:

The site comprises a parking space and a single storey, flat roofed, brick built building located in the former rear garden of 51 Upperton Gardens; it faces onto the adopted service road (Upperton Lane) which connects Enys Road to Hartfield Road, which serves properties in both Upperton Gardens and Upperton Road. The building appears to be pre-1948 and is in need of redecoration/ refurbishment, whilst the parking space is gated with inappropriate solid timber gates. The site measures 9.1m wide and 11.2m deep.

Relevant Planning History:

010514

Change of use of outbuilding from workshop/garage to store/office.

Approved 11 December 2001

040867

Change of use from garages to residential dwelling.

Refused 21 July 2004

130184

Demolition of existing building and erection of a two-storey dwellinghouse.

Refused 1 July 2013

130309

Demolition of existing building and erection of a two-storey dwellinghouse.

Conservation Area Consent

Refused 1 July 2013

140741

Change of use of a one storey building with parking space and garden from B1 (office) to C3 (a dwelling).

Prior Notification Class J Issued 24 July 2014

Proposed development:

Permission is sought to demolish the existing building and part of the damaged wall on the east side of the site, and to erect a two-storey, two bedroom, flat roofed dwelling with a parking space at the side under a car port. The building would measure 6.5m wide and 7m deep, under a flat roof with a maximum height of 6m to the top of the parapet. It would be constructed of brick, with a flint band around the parapet. A 1.5m

high flint boundary wall is proposed at the front, together with a sliding gate to provide access to the parking space; the car port would be fixed to the rebuilt boundary wall on the east side at a height of 2.5m. At the rear, the existing garden would need to be reduced to the same level as Upperton Lane, and would involve the loss of a small cherry tree; the resulting garden for the property would be 3m deep.

In support of the application the applicant has state the following:

- The existing building has been damaged by creeper
- The flint wall on the east side has also been damaged by creeper
- The existing parking space would be retained and there is ample space for bicycles; the town centre is within easy walking distance and Upperton is classed as being in a sustainable area
- A new building in keeping with the residences of Upperton Gardens would vastly improve the appearance and atmosphere of the lane
- The rear garden would be lowered to the level of Upperton Lane, therefore the new building would be no higher than 49 Upperton Lane; there two storey buildings on the other side of the lane
- The building has been set back from the lane (as recommended by officers) and the boundary wall with 51 Upperton Gardens prevents any overlooking from ground floor windows
- The building is to be of brick construction with the east side incorporating the flint wall, a front boundary wall of flint and some detailing on the building in flint
- The roof is to flat with a parapet to conceal solar panels
- The windows would be double glazed timber units, and the building fully insulated; plumbing should provide grey water for lavatories
- Officers advised that blank side elevations would look unsightly, therefore windows have been provided at first floor level to balance the ground floor
- The Eastbourne Strategic Development Plan has identified Upperton as being suitable for building 399 new dwellings, but only 245 possible sites have been found. Using this brownfield site for a much needed family dwelling would be preferable to using green/open spaces and therefore complies with the Plan
- The amended proposal is on a much smaller scale, the main part being reduced in size and the bedroom above the car port removed
- The owner of F1 51 Upperton Gardens can retain his fence behind the new retaining wall; there would be no shadowing of his garden; the rear windows could be obscure glazed, as the Planning Officer requested windows on the side elevations

The scheme as originally submitted included a third bedroom in a first floor overhang, which formed a roof over the car port. This has been deleted following comments by officers that the scale and proportions of the building resulted in a visually uncomfortable arrangement, and the building as a whole has been reduced by 1m in depth.

Consultations:

Internal:

Highways ESCC – Recommends refusal of the scheme due to lack of visibility at the entrance and the increased risk of conflict between pedestrians and vehicles. Upperton Lane is a service road and as such it is relatively narrow and there are no footways. It serves a number of parking spaces, garages and two larger commercial premises including the East Sussex Fire & Rescue Headquarters. Although not particularly busy it is

used by commercial vehicles and given its narrow nature two vehicles would struggle to pass each other if they meet and there would be no space for pedestrians.

Any pedestrian travelling to and from the site would therefore need to walk in the road and would conflict with vehicles using the street especially larger commercial vehicles. Currently there appear to be few pedestrian movements in the area which a residential property would obviously increase. This risk of conflict was mentioned by the planning inspector in the dismissal of an appeal at 39 Upperton Gardens. It should be noted that the conflict at 39 would be less than 51 as it is closer to Hartfield Road so pedestrian would have had to travel less distance in the carriageway.

The boundary wall proposed would reduce visibility to almost nothing. A car would have to advance about 2m out into Upperton Lane before any visibility was possible and a pedestrian would actually have to step out into the road before they could see or be seen by drivers travelling along Upperton Lane. The sliding gate would also mean that vehicles waiting to enter the site would need to wait in the road potentially causing interference to the flow of traffic along the street.

Specialist Advisor (Planning Policy) - The proposal would result in an additional residential unit in a sustainable location as identified in Core Strategy Policy B1, and the change from commercial to residential use would be consistent with the NPPF. In line with the Council's adopted CIL Charging Schedule the proposal results in the requirement for a financial contribution of £2,600. However the NPPF places strong emphasis on good design and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is considered that, despite the proposed additional of one residential unit, the quality of design may be an issue that means that this application would not be acceptable.

Specialist Advisor (Conservation) - Located to the rear of Upperton Gardens, Upperton Lane is essentially a service road. With the exception of the outbuilding at No 49, the built character of this part of the conservation area is that of small garage outbuildings subservient in nature to the 4 storey terraced buildings addressing Upperton Gardens. There are taller later additions on the southern side of the lane, however these do not fall within the Upperton Conservation Area. Furthermore their mass, scale and design is considered incongruous when balanced against the built form which contributes to the character and appearance of the adjacent conservation area. The building on the application site has the mass and scale of a single storey, double garage. Whilst the structure makes little or no contribution to the aesthetic character and appearance of the surrounding conservation area, it does illustrate high evidential and historic value, through its siting, plan form and scale, particularly when balanced against the character associated with the lane.

The scale of the proposal is considered incongruous, when balanced against the identified character of the conservation area. The lane mostly comprises ancillary buildings associated with Upperton Gardens, which are predominantly single storey garage units. Notwithstanding No 49, a single storey, structure with usable space in the truncated hipped slate roof, the scale of which, although higher due to the roofscape, continues to be subservient in nature and as such reflective of the character of the immediate area.

Turning to the design, it is accepted that the introduction of a flat roof is usually associated with contemporary residential properties, in addition to being a design solution towards reducing scale. In context, it is reflective of the character of the ancillary non-residential structures associated with the rear of Upperton Gardens and as such the lane. However in this instance, while it is acknowledged the use of a flat roof allows for the introduction of solar panels hidden behind the parapet, it also introduces an incongruous design solution, when balanced against the character and appearance of the residential properties within the immediate and wider area. Furthermore, the proportion associated with the window openings conflicts with the proportion associated with the form (height & width) of the building and as such results in a visually uncomfortable arrangement.

In considering the materials proposed these are reflective of the immediate and wider area and it is encouraging the flint stone wall, which is currently in a poor state of repair, would be rebuilt as part of the proposal. However this element of the proposal, unfortunately, does not overcome the harm associated with the proposal as a whole.

In summary the principle of a two storey residential dwelling to the proposed scale and design would result in detrimental harm to the architectural and historic character and appearance of the immediate and wider conservation area.

The Conservation Area Advisory Group considered the original scheme at its meeting on 25 August 2015, and the revised scheme on 6 October 2015. Objections were raised to the principle of a residential property in what was historically a service lane and considered it unacceptable and out of character with the surrounding conservation area. It was felt that approval could set a precedent for further residential development and the resulting cumulative impact would negatively affect the existing character of the area. Specifically, objections were raised to the mass, scale and design which had little reference to the historic architectural character and appearance of the immediate and surrounding area.

External:

Neighbour Representations:

Fourteen objections have been received and cover the following points:

- Whilst the revised plans represent an improvement, they still show an overdevelopment of a very small site
- The plans are poor and do not permit accurate scaling; the height could not be achieved as sketched
- Solar panels would sit above the parapet to achieve the necessary angle
- The building would have to be dug down into ground by approx. 2m if it were to be the same height as 49 Upperton Lane
- Concerns regarding the impact on the common boundary wall; incorporating a wall into a building would result in loss of character to the conservation area
- Adverse impact on the conservation area
- Any two storey building would be an overdevelopment
- Increase in traffic using the lane
- It is an access road not a residential street
- The proposal will set a precedent for residential development in a narrow access lane with no pavement
- Adverse impact on outlook from flats in Upperton Gardens

- The existing building has been allowed to deteriorate into an eyesore
- No car could use the car port – the entrance is too narrow and it would not be possible to open the door
- Opening windows would not be permitted in party walls, and there is insufficient headroom for the stairs
- Loss of privacy from directly opening windows
- The building should be rebuilt as garages

Appraisal:

The main issues to be taken into account in determining this application are the principle of the provision of a dwelling on the site, the impact of the physical changes on the character and appearance of the conservation area, residential amenity and parking.

Principle of development:

A similar proposal at 39 Upperton Lane was considered by the Planning Inspectorate on 8 January 2014 (130236 – vehicle repair workshop to dwellinghouse). The Inspector noted that the character is that of small garage outbuildings which are clearly subservient in nature to the 4 storey buildings in Upperton Gardens, and that these buildings dominate the views up and down the service road in either direction. At a height of just over 5m, the development would interrupt those views and introduce a dominant built form into the north side of Upperton Lane. The design of the building, because of its height, bulk and multiplicity of windows would introduce an architectural form at odds with the restrained character of the other buildings. A combination of the above would harm the character and appearance of this part of the conservation area. Whilst the building no.49 also raises the same visual concerns identified above, that is not sufficient reason to add to that harm. He went on to consider whether the harm would be outweighed by the benefits of providing a new dwelling in context of paragraph 134 of the National Planning Policy Framework, and concluded that that it would not, and dismissed the appeal. He further considered two relevant points; firstly, the road has no footpath, and is used by commercial vehicles, resulting in an undesirable conflict between pedestrians and vehicles; secondly, that whilst each application must be treated on its individual merits, the concern of precedence is not a generalised fear, but a realistic one, given previous applications at nos. 49 and 51.

Whilst the prior notification procedure resulted in confirmation for C3 use, the use has not commenced and therefore it remains as a B1 premises; in its current condition, the building could not function as a dwellinghouse. Notwithstanding this, it is considered that the prior notification has not established the acceptability of the principle of residential use for the site, and not for a two storey development in any case.

Character and appearance of the conservation area

The existing building is a later addition to the original development of Upperton Gardens, and has clearly suffered from a lack of maintenance over a long period. It is considered that no objection could be made in principle to its loss, whether or not permission is granted for any replacement building.

The Upperton Gardens Conservation Area was first designated in 1994; it was later extended in 2009 to include the north block of Upperton Gardens and Enys Road beyond, when it was renamed the Upperton Conservation Area. Located to the rear of the properties fronting Upperton Gardens, Upperton Lane is essentially a service road. The

building at 49 Upperton Lane is an incongruous addition in terms of its large mansard roof and yellow brick, however it gained consent four years before it was incorporated into the conservation area, and should not be regarded as a precedent.

The submitted drawings are poorly drawn and detailed, nevertheless it is clear what the intended replacement building is meant to achieve in terms of the size, position and design. That is to say a two-storey, flat roofed, brick dwelling house, which fills much of the plot, leaving a 3m rear garden and a 2.6m parking space to the side. It is considered that, in principle, such a development would be totally out of character with the conservation area, and this side of Upperton Lane in particular; generally the rear gardens are characterised by low, single storey developments of garages of various styles and sizes, and most have some degree of setback, in order to allow modern, larger cars the ability to turn more easily onto the narrow lane. It would not preserve the subservient nature of the service buildings which face the lane in terms of its height and bulk. The applicant contends that it would be no higher than the adjacent office building at no.49, but it would be at least 1.5m higher. The provision of such a large building of the style, proportions and bulk proposed on the boundary with the lane would result in a clumsy, inelegant, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area.

Other aspects of the design are considered to be inappropriate, such as windows in the flank walls right on the boundary with the adjoining property at 53 Upperton Gardens and solar panels on a flat roof facing south which would have to be angled up to something in the order of 35° for optimum efficiency; a front boundary wall of 1.5m would be uncharacteristically, although it would clearly help to some extent with the noise and oppressiveness of the lorries which use the lane on a daily basis.

Residential amenity:

The height and design of the proposed building, combined with its proximity to the rear boundary with the flats behind it, would result in an adverse impact on the outlook from the rear windows and garden of the flats in 51 Upperton Gardens in particular, especially those on the lower floors; even those on the upper floors would look out onto an array of solar panels in relatively close proximity (10m building to building). Notwithstanding the high brick wall proposed on the rear boundary, the first floor bedroom window would directly overlook adjacent residents to a wholly unacceptable degree. Although the applicant considers that this can be obscure glazed and fixed because there would be a window on the side, this too would look directly into the adjoining property (officers have not suggested that there should be any windows in the side elevations); whilst much of the adjoining properties rear garden is given over to parking, a first floor window would nevertheless provide overlooking to windows to habitable rooms.

The amenities of future residents of the proposed dwelling is also a consideration. Notwithstanding the current scheme has been set back from the road by 1m, the proximity of traffic which includes a high level of commercial vehicles in a road without a footpath would be less than ideal living conditions.

Impacts on trees:

The small tree to be removed is of no public value.

Highway safety:

Whilst the proposal includes a car port at the side of the dwelling, it is fairly narrow at 2.6m, thus making its use less than ideal on quite a narrow lane. Amendments to the wall and gates could be designed into the scheme, but it would not address the issue identified by the Highway Authority regarding the conflict between pedestrians and vehicles in a road without a footpath; there is insufficient space to provide a footpath. It is considered that parking is likely to be an issue in this location, where there is no available on street parking in the lane at all, and the surrounding streets are heavily parked. A two bedroom house is more than likely to create a demand for parking, but given its location within walking distance of the town centre, one space would be considered adequate, although there would be no space for visitor parking. However, as stated above, if permission were to be granted for this and similar developments, issues surrounding parking for a whole street of dwellings would create a problem for existing and proposed residents and highway safety. Again, this demonstrates that residential development in a narrow service lane which is used by commercial traffic is impractical and unsuitable.

Sustainable development implications:

The use of solar panels would provide some benefit, but is considered to be a minor consideration when compared to other matters of acknowledged importance.

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 residential development of the site would be an undesirable form of backland development, inappropriate to a narrow service lane serving commercial premises. The design is ill conceived and contrived, and an overdevelopment of a restricted site, resulting in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area, and would also be detrimental to the amenities of adjoining residents by way of loss of privacy and outlook.

Recommendation: Refuse, for the following reason:

The proposed development would result in an undesirable form of backland development in an unsuitable location, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area and would be detrimental to the amenities of adjoining residential occupiers through loss of privacy and outlook. As such, it would conflict with policies UHT1, UHT4, UHT15 and HO20 of the Eastbourne Borough Plan 2001-2011, policies B2, C2, D1, D10 and D10A of the Eastbourne Core Strategy Local Plan, and paragraph 64 of the National Planning Policy Framework.

Informatives

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

AMENDMENT TO PLANNING APPLICATION 150694 Page 2 of 4 dated 30/9/15

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 15

App.No: 150594 (PPP)	Decision Due Date: 28 October 2015	Ward: Meads
Officer: Jane Sabin	Site visit date: 2 October 2015	Type: Planning Permission
Site Notice(s) Expiry date: 2 October 2015		
Neighbour Con Expiry: 27 September 2015		
Press Notice(s): 22 September 2015		
Over 8/13 week reason: N/A		
Location: Moira House School, Upper Carlisle Road		
Proposal: Installation of manege on existing playing field.		
Applicant: Moira House Girls School		
Recommendation: Approve		

Executive summary:

The proposed development would have no adverse impact on visual or residential amenity, the character and appearance of the conservation area, or on highway safety. As such it complies with local and national policies.

Constraints:

Meads Conservation Area
Source Protection Zones

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C11: Meads Neighbourhood Policy

D1: Sustainable Development

D9: Natural Environment

D10: Historic Environment

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT3: Setting of the AONB
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT15: Protection of Conservation Areas
HO20: Residential Amenity
LCF2: Resisting loss of playing fields
LCF8: Small Scale Sport & Recreation Facilities
LCF18: Extension of Educational Establishments

Site Description:

Moira House Girls School is located on the north west side of Carlisle Road, and extends beyond the junction with Upper Carlisle Road. The site slopes steeply up from the road to the rear boundary with the Downs (close to Paradise Reservoir) in a series of terraces. The school comprises a wide range of building types (largely pre-1948) set in a site which hosts a significant number of mature trees and vegetation. The application site is comprised of part of one of the playing fields on the opposite side of the road from the main buildings.

Relevant Planning History:

EB/1995/0509 (950536)

Erection of a single-storey stable block comprising eight loose boxes, feed store, WC and tack room at the rear of the main school building in Carlisle Road and the provision of a 40 m x 20 m fenced manege (outdoor riding school) on land at the rear of 22-26 Denton Road

Approved conditionally 21 December 1995

Proposed development:

Permission is sought to construct a manege (sand school) on part of the middle field, 9m from the boundary with 22, 24 and 26 Denton Road. It would measure 40m by 20m, enclosed by a 1.5m high timber post and rail fence with a sand and PVC granule finish. To the rear would be an area surfaced with wood chip where horses and pupils would assemble to enter and exit the gate, and where jumps would be stored when not in use. A beech hedge is proposed along the boundary with the properties in Denton Road (it is understood that the species is at the residents request).

The manege would serve the stables which is the subject of the previous item on this agenda (150585). Ponies would be led across the road from the main school site outside Dunn House, where there are already double yellow lines and zig-zag markings for safe crossing.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – there are no tree related issues from the siting of the manege, although the route of any drainage (as noted on the plan) will need to be controlled.

Highways ESCC - considers that the main issues are access to and from the site, traffic generation and ponies/horses crossing Carlisle Road.

It is intended for the ponies and manege to be used exclusively by pupils and staff from the school. The traffic generation will be limited to construction vehicles, servicing vehicles and on occasion horse boxes. The main traffic generator will be from construction and as this is fairly minor the amount of traffic generated will be low and would not create significant issues.

It is noted from the submitted drawing that it is planned for ponies to cross to and from the manege at an existing access in Carlisle Road. This access is located in a section of road that provides adequate visibility and is approximately 90m from the junction with Upper Carlisle Road and Link Road. Double yellow lines and school keep clear markings also help to keep sections of the road clear of parked cars although they are parked on at school pick up and drop off times. Although the visibility is acceptable, there is still concern with horses crossing the road as drivers will not be expecting to meet horses in this urban area. In order to warn drivers it is suggested that warring signs are installed at the applicant's expense on the approaches to the crossing on lamp columns 11 & 13. It is also suggested that a condition is attached to ensure that this is the only access that horses can use to cross to and from the manege.

Specialist Advisor (Open Spaces) – no comment to make on the manege.

Specialist Advisor (Planning Policy) - Details submitted with the application indicate that the playing field is currently underused for formal sports, and utilizing a part of that field for a manege would represent an efficient means of using the land to its greatest potential, whilst retaining the remainder for informal sports and games. The use will remain for open and outdoor recreation and the land can be returned readily to a playing field in the future if required. It is therefore considered that this is consistent with Borough Plan LCF2, particularly given that the site could easily revert back to a playing field should this activity cease in the future.

In conclusion, the applications are consistent with planning policies set out in the Borough Plan and Core Strategy, including Borough Plan Policy LCF8, LCF18 and LCF2, as well as Core Strategy Policy C11. Therefore, there are no planning policy objections to these applications.

Specialist Advisor (Conservation) - Due to the siting and design associated with the manege its introduction into the Meads Conservation Area would result in little or no harm to the historic and architectural character and appearance of the immediate and wider area.

External:

South Downs National Park Authority – no response

Neighbour Representations:

Thirteen objections have been received and cover the following points:

- The manege will result in dust and dirt, which will result in an adverse impact on health (particularly for those already with respiratory problems) as well as maintenance issues, such as blocked drains and air vents, and would prevent the windows facing the playing field being opened
- The manege should be on the same site as the stables – specifically on the area known as Top Lawn

- Concerns regarding the safety of pupils, pedestrians, motorists and horses crossing the road
- Strong objections on the grounds of impeding traffic flow along Carlisle Road, and adding to the huge congestion in the area; parking restrictions are generally ignored; Carlisle Road is used as a rat run to and from Beachy Head Road by cars and commercial vehicles.
- It is simply a serious, if not fatal, accident waiting to happen.
- Horses should not be accommodated in an urban area
- The construction of a car park on the field would be a far better use
- Possible use of floodlighting, or for use by non-Moira House students
- Not suitable use for evenings or weekends

Eleven emails of support have been received and cover the following points:

- No objection provided the works are minimal and kept tidy
- Fantastic opportunity for the school; excellent for pupils
- Horses are not noisy animals
- Sure that the school have the safety of children and horses at the forefront, and the scheme will have been well thought through
- A wonderful sight to see on the beautiful South Downs; the National Park should be used for such activities
- Will attract more students and boost the local economy
- The crossing is already used by pupils to access the playing fields – 22 girls probably take longer than four horses would to cross

Appraisal:

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

Principle of development:

There is no objection in principle to the provision of additional sports facilities within educational establishments. The area proposed for the manege is currently little used, as it is sited between two sets of tennis courts, and it is understood that most of the athletics which were formerly carried out here are now undertaken at the Sports Park on full sized facilities. There would be no loss of existing formal sports facilities, as this part of the field is not lined or marked out. Its proposed use would remain for an outdoor activity, and the manege could easily revert to grass if it were no longer needed.

Visual amenity:

The field is at a much lower level than Carlisle Road, although it is higher than the properties in Denton Road. The public viewpoints would be from Carlisle Road, but only when looking over the boundary wall directly into the field. The visual impact of the manege would be minimal, given its location to the rear of the field, its open nature and lightweight (post and rail) screening. It is therefore considered that there would be little or no impact on the character and appearance of the area.

Residential amenity:

The manege itself would have no impact on residential amenity. The usage is likely to be low when compared to the length of the school day; no floodlighting – or any other type of lighting – is proposed, therefore the only impact would be from noise. Given the location of the manege amongst tennis courts and playing fields, it is unlikely that the

noise would exceed that of team games. It is possible that there would be some droppings, but it is intended that this would be taken away with the ponies when they return to the stables. Noise is rarely an issue with ponies as they are generally quiet, and not given to increased noise during this type of exercise. With regard to issues raised in respect of dust and dirt, whilst it is considered that this would be a most unlikely consequence, the objectors property is 140m away, and it is likely that the plans have been misread. It is therefore considered that the impact on residential amenity would be acceptable.

Environmental amenity:

No alterations involving trees are proposed; the only loss would be closely mowed grass. Materials can be brought into the site via the enlarged entrance on the adjacent field and moved over a collapsed wall relatively easily. It is concluded there would be no impact on environmental amenity.

Highway safety:

The main source of objection is the issue of parking and safety. Given the information provided in the application, it is not considered that the development would result in a significant increase in traffic on a daily basis. It is unlikely that the busiest times for traffic, i.e. the start and finish of the school day, would coincide with the times horses would be led across the road. The safety of pupils would be of paramount importance for the school, and it is clear that this has been thoroughly considered. Officers (including Highways) have visited the site and carefully walked all the routes, and have concluded that the existing crossing point outside the main entrance where the double yellow lines and zig-zag markings are already in place for pupils is a safe place for horses to cross. The only issue raised by the Highway Authority is the provision of standard highway warning signs for road users and the route for the ponies, and these can be controlled by condition.

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 have no adverse impact on visual or residential amenity, the character and appearance of the conservation area, or on highway safety. As such it complies with local and national policies.

Recommendation: Approve

Conditions:

1. Commencement within three years
2. Compliance with approved plans
3. Submission of details of drainage/services
4. Submission of details of site office, storage area for materials, and access route.
5. Provision of traffic signs
6. Restriction of route for horses in and out of the site

7. Restriction on times the manege is used

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 16

App.No: 150585 (PPP)	Decision Due Date: 28 October 2015	Ward: Meads
Officer: Jane Sabin	Site visit date: 2 October 2015	Type: Planning Permission
Site Notice(s) Expiry date: 2 October 2015		
Neighbour Con Expiry: 27 September 2015		
Press Notice(s): 22 September 2015		
Over 8/13 week reason: N/A		
Location: Moira House School, Upper Carlisle Road		
Proposal: Erection of a stable block adjacent to rear boundary to facilitate equine activities for students.		
Applicant: Moira House Girls School		
Recommendation: Approve		

Executive summary:

The proposed development would have no adverse impact on visual or residential amenity, the character and appearance of the conservation area or the South Downs National Park, or on highway safety. As such it complies with local and national policies.

Constraints:

Meads Conservation Area
Source Protection Zones
Adjacent to the South Downs National Park

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C11: Meads Neighbourhood Policy

D1: Sustainable Development

D9: Natural Environment

D10: Historic Environment

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE28: Environmental Amenity

UHT1: Design of New Development
UHT2: Height of Buildings
UHT3: Setting of the AONB
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT15: Protection of Conservation Areas
HO20: Residential Amenity
LCF2: Resisting loss of playing fields
LCF8: Small Scale Sport & Recreation Facilities
LCF18: Extension of Educational Establishments

Site Description:

Moira House Girls School is located on the north west side of Carlisle Road, and extends beyond the junction with Upper Carlisle Road. The site slopes steeply up from the road to the rear boundary with the Downs (close to Paradise Reservoir) in a series of terraces. The site comprises a wide range of building types (largely pre-1948) set in a site which hosts a significant number of mature trees and vegetation.

Relevant Planning History:

EB/1995/0509 (950536)

Erection of a single-storey stable block comprising eight loose boxes, feed store, WC and tack room at the rear of the main school building in Carlisle Road and the provision of a 40 m x 20 m fenced manege (outdoor riding school) on land at the rear of 22-26 Denton Road

Approved conditionally 21 December 1995

Proposed development:

The application site comprises a flat area adjacent to the rear boundary wall, currently occupied by a large outbuilding used as a maintenance shed, together with a route through the grounds to join up with an existing vehicular route from Carlisle Road. This area is screened by a row of conifers to the rear and three large beech trees to the front

It is proposed to replace the existing shed with a single storey stable block for eight horses, measuring 21.2m deep and 10.5m wide under a pitched roof 2.6m high to the eaves and 4.1m to the ridge. Formed from a metal frame construction, the building would be clad in horizontal shiplap boarding under a profiled metal sheeting roof. To the rear of the building (between the building and the boundary wall) an over ground cesspit is proposed to service one toilet in the stable block.

The route through the grounds from the existing tarmac area to the stable would be formed from loose material (rolled MOT).

The formation of the vehicular route would result in the loss of three of the smaller trees on the site (one Holm oak, an ash and a beech).

In support of the application, the agent makes the following points:

- The benefits of riding to young people are well documented.
- It promotes good physical and mental health, helps with homesickness and exam pressures.

- It is intended to include the facility in the school curriculum, including BHS examinations in stable management.
- There is a strong demand in the school for riding and horse management
- The facility is intended for ponies, not horses (i.e. not exceeding 14 hands)
- The existing gate to the Downs will provide easy access to bridle paths, and it is not intended to use the road network, unless accessing the proposed manege (**see application 150594**).
- The route to the manege will be via an existing path which runs down the eastern boundary, on equine granulated rubber tiles, and across Carlisle Road in front of Dunn House to the playing field.
- The site chosen is discreet, set on lower ground than the Downs, and shielded by a 1.5m wall and mature trees; whilst the top of the roof would be a little higher than the wall, it would present a clean unobtrusive roofslope. Other buildings are visible above the wall, but the new building would not harm the setting of the Downs or be over prominent in views from the Downs.
- The site lies within the Meads Conservation Area but the structure would be sited behind the school buildings and would not be prominent in this context.
- The stable block is, by necessity, utilitarian; the materials will complement the school buildings. Its' precise siting, sitting well below the level of the Downs and tucked behind the school buildings, means that it will not be visible in long views, thus preserving the character and appearance of the conservation area.
- The stable will not be close to any residential neighbours, so there will be no impact on residential amenity. Waste (muck) will be collected regularly and taken off site.
- The loss of three trees in the centre of the site will have no impact on the wider area, given the amount of tree cover on site and near the boundary.
- There will be no additional traffic associated with the proposal, except for construction and maintenance traffic, which will use the existing entrance already used by large delivery vehicles. The use is intended for Moira House pupils only.
- The scheme has been carefully considered and addresses the need for the facility and the constraints of the site. It complies with local policies regarding facilities for schools and recreation, and would have no adverse impact on residential and visual amenity or highway safety.

Further information has been submitted by a member of staff who has been involved with the scheme:

- With 40 years of experience of horse ownership, the project has been risk assessed within British Horse Society guidelines. The crossing point is suitable, with double yellow lines, zig-zags and good visibility in both directions. The busy times for vehicles will not coincide with activity times, which will be between 12.30pm and 3pm.
- Only ponies will be used as they are suitable for beginners; they will be safe, older, placid obedient cob geldings. They will be led across the road by highly qualified staff (not ridden); both the staff and ponies will have hi viz jackets/strips. As the manege is small, only four ponies will be used at one time.
- The route to the manege is along the boundary with Castle Mount; it is a safe easy slope, but will be surfaced with equine rubber tiles as the surface is in need of repair, and will be a slip-free surface which would deaden any noise. All droppings would be cleared away immediately.
- There will be no riding on the roads.

- The ponies will be on site Mondays to Thursdays, and out on grass Fridays to Sundays in Jevington. The ponies will be hacked to and from Jevington.

Consultations:

Internal:

Specialist Advisor (Arboriculture) notes that the plans indicate the path to the stable block is positioned where T15 (beech) is situated, and that this tree is to be retained. The tree is in such condition that it should not prevent development but it requires removal. It is also indicated that the turning area is now the area where T15 and G14 are currently situated. G14 which is a group of 2 Yews and should be considered a constraint to this development, therefore the plans require adjusting to ensure the turning area and path are situated outside the root protection area of G14. Providing the plans are amended, the impact on the visual amenity of the area would be minimal with the loss of T15 Beech, G16 Leylandii, T1 Ash and T2 Beech. The loss of G14 would significantly reduce the screening of the proposed development from the downland. Should the application be approved, conditions should be attached to safeguard the trees.

Highways ESCC considers that the main issues are access to and from the site, traffic generation and ponies/horses crossing Carlisle Road.

In terms of vehicle access the proposal would use the existing access from Upper Carlisle Road which is acceptable. There is also space within the site for vehicles to turn so they can enter and exit in a forward gear. The access arrangements are therefore considered acceptable.

It is intended for the ponies and manege to be used exclusively by pupils and staff from the school. The traffic generation will be limited to construction vehicles, servicing vehicles and on occasion horse boxes. The main traffic generator will be from construction and as this is fairly minor the amount of traffic generated will be low and would not create significant issues. It is envisaged that there will be one vehicle per week for waste removal and approximately one visit per term to empty the septic tank. Again this level of traffic generation is very low and therefore acceptable.

It is noted from the submitted drawing that it is planned for ponies to cross to and from the manege at an existing access in Carlisle Road. This access is located in a section of road that provides adequate visibility and is approximately 90m from the junction with Upper Carlisle Road and Link Road. Double yellow lines and school keep clear markings also help to keep sections of the road clear of parked cars although they are parked on at school pick up and drop off times. Although the visibility is acceptable, there is still concern with horses crossing the road as drivers will not be expecting to meet horses in this urban area. In order to warn drivers it is suggested that warning signs are installed at the applicant's expense on the approaches to the crossing on lamp columns 11 & 13. It is also suggested that a condition is attached to ensure that this is the only access that horses can use to cross to and from the manege.

Specialist Advisor (Downland) notes the plans show an access to bridle paths, however the land immediately outside the schools gate does not form part of the bridleway, but is in a Higher Level Stewardship Agreement with Natural England – this body would have to consent to direct access by horses and riders (straying from a bridleway may constitute

trespass). Eastbourne Downland Byelaw 13 states that horses shall not be ridden on the Downs; equine traffic originating from a commercial enterprise is not excluded from using the public bridleways.

Specialist Advisor (Planning Policy) notes that the proposal complies with Borough Plan and Core Strategy policies, and raises no objections to the proposal.

Specialist Advisor (Conservation) considers that, due to the siting of the stable block to the rear of the site, its scale and massing would have limited impact on the character of Upper Carlisle Road and the contribution it makes to the Conservation Area. Furthermore, it is accepted the use of timber weatherboarding to the elevations, to ensure immediate views of the stable block from within the school grounds are in keeping with the function of the building and character of the immediate area, particularly during the winter months following loss of the leaves of the existing mature vegetation. However, the roof of the stable block would be visible from the Downs, located to the rear of the site. Whilst the immediate area is currently screened through the benefit of mature vegetation, this screening is limited to sycamore trees, as the conifers are proposed to be removed as part of the works. In reducing the natural screening (conifers) as proposed, the expanse of the stable block roof would be visible, particularly during the winter months, in immediate and wider views from the bridleway which historically provided access to the Downs. Whilst the applicant has agreed to overcome this concern with the use of a russet brown, metal profile sheet to the roof, RAL colour 3013, to compliment the colour of the existing roofscape, which is mostly clay tile. Concerns remain in terms of the extent of metal roofing and its inability to weather into its surroundings, as a man-made material. It is therefore strongly recommended a cedar shingle, is used as an alternate roofing material.

At its meeting on 6 October 2015, the Conservation Area Advisory Group raised no objections in principle to the stable, but expressed strong concerns regarding the roof material, which was considered to be out of keeping when viewed from the South Downs; a sedum roof was suggested as an alternative.

External:

South Downs National Park Authority – no response.

Neighbour Representations:

Nine objections have been received and cover the following points:

- Strong objections on the grounds of impeding traffic flow along Carlisle Road, and adding to the huge congestion in the area; parking restrictions are generally ignored; Carlisle Road is used as a rat run to and from Beachy Head Road by cars and commercial vehicles.
- It is simply a serious, if not fatal, accident waiting to happen.
- The road cannot cope with more traffic with the possibility of horse boxes and trailers, and access by emergency vehicles is already compromised.
- Additional parking facilities for the school, let alone an equine centre, is essential. The school should free up some land for parking. If ponies are to cross the road, traffic calming/control measures are needed.
- The use of the path adjacent to Castle Mount may have an adverse impact on residents unless conditions are imposed requiring ponies to use the path only twice a day at the beginning and end of the school day, and in term time only; manure

on the path must be cleared away immediately, and urine must not be allowed to run off into the grounds of Castle Mount.

- Offensive smell of collection and storage of manure.
- Adverse impact on the schools ecological area and protected species (pond/stag beetles/dragonflies) – the path is too narrow for horses without cutting back on the habitat; a field adjacent to the stable could be used.
- The website makes it clear that girls other than Moira House pupils will use the facility, increasing congestion and the length of duration. It also intimates that gaining planning permission is a *fait accompli* – how can this be so? It also states that the equitation centre would be open by August.
- Dangerous for pupils crossing the road trying to get to school

Nine emails and letters of support have been received and cover the following points:

- Fantastic opportunity for the school; excellent for pupils
- Horses are not noisy animals
- Sure that the school have the safety of children and horses at the forefront, and the scheme will have been well thought through
- A wonderful sight to see on the beautiful South Downs; the National Park should be used for such activities
- Will attract more students and boost the local economy
- The crossing is already used by pupils to access the playing fields – 22 girls probably take longer than four horses would to cross

A further three general observations have been received, all reiterating that crossing the road with horses is a concern that needs to be addressed.

Appraisal:

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

Principle of development:

There is no objection in principle to the provision of additional sports facilities within educational establishments. The area proposed for the stable is currently occupied by a shed and an area of hardstanding, so there would be no loss of existing sports facilities.

Visual amenity:

The proposed stable building has a simple, utilitarian appearance, which fulfils its function. Notwithstanding this, it is to be finished in timber shiplap, and whilst it would only be seen from within the site, it would sit comfortably within the heavily treed area at the top of the site. The roof has been of some concern, as the proposed profiled metal sheeting is at odds with the finish of the exterior of the building and the rest of the site. It has been agreed to change the colour from dove grey to russet brown to help it blend in more, but suggestions of a sedum roof or the use of cedar shingles have been rejected on the grounds of cost (and in the case of the former, the strengthening of the whole structure to support the extra weight). Assurances from the agent that the row of conifers behind the building would be kept, and negotiations to resite the cesspit and the surfacing of the road and turning head so that the mature beech trees to the front of the building can be safely retained, have led to the conclusion that even in winter there would be sufficient screening from all public areas – including the South Downs National Park – to mitigate the use of profiled metal sheeting. It should be noted that the site is

also screened by a row of substantial sycamores which grow on the downland, which would be unaffected by the development.

Residential amenity:

The closest residential property is Castle Mount, a large block of flats in substantial grounds which shares a boundary with the school, and adjacent to which the proposed access path for the horses is located. The stable would be 45m from the common boundary at the top of the garden, and 70m from the nearest point of the building. Generally horses make little noise, and it is unlikely that any smell from the stable would be noticeable at this distance. Residents have expressed concern regarding noise and smells from the use of the path, however this has been addressed by the use of rubberised tiles, and the applicant has stated that droppings would be picked up immediately. The garden of Castle Mount has the benefit of substantial screening along most of its boundary, which is within its control; the top lawned area has no screening, and it is already possible for anyone in the school grounds to look directly into this part of the garden. It is not considered that the level of usage proposed would result in loss of privacy over and above the existing situation. As the site forms part of the school, it is considered extremely unlikely that droppings would be left laying around the site. One objector has pointed out that it is intended to use the horses during the summer for residential courses; whilst this may be the case, it is not considered that this in itself would be unacceptable, if the use is appropriate during the rest of the year, as the stables can only accommodate eight horses. It is therefore concluded that there would be little or no impact on residential amenity.

Environmental amenity:

The development would require the removal of three relatively small trees to provide access to the site. These trees are located well within the site, and their removal would have little impact on the overall tree cover, nor do they meet the criteria for a tree preservation order. The trees closer to the stable on the upper level are more important because of their size and capacity for screening the stable. One of these is in decline (a large but heavily reduced beech), and should be removed as the building works and surfacing of the turning/access area would only hasten its demise; it would also be in front of the stable doors and therefore not completely practical. The others require retention and their root protection areas to be safeguarded. Negotiations have resulted in the provision of an access that would not be used by vehicles larger than a 4X4, and this would do much to reduce the long term impact. On this basis it is considered that the impact on environmental amenity is acceptable.

One objector has raised the issue of the impact on an ecological area within the school grounds. It is a relatively small area in the corner of the grounds, but has become sadly neglected. The route through for the horses will require some cutting back, but it is considered to be minimal, and should not be regarded as a constraint to the proposal.

Highway safety:

The main source of objection is the issue of parking and safety. Given the information provided in the application, it is not considered that the development would result in a significant increase in traffic on a daily basis. It is unlikely that the busiest times for traffic, i.e. the start and finish of the school day, would coincide with the times horses would be led across the road. The safety of pupils would be of paramount importance for the school, and it is clear that this has been thoroughly considered. Officers (including

Highways) have visited the site and carefully walked all the routes, and have concluded that the existing crossing point outside the main entrance where the double yellow lines and zig-zag markings are already in place for pupils is a safe place for horses to cross. The only issue raised by the Highway Authority is the provision of standard highway warning signs for road users and the route for the ponies, and these can be controlled by condition.

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 have no adverse impact on visual or residential amenity, the character and appearance of the conservation area or the South Downs National Park, or on highway safety. As such it complies with local and national policies.

Recommendation: Approve

Conditions:

1. Commencement within three years
2. Compliance with approved plans
3. Tree protection measures
4. Submission of details of site office, storage area for materials, and access route.
5. Submission of details of routes for services and external lighting
6. No burning on site
7. Submission of details of excavations/foundations/drains
8. Submission of samples of materials
9. Provision of rubberised surface to route adjacent to Castle Mount
10. Restriction of size of vehicles accessing the site
11. Provision of traffic signs
12. Restriction of route for horses in and out of the site

Informatives

The applicant should contact Natural England regarding consent to access the bridleways from the school.

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 17

App.No: 150796	Decision Due Date: 30 October 2015	Ward: Sovereign Harbour
Officer: Anna Clare	Site visit date: 28 August 2015	Type: Reserved Matters
Site Notice(s) Expiry date: 4 September 2015 & 13 th October 2015		
Neighbour Con Expiry: 27 October 2015		
Press Notice(s): 25 th August 2015		
Over 8/13 week reason: Reported to committee within time		
Location: Site 7b, Pacific Drive, Eastbourne.		
Proposal: Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) and related discharge of conditions 2 (part), 3(part), 4(part), 9(part), 134, 136, 139, 140, 141, 149, 150, 154, 159, 160, 161, 162 and 168 of outline planning permission dated 2 December 2014 (Ref:131002) for the development of 70 residential units (Use Class C3), Public Open Space and Access at Sites 7b and 7c, Pacific Drive, Sovereign Harbour, Eastbourne.		
Applicant: Mr Martin Bates		
Recommendation: Approve conditionally		

Executive Summary:

The application relates to the reserved matters (assess, appearance, landscaping, layout and scale) following the approval of Outline planning permission for sites across the Harbour including sites 7b and 7c.

The application seeks approval for the reserved matters in terms of the open space at Site 7b, and the details of the provision of 70 units of residential accommodation at site 7c.

The information submitted in respect of the reserved matters for both sites is considered acceptable and therefore it is recommended that the reserve matters application is granted.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
6. Delivering a wide choice of high quality homes
7. Requiring good design

8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C14: Sovereign Harbour Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT7: Landscaping

HO20: Residential Amenity

TR6: Facilities for cyclists

TR7: Provision for Pedestrians

TR11: Car Parking

Site Description:

Sites 7b and 7c form part of a larger area of land referred to as Site 7 which is located at the northern edge of the Harbour. Adjacent to Old Martello Road and the Borough boundary with Wealdon.

Site 7 borders both Pevensey Bay Road a key access road into Eastbourne and Pacific Drive which serves as a main access route within the North Harbour. There are informal access paths across the site linking to Pevensey Bay Road and to Old Martello Road.

Site 7c has an existing access spur from the existing roundabout on Pacific Drive. The site borders the rear of those properties 21-45 (odd) Samoa Way.

Relevant Planning History:

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:

Site 1 - up to 72 dwellings and access

Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, 1 and D13,600sqm)

Site 5 - Community use (800sqm)

Site 6 - Employment and office uses (B1 up to 15,000sq m)

Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)

Granted 02/12/14

Proposed development:

This application seeks approval for the reserved matters following the grant of outline planning permission. The matters for consideration are layout and landscaping of the sites, scale and appearance of the proposed development, and access to the proposed sites.

The application also seeks to discharge a number of conditions of the Outline permission which are interlinked with the details submitted in relation to the reserved matters. These are all outlined within the report.

Site 7b is to provide public open space, a large area of this is general amenity grassland for informal recreation and play, with a further equipped play area to the north-west of the open space set back from the residential units and the main roads. Pedestrian routes connecting Pevensey Bay Road with Pacific Drive and through to Site 7b are created.

Site 7c is to provide 70 residential units, 15 flats are proposed in three blocks, with 55 houses of 3 and 4 bedrooms. Vehicular access to Site 7c is by the existing roundabout junction on Pacific Drive and 166 parking spaces are provided on the site.

Consultations:Specialist Advisor (Arboriculture)

The landscaping plans and suggested tree planting are acceptable, with a request to alter the proposed species of PT5 from Sorbus Aria to Sorbus intermedia Brouwers which has been agreed by the Applicant.

Specialist Advisor (Planning Policy)

The Sovereign Harbour Supplementary Planning Document (SPD) (adopted 2013) is a material planning consideration in the determination of this application. It is considered that this application conforms to the guidance contained in the SPD. Overall, the proposal is consistent with the outline application and the Sovereign Harbour SPD, and is supported by planning policy.

Health and Safety Executive (Consulted on the original outline application) responded as such:-

Housing

HSE would advise;

- *No more than 30 dwellings to be sited within the consultation distance (within 38m of the pipeline) at a housing density of no more than 40 units per hectare; or,*
- *All the dwellings were sited beyond the joint inner/middle zone boundary (14m from the pipeline) Gardens, parking areas, landscaping, open space etc could be sited within this distance.*

*Outdoor space (public open space)
HSE would advise that all items of play equipment, and any features/facilities around which the public may gather, are sited beyond the joint inner/middle zone boundary (more than 14m from the pipeline)*

EBC Officer comment to HSE response:- All playspace is sited more than 14m from the pipeline. None of the dwellings are sited within 14m of the pipeline.

Highways ESCC

Due to the size of the proposals at the outline application stage the impact on the highway network was assessed on both the local and strategic road network. In order to test this development it was agreed between the applicant and ESCC at an early stage that the proposals should be run through the existing ESCC transport model for the South Wealden & Eastbourne area.

The outputs from the model are in the form of traffic flows on each road or arm of a junction and highlight any areas where there are potentially any capacity issues. From this data more detailed traffic modelling was then undertaken for any junction which requires further analysis. This second more detailed phase of modelling included five junctions which were:

- Pevensey Bay Road/Pacific Drive Roundabout
- Pacific Drive Roundabout
- Harbour Roundabout
- Langney Roundabout
- Sovereign Roundabout

While traffic levels at these junctions and the linking roads will obviously increase as a result development the results from these models has shown that each of the junctions will continue to operate within their capacity. The Langney roundabout will on some arms be close to capacity but this will be only slightly worse than the situation that would occur in 2027 without development taking place.

On the basis of the evidence presented in the Transport Assessment at the outline stage the development was acceptable on these grounds and there would be no defensible case for insisting that a second access point to the Harbour is provided on capacity grounds.

SGN

The high pressure gas pipeline in the vicinity of the proposed development has a Building Proximity Distance (BPD) of 14m either side of the pipeline.

This pipeline is of prime importance to the gas supplies of the area. Therefore there are restrictions on what works can occur within the BPD details of which will be forwarded to the Applicant.

Any vehicle crossing over the pipeline will require calculations to prove that no additional stresses will be incurred, and vehicles crossings should be kept to a minimum. The emergency access proposed needs to be designed and agreed between SGN and the developer.

Neighbour Representations:

Objections have been received from the following properties;

- 3 Brisbane Quay
- 10 Brisbane Quay
- 16 Pitcairn Avenue
- 9 Hobart Quay
- 10 Hobart Quay
- 39 Samoa Way
- 79 Samoa Way
- 4 Barrier Reef Way
- 13 Barrier Reef Way
- 1 Coral Reef Close
- 18 Hamilton Quay

Covering the following points;

- Principle of developing the site, enough development within the Harbour already this area should be landscaped and allowed to return to a natural state.
- Not sufficient facilities, school places, open spaces
- Increase in traffic
- Pedestrian Safety
- Materials out of keeping with the other houses in North Harbour
- Safety of having only one vehicular access to the North Harbour
- Insufficient green space
- Impact on the existing footpath to the rear of Samoa Way properties which is used to access Martello Road
- Over crowding

Principle of development:

Outline planning permission was granted 2 December 2014 for the development of sites across the harbour including sites 7b and 7c. The outline permission approved the development of Site 7b for public open space and Site 7c for residential development. Therefore the development in principle of these sites has already been agreed.

Objections have been received to the principle of the development, and the impact therefore on traffic generation and facilities within the Harbour. These issues are considered to have been dealt with in principle at the outline

stage, the purpose of the reserved matters application is to deal with the detailed proposal for either site.

Appraisal Site 7b – Public Open Space

Layout:

The layout of the space has been designed to allow for a larger informal play 'kickabout' area to the south of the site adjacent to Pacific Drive and a formal enclosed play area to the north east of the site. The existing mature vegetated shingle is to be retained to the north eastern boundary of the site with Pevensey Bay Road. The layout of the area has been considered through consultation with the SHRA and other interested parties, and designed to reflect the type of open space the residents of the Harbour require.

The layout for the two linked sites responds to the outline parameter plans. There are a series of formal paths proposed to connect through the site, providing ease of access, to create a legible and accessible space which will serve and be fully accessible to the wider Harbour community.

The layout of the open space is considered appropriate, and will provide a large open space 'kick about' area which is lacking on other open spaces across the harbour.

Scale:

The space equates to the 0.8ha area required through the S106 and is therefore considered acceptable.

Landscaping:

The existing mature vegetated shingle to the northern boundary with Pevensey Bay Road is to be retained. This forms a buffer between the main road and the play space and provides an ecological enhancement. This is also in line with advice in relation to the BPD of the high pressure gas main, to restrict places where people gather to outside of the 14m buffer.

The southern boundary is proposed to be planted with trees to create a subtle and attractive buffer between the public open space and Pacific Drive. The proposed landscaping of this area is therefore considered acceptable.

Appearance:

The site is laid out with more formal play space to the north and a less formal open space area to the south adjacent to Pacific Drive. The layout and landscaping will create an attractive public open space for the whole community of the Harbour to use. The appearance of the open space area through the landscaping proposal is considered acceptable.

Access:

Pedestrian paths are provided across the open space including a one from north to south, linking Pevensey Bay Road and Pacific drive. Access is

provided from Site 7c into 7b. The access' are restricted with bollards or barriers to prevent cyclists or motorised vehicles from entering the public space.

The S106 requires an additional pedestrian crossing across Pacific Drive. It is noted that the pedestrian entrances are at either end of Site 7B to maximize the openness of the space. This does result in the western entrance being opposite Tasmania Way and therefore the zebra crossing, when installed, will be offset from this access point as it will need to be installed away from the Tasmania Way junction.

However it is not considered that amendments to the scheme could be undertaken to improve the situation with the crossing point, without impacting on the open space when the desire is for a large open amenity area. Therefore the proposal is considered acceptable.

Planning obligations:

The S106 requires that the public open space on the site must be linked with the residential development on Site 7c, no more than 40% of the residential units on Site 7c must be occupied until the development of Site 7b has been completed.

Appraisal Site 7c

Layout:

The layout to the northern boundary is dictated by the position of the gas pipe line which restricts development within the 14m buffer zone. The dwellings within the site have been positioned appropriately to take full advantage of aspect and view whilst respecting the privacy of adjoining/adjacent dwellings.

The only place where the proposed properties will border existing properties is those at 21-45 (odd) Samoa Way. The proposed properties in this location are two storey with a separation distance (property back to back) of 24.3m. At these separation distances, which in most areas are normal, it is not considered that there would be significant impacts in terms of overlooking or loss of privacy to warrant the refusal of the application.

The other nearby residential properties are those of Brisbane Quay and Tasmania Way which are side on to Pacific Drive. The part of the site between the open space at site 7b and the access to site 7b is fronted with a terrace of 6 three storey houses and the side elevation of Apartment block 3. Given the separation of the properties by the existing road, it is not considered this layout will give rise to significant overlooking to warrant a refusal of the application.

There have been objections from properties of Samoa Way in relation to the proposals. The whole site is to be regraded, so whilst there is a difference in

ground level between the rear gardens of those of Samoa Way and the site at present due to an existing mound directly to the rear of these properties, this will be decreased by the regrading.

The regrading and remodelled mound will mean this boundary is graded to blend with the existing levels at the boundaries adjoining properties of Samoa Way.

Outside of the application process, the Applicant has stated that offers to replace existing rear boundary fences to those properties of Samoa Way bordering the site will be made.

The layout is influenced by the need to create an active frontage to the public open space providing surveillance from the habitable rooms. The blocks together form a simple grid pattern made up of shared surface streets running broadly in a north-south and east-west configuration. This ensures that the public frontages are aligned with the front of properties and in turn results in a legible permeable layout for residents and visitors.

All the proposed dwellings are above in floorspace that recommended by the Technical Housing Standards – Nationally described space standards, published by the DCLG. Therefore the size of accommodation is considered acceptable.

Therefore the layout of site 7c is considered acceptable.

Scale:

The general principle in relation to the scale of development on the site was agreed through the Outline permission for the development of 70 dwellings on the site.

The Pevensey Bay Road frontage and the frontage of Site 7b and this corner with Pacific Drive will comprise 3 and 4 storey buildings (the flats being higher blocks). The rest of the development will comprise 2 storey houses. The higher apartment blocks provide landmark and referencing along the public facing areas and are considered acceptable.

Therefore the scale of the proposed development to site 7c is considered acceptable.

Landscaping:

An Ecology area, consisting of vegetated shingle is to be retained to the north-eastern boundary of the site. The general landscaping site 7c is acceptable, maintaining shared surfaces with tree planting and general landscaping throughout.

Appearance:

Modern design references are applied across the scheme, drawing on beach side and fisherman hut design styles for the houses. This design is continued with the proposed materials palette that will include a narrow range of timber and brick finishes arranged with a number of configurations to break up the long elevations.

The design is considered to compliment the contrasting modern design that has already been approved at nearby site 8.

Careful consideration has been given to the design of the dwellings on the site which has been presented to the Design Review Panel on two occasions. The feedback from these meetings has influenced the detailed design of this application.

The materials proposed are intended to response to the local area with a contemporary and sustainable context. An element of symmetry is proposed to the rows of housing, with projecting windows, chimneys and mixture of materials to create aesthetical interest within the street-scene.

The design of the buildings and materials proposed are considered acceptable given the context of the site; providing aesthetically pleasing views of the site, and active frontages to street elevations.

Access:

Vehicular access to Site 7c will connect with the existing roundabout junction on Pacific Drive. This will be 5m wide with footways on both sides leading into the site.

An emergency access is to be provided between site 7c and Pevensy Bay Road. This is not for general access, so will be restricted by retractable bollards within the site. Whilst Access was a reserved matter, the principle of access to the development was considered at outline stage. At that time the evidence provided in the Transport Assessment showed that the development was acceptable and there would not be a defendable case for insisting that a second access point to the Harbour is provided on capacity grounds. This view is maintained with the Transport Assessment submitted with this application for reserved matters.

However, although on capacity grounds it was found that a secondary access point was not required, it is still the case that there is only one access to Pacific Drive from Pevensy Bay Road serving a large number of dwellings. In the event of an incident occurs and the first section of Pacific Drive from Pevensy Bay Road is closed, then the entire area is effectively cut off from the Highway network. It was therefore recommended that a secondary emergency access be provided through site 7 or via Harbour Quay.

The emergency access will mean in the event of an incident there is a second access for emergency vehicles to enter the Harbour area. East Sussex County

Council approve the location of the access, details of the construction will need to be provided to SGN as this work would be within the 14m BPD.

166 parking spaces are provided on the site, the majority of which are allocated, with additional visitor parking.

The internal road layout is in the form of shared surfaces, with high levels of pedestrian permeability. Specifically this includes new pedestrian links from the internal road system to both the public open space and Pevensey Bay Road which in turn link to the wider context and harbour.

The access arrangements for Site 7c are therefore considered acceptable.

Other Matters:

Refuse and recycling storage:

Communal refuse and recycling storage is provided within the parking areas of each of the apartment blocks. Bin storage is provided to rear garden areas of each of the dwellinghouses.

The layout of the site allows for service vehicles to enter and turn on site. A tracking plan has been submitted to confirm that the layout can comfortably accommodate service vehicles such as bin trucks.

Cycle Parking:

Secure cycle parking is proposed by way of sheds in the rear gardens of the dwellings, and by way of communal cycle storage to each of the flat blocks. This accord's with East Sussex County Council's standards.

Discharge of Conditions

The submission also addresses a number of conditions of the original Outline permission in addition to the reserved matter requirements, these are assessed here.

Condition 136 – demonstration of how the development shall relate to the adjoining gas pipeline

The details provided do show how the development will relate to the adjoining gas pipeline and set out the 14m BPD.

Further condition is required in relation to the creating of the vehicle crossing over the pipeline. Along with an informative of the restrictions as set out by SGN in their consultation response.

Condition 141 – Landscaping to include species and size of trees

The submitted details are suitable from a highway perspective and have been considered by the Specialist Advisor for Arboriculture as acceptable with one

requirement to amend a proposed tree species which will be controlled by condition. Therefore this condition can be discharged.

Condition 161 – Pedestrian access point to facilitate links between the side and a planning improved pedestrian crossing facility over Pacific Drive

The details are suitable to allow the condition to be discharged. It is noted that the pedestrian entrances are at either end of Site 7B to maximize the open space. This does result in the western entrance being opposite Tasmania Way and therefore the zebra crossing, when installed, will be offset from this access point as it will need to be installed away from the Tasmania Way junction. However it is not considered that amendments to the scheme could be undertaken to improve the situation with the crossing point, without impacting on the open space when the desire is for a large open amenity area. Therefore the proposal is considered acceptable.

The flood assessment and drainage details provided have been considered by the Lead Local Flood Authority to meet the reserved matter requirements and address the following conditions;

Condition 140 - SUDS

Condition 159 – Foul sewerage and surface water disposal

Additional conditions requested in relation to the future maintenance and management for the drainage system and hydraulic calculations

A number of further matters are also addressed

Condition 134 – Details of hard and soft landscaping

Details have been submitted and are considered acceptable in relation to the hard and soft landscaping proposals. An amendment to a proposed species of tree as requested by the Specialist Advisor for Arboriculture can be controlled by condition.

Condition 139 – Details of all works to or affecting trees

Details agreed by Specialist Advisor for Arboriculture.

Condition 149 – Vehicle parking areas

The details submitted are suitable to discharge the condition. Although not fully in accordance with the number of spaces recommended in the ESCC Parking Guidance it is only a 5% reduction which is allowable under the guidance without the need for any additional justification being provided.

Condition 150 – Details of cycle parking

The details submitted are acceptable to allow the condition to be discharged as sufficient cycle parking will be provided.

Condition 154 – Details of pedestrian and cycle linkages

The submitted details are suitable to allow the condition to be discharged.

Condition 160 – Turning Spaces for vehicles

The submitted details are suitable to allow the condition to be discharged. Vehicle tracking has demonstrated that a large refuse vehicle can enter, manoeuvre, turn and exit the site in a forward gear.

Condition 162 – Details of boundary treatments

The submitted details are considered acceptable.

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 principle of the development was considered at the outline application stage, the reserved matters details submitted with this application are considered acceptable for the reasons set out in the report. Through the reserved matters submission a number matters reserved by condition are also met.

Recommendation:

To approve the reserved matters application and discharge the appropriate conditions.

Conditions:

1. Prior to the commencement of development the design of the emergency access shown on the approved drawing from Pevensy Bay Road, along with a method statement for its construction shall be submitted to and approved by Southern Gas Network details of the agreement shall be submitted to the Local Planning Authority.
2. Requirement for the emergency access route to be constructed and operational prior to first occupation of the site.
3. SUDs condition in relation to hydraulic calculations, taking into account the connectivity of the different drainage features.
4. Submission of a maintenance and management plan for the drainage system.

Informatives:

Seek HSE approval prior to commencement of work.

Southern Gas Network Informative

Should any work be contemplated it is essential that you comply with the restrictions detailed below and in the document SGN/SP/SSW22 (available from SGN) in order to protect our plant and equipment and for the safety of your own operatives.

- 1) No mechanical excavation is allowed within 3 metres either side of pipeline.
- 2) No plant or storage of equipment shall be made within any easement strip.
- 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
- 4) All precautions stated in publication SGN/SP/SSW22 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SSW22 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- 5) No thrust boring shall take place within three metres of the pipeline.
- 6) All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity".
- 7) Before commencing work on site you must contact our Pipeline Maintenance Section on 0141 4184093 at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
- 8) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
- 9) This pipeline is cathodically protected and as such has test cables located in surface boxes, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
- 10) Intrusive construction methods will require an agreed method statement prior to work starting.

11) The minimum proximity between the high pressure gas pipeline and any wind turbine should be 1.5 times the fixed mast height excluding the turbine of the wind turbine. If you are planning to construct a wind turbine closer than this, then you must contact SGN immediately.

12) Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

13) Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

14) Please ensure these conditions, together with any relevant drawings are forwarded for use by the construction personnel of your works.

Agenda Item 18

App.No: 150757	Decision Due Date: 6 November 2015	Ward: Langney
Officer: Anna Clare	Site visit date: 9 October 2015	Type: Outline (all reserved)
Site Notice(s) Expiry date: 11 September 2015 Neighbour Con Expiry: 11 September 2015 Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: Wood's Cottages, Langney Rise, Eastbourne		
Proposal: Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of fifteen residential houses on 0.39 Ha land at Woods Cottages, Swanley Close, Langney Rise.		
Applicant: Mr Ronald S Taylor		
Recommendation: Refused		

Executive Summary:

The application is for outline planning permission with all matters reserved, therefore an application for an in-principle decision for the development of land at Woods Cottages, Swanley Close of fifteen residential houses.

An indicative site plan has been submitted with the application showing a possible layout for 15 dwellings on the site. However, given a lack of information submitted with the application it is considered that the site cannot support this level of development without environmental impacts and therefore it is recommended that the application is refused.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods

C8: Langney Neighbourhoods Policy
D1: Sustainable Development
D9: Natural Environment

Eastbourne Borough Plan Saved Policies 2007
NE20: Sites of Nature Conservation Importance
HO7: Redevelopment
HO20: Residential Amenity
TR6: Facilities for Cyclists
TR11: Car Parking

Site Description:

The site is bounded to the east, south and west by Swanley Close, and to the north by the rear of Langney Shopping Centre. The adjacent Langney Centre Pond to the north-west of the site is a Site of Nature Conservation Interest. There is an existing access to the site onto Swanley Close.

The site has two derelict cottages to the north of the site, the rest of the site to the south, is private woodland with two ponds.

A TPO covers trees on the site.

Relevant Planning History:

None relevant to this application.

Proposed development:

Specialist Advisor (Arboriculture)

Objects to the proposed development. The applicant has submitted an Arboricultural survey which was undertaken over two years ago and is therefore considered out of date.

The applicant has not provided an Arboricultural impact assessment or an Arboricultural method statement, these two documents are essential to provide relevant up to date information to make an informed decision. Therefore as these documents have not been provided the only conclusion is that the proposed development will have a detrimental impact on all trees on site.

Specialist Advisor (Planning Policy)

Object to the proposed development in principle.

The site is not identified in the SHLAA for development. There has been a drafting error in the Council's SHLAA which shows an incorrect site boundary for 'Part Langney Shopping Centre' [ANO2] as being within the Woods Cottage application site. This should not be the case as the assessment of the site clearly refers to planning permission that has previously been granted at the wider 'Langney Shopping Centre', and the site name itself is referred to as 'Part Langney Shopping Centre'. The Woods Cottage

application site is not within the curtilage of the wider Langney Shopping Centre application site and has never been considered to be so.

The site's characteristics result in there being a series of environmental constraints. The proposed development would impact on long established trees and the general biodiversity and character of the surrounding area. There are also issues in relation to flood storage capacity and surface water drainage, which will be subject to detailed consideration by East Sussex County Council as the Lead Local Flood Authority . The redevelopment of the site at the intensity proposed does not provide sustainable development.

County Ecologist

Insufficient information submitted in relation to the site and its use by protected species to assess the proposal. An Ecological Impact Assessment is required.

Highways ESCC

No objection in principle to the proposed development. The level of traffic that 15 houses will create is low so any impact on the highway network would not be severe to warrant a refusal of the application. A number of amendments/improvements to on-site parking and access are requested/proposed however given this application is for outline consent, it is considered these could be addressed at reserved matters stage.

ESCC Lead Local Flood Authority (SUDS)

No objections in principle, the conceptual surface water drainage strategy for the development is acceptable.

Neighbour Representations:

Objections have been received from the following properties of Swanley Close, No.s 7, 15, 19, 20, 22, 37, 40, 45 and 48.

- Swanley Close is a quiet cul-de-sac
- Swanley Close is narrow and therefore not suitable for construction traffic
- Additional traffic impacts
- Impacts on wildlife/disturbance to wildlife habitat
- Loss of established trees
- Insufficient parking for development therefore likely to overspill to Swanley Close
- Impact on pedestrian safety of additional traffic
- Impacts on flooding/drainage from additional foundations/hardstanding of the development/loss of natural soakaway
- Increased light and noise pollution
- Proposed two storey dwellings not in keeping with surrounding bungalows
- Proposed access is not suitable for two way traffic and pedestrian access

- Insufficient access for emergency vehicles
- Lack of maintenance of the ponds
- Impacts on privacy of Swanley Close properties

Appraisal:

Principle of development:

The site is not identified in the SHLAA for development. There has been a drafting error in the Council's SHLAA which shows an incorrect site boundary for 'Part Langney Shopping Centre' [ANO2] as being within the Woods Cottage application site. This should not be the case as the assessment of the site clearly refers to planning permission that has previously been granted at the wider 'Langney Shopping Centre', and the site name itself is referred to as 'Part Langney Shopping Centre'. The Woods Cottage application site is not within the curtilage of the wider Langney Shopping Centre application site and has never been considered to be so.

There are fundamentally restrictive parameters which could not be 'designed out' of a scheme and could be overcome with details design.

Paragraph 2.1.2 of the Core Strategy states that development will be focused on development on all available brownfield sites and a small number of urban greenfield sites that are of low value and quality.

Impacts on Biodiversity and trees:

The site's characteristics result in there being a series of environmental constraints. The proposed development would impact on long established trees and the general biodiversity and character of surrounding area.

The site is located in close proximity to Langney Centre Pond, which benefits from SNCI (Site of Nature Conservation Interest) status. There is therefore the potential for breeding birds and insect fauna.

No information has been submitted to assess the likely impacts of the scheme on biodiversity. An Ecological Impact Assessment should be carried out in accordance with BS 42020:2013 and CIEEM guidance; therefore it is likely that the proposed development will have a detrimental impact on protected species.

The Arboricultural Survey submitted was undertaken over two years ago and is therefore out of date.

An Arboricultural Impact Assessment nor an Arboricultural Method Statement have not been submitted, therefore it is likely that the proposed development will have a detrimental impact on all trees on site.

Policy B2 of the Core Strategy Local Plan states that all schemes will be required to protect the residential and environmental amenity of existing and future residents.

The National Planning Policy Framework 2012 states a presumption in favour of sustainable development. The sites characteristics result in their being a series of environmental constraints. It is considered that the intensity of development proposed does not provide sustainable development given the constraints of the site.

Saved Policy NE20 site of nature conservation importance of the Borough Plan 2007 states that development which has an unacceptable adverse effect, directly or indirectly on the nature conservation interest of a site identified as a SNCI will not be permitted. Insufficient information has been submitted to demonstrate compliance with this policy.

The County Council as Lead Local Floor Authority concluded that the conceptual surface water drainage strategy for the development is acceptable for management runoff generated by the development.

Impacts on highway network or access:

As it is only an outline application some information such as a Transport Report has not been submitted to support the application, although suggested details on the size and layout have been.

Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.

There are number of areas of concern in relation to the parking provision and access arrangements for the site however given the application is for outline consent with all matters reserved it is not considered that a reason for refusal on these matters is warranted as these could be addressed by a reserved matters application.

The level of parking proposed does not meet the East Sussex County Council guidance. This suggest that 28 spaces should be provided based on 2 allocated spaces for each 3 & 4 bed houses and 1 for each 2 bed house. An allowance for additional householder and visitor parking is also included.

Given the relatively narrow streets overspill parking may interrupt traffic flow and therefore the site should provide the full level of parking suggested by the guidance. Parking spaces must also be of sufficient size in order to be counted towards. All spaces will therefore need to be 5m x 2.5m.

Cycle parking would also be required in accordance with ESCC guidelines. This is 1 space per 2 bed house and 2 spaces per 3 & 4 bed. These spaces

will need to be secure and covered so they are suitable for long term storage. This could simply be in the form of a shed.

The access will need to be formalised to provide appropriate visibility splays (43m x 2.4m) as well as a more formal layout which caters for both vehicular and pedestrian access.

The access road inside the site will also need to be upgraded to cater for two way traffic flow as well as turning. Given the length of the access road refuse vehicles will need to enter the site as the distances are too great for waste to be carried by residents.

The access layout, road and turning area will all therefore need to be of an adequate size to accommodate the vehicles used by the refuse collection company and the emergency services. Pedestrian access through the site will also need to be considered.

Lastly, a Transport Report should also be submitted to consider the impact of the development on the highway network.

Planning obligations CIL

The Planning Application Additional Information Requirement Form has been submitted as required. The applicant states that 30% of the housing will be affordable housing, however the relevant forms to support an exemption for social housing have not been supplied.

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:

For the reasons set out in the report the proposed development of the site for 15 houses is considered overdevelopment and therefore it is recommended that planning permission is refused.

Recommendation:

Refuse for the following reasons;

1. The site is located in close proximity to Langney Centre Pond which benefits from SSSI (Site of Nature Conservation Interest) status. There is therefore the potential for breeding birds and insect fauna.
2. No information has been submitted to assess the likely impacts of the scheme on biodiversity. An Ecological Impact Assessment should be carried out in accordance with BS 42020:2013 and CIEEM guidance;

- therefore it is likely that the proposed development will have a detrimental impact on protected species using the site contrary to Saved Policy NE20 policies B1, D4 and D9 of the Core Strategy Local Plan 2013 and the National Planning Policy Framework 2012.
3. Arboricultural Survey was undertaken over two years ago and is therefore out of date. An Arboricultural Impact Assessment nor an Arboricultural Method Statement have been submitted, therefore it is likely that the proposed development will have a detrimental impact on all trees on site contrary to policies B1, D4 and D9 of the Core Strategy Local Plan 2013 and the National Planning Policy Framework 2012.
 4. Impact on the general character of the surrounding area, the re-development of the site at the intensity proposed does not provide sustainable development contrary to Policies D1 of the Core strategy Local Plan 2013 and the National Planning Policy Framework 2012.
 5. There has been no commitment to secure/honour the development's Community Infrastructure Levy requirements and as such it is considered that the proposal would have an adverse impact on the delivery of local/regional infrastructure contrary to the Council's adopted Community Infrastructure Levy.

INFORMATIVES:

Appeal: Should the applicant appeal the decision, the appropriate form of appeal 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 19

App.No: 150499 (PPP)	Decision Due Date: 28 October 2015	Ward: Old Town
Officer: Jane Sabin	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 4 July 2015		
Neighbour Con Expiry: 7 October 2015 (revised scheme)		
Press Notice(s): N/A		
Over 8/13 week reason: Negotiations to achieve an acceptable scheme		
Location: 44-48 East Dean Road		
Proposal: Demolition of existing buildings and erection of a three-storey 58 bed care home (use class C2).		
Applicant: Mr Harnoop Atkar		
Recommendation: Approve		

Executive summary:

Planning Status:

Source Protection Zone
Residential area

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE17: Contaminated Land

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT6: Tree Planting

UHT7: Landscaping
HO2: Predominantly Residential Areas
HO7: Redevelopment
HO9: Conversions and changes of use
HO17: Supported and Special Needs Housing
HO20: Residential Amenity
TR2: Travel Demands
TR11: Car Parking

Site Description:

The application site is located on the north side of East Dean Road, close to the junction with Longland Road approximately 30 metres to the north east. The site is bounded by residential properties to the west, north and east, and East Dean Road to the south. Access to the site is via a vehicular entrance from East Dean Road to the south east side of the site at the rear of no.42 East Dean Road. It is occupied a collection of single and two storey buildings formerly in use as car repairs and body shop workshops and B8 warehouse storage incorporating an element of on-site retail and deliveries from the site. The site is now vacant.

The site is an irregular shape and occupies approximately 0.34 hectares in area. The major part is generally level, but is located on a plateau where the levels slope steeply downwards from south west to north east. To the west, the land slopes steeply upwards to a height of 6 – 7 metres above the existing site levels to the side boundaries of nos.2 Downside Close and no.50 East Dean Road. To the north east of the site, the land slopes steeply downwards to the rear of the 2 storey houses fronting Longland Road where the existing ground level is approximately level with the eaves of these houses. The site is also set well below the level of East Dean Road and the houses to the south side of East Dean Road.

The existing boundary treatment around the site comprises a high flint and brick wall to the east and a 1.5 metre high close boarded fence along the north east side where there is also a collection of 3 single storey storage buildings within an indented alcove to this boundary to the rear of nos. 5 and 7 Longland Road. A 1m high chainlink fence runs along the boundary with East Dean Road, largely covered in ivy and weeds.

Relevant Planning History:

130397

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.

Outline (some reserved)

Refused 30 October 2015

131015

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.

Outline (some reserved)

Approved conditionally 12 March 2014

Proposed development:

Full planning permission is now sought for a three storey 58 bedroom residential care home with 20 parking spaces. The proposed building closely follows the form of the previous outline in terms of its shape (L shaped, but now with added wings on the side and rear) although it is larger, and pulled slightly forward towards East Dean Road. One of the main differences is the increase in bulk, most noticeably on the top floor, where the previous scheme included rooms in the roof, but are now full height rooms under a pitched roof. Overall, there is no increase in height when compared to the previous approval. The current scheme has been revised at the request of officers to reduce the height in some parts, to re-orientate some windows and to remove balconies on the rear elevation.

The proposed building would be principally brick with areas of render and artificial stone under a concrete tiled roof; the windows and doors would be a mixture of aluminium and UPVC, whilst the drive and parking areas would be tarmac and block paving. The application indicates that there would be low level bollard lighting to the car park and downlighters under the entrance canopy.

The number of staff to be employed is stated on the form to be 60.

As the site has industrial use and is mostly hard surfaced, the existing landscaping is principally around the edge. This comprises trees, ivy and weeds; whilst none is noteworthy in itself, there is some group and screening value, particularly to East Dean Road and Downside Close.

Consultations:Internal:

Environment Agency - permission could be granted subject to conditions to secure remediation works to avoid an unacceptable risk to the environment.

Specialist Advisor (Arboriculture) - some of the rooms will be dark due to the proximity to the high bank and trees, and is likely to lead to requests to fell trees for light purposes. For this reason, permission on the grounds that the trees screen the development should not be considered. It is suggested that a landscaping scheme that enhances the development rather than hiding it is conditioned, which could retain some of the trees, but supplement them with a more suitable planting plan which allows for longevity without future conflict.

Specialist Advisor (Economic Development) - supports the proposal as it would maximise the use of an established employment site. The application falls within the local Employment and Training Technical Guidance Note threshold for commercial development, therefore it is requested that any approval is subject to a Local Labour Agreement.

Specialist Advisor (Environmental Health) - conditions should be attached to any permission regarding noise and fumes from mechanical extraction/ventilation.

Highways ESCC - The ESCC Parking guidance recommends 1 space is provided per 4 rooms plus 1 space per proprietor or resident staff which equates to a need for 15 spaces. In addition 2 disabled parking bays are also required. The 20 spaces proposed

is therefore acceptable as it exceeds the guidance. The cycle parking proposed is appropriate in terms of the number but no details have been provided of the type/style to be used so its suitability for long term use (covered & secure) cannot be established. A condition is suggested to require submission of details

Specialist Advisor (Planning Policy) - support the application because (1) the site is not of strategic economic importance and residential is an acceptable alternative use, (2) the proposal complies with the Old Town neighbourhood policy and delivers residential through redevelopment of commercial premises, (3) there is an identified need for C2 (residential care) use and the site is in a sustainable and accessible location on a public transport route, and (4) it conforms to changes of use policy HO9

External:

Southern Water - no response

Neighbour Representations:

Sixteen objections have been received and cover the following points:

- The amended plans have made no difference to the detrimental impact of the scheme; it is still an overdevelopment and a significant increase on the previously approved scheme
- The amended plans have reduced some aspects of overlooking to 2 Downside Close, but has made it worse for 50 East Dean Road; the reduced section now has a flat roof and looks unsightly
- The plans are misleading; the section North to South only shows a two storey element alongside Longland Road, where the houses will be dominated by all three storeys
- Lack of dimensions on the plans and levels
- Most of the buildings on the site are single storey and the proposed three storey building will be visually obtrusive, dominating the surrounding area and resulting in overshadowing, loss of light and loss of privacy. The properties in Longland Road will have a building 15m high towering over them
- The houses in Longland Road will be overshadowed all day, and will suffer dramatic loss of light in the winter months
- With the home being in constant use 24 hours a day, three floors of numerous windows will directly look into bedrooms and other rooms in the rear, with no privacy at any time – even the trees on the boundary will be gone (Longland Road)
- Direct overlooking of Downside Close; has a daylight/sunlight assessment been carried out?
- A total of 26 days of sunshine in the mornings will be lost between 20 January and 15 February to the solar panels on 17 Downside Close
- The development does not provide enough parking for staff and visitors, and will spill into the surrounding residential roads which are already overcrowded
- The statements submitted with application state it is a care home therefore has adequate parking, however the Design & Access statement states it is a state of the art care home catering for nursing care and dementia which will require more parking. The statement that car ownership among care workers is low is challenged; a 2009 RAC report showed that more than half of low income households have a car, and ownership of cars is the highest in south east England
- Not enough information has been submitted regarding discharge from the laundry

- Contamination – what action will the Council take to warn residents of the impending demolition so that they can take preventative measures to stop the possibility of migrating asbestos dust and fibres and other pollutants?
- What measures will be taken to supervise the demolition to protect the health and safety of local residents?
- Safety of the 200 year old flint boundary wall, currently held up by the chalk bank; how will it be stabilised? There is no risk assessment
- A two storey building would be more appropriate, but if it has to be three storeys, then it should have a flat roof, or very low pitch; the tiles should match the surrounding properties, as should the brick
- Additional noise, pollution and traffic day and night is inappropriate for the area
- The nature of the site and its steep slopes make it unsuitable for vulnerable people; the entrance/access in particular is dangerous

One letter of support has been submitted, commenting that a well placed building would enhance the area.

Appraisal:

The main considerations in the determination of this application are the impact of the height, scale and massing of the proposed building on surrounding residential amenity, its impact on the character and appearance of the area, trees, highway safety considerations and the provision of sufficient car parking spaces for staff and residents.

Principle of development:

The principle of the development has been established by the previous outline approval, and therefore the loss of the former B1 uses needs no justification.

A C2 residential care home is considered an appropriate use of the site, and the adopted plan recognises a need for this type of accommodation in the town.

Residential amenity:

The current proposal largely follows the footprint of the previously approved scheme, but has a simpler outline and is deeper and wider, resulting in an increase of approximately 170m² on the ground floor, and a total of 545m² over all three floors. The maximum height remains the same. The increase in bulk is concentrated at the four extremities of the building.

The impact on residents is concentrated on those immediately abutting site, i.e. 50 East Dean Road, 2 Downside Close and 1 to 23 Longland Road; the properties on the opposite side of East Dean Road facing the site are much less affected, and only then in respect of their views over the town.

50 East Dean Road – this property occupies much higher ground than the application site, so that much of the new building would be below the height of the boundary wall which separates the two sites. The top of the new building would be visible from no.50 as well as the top half of three bedroom windows, however, given the distance to the boundary wall – 16.8m – it is considered that this is acceptable. The part of the building which has been “added” to the new scheme at this end of the building has been reduced to two storeys with a flat roof to reduce its impact, and should not be visible to no.50.

2 Downside Close – this property occupies a steeply sloping site with a garden which narrows to a point. The ridge of this property would be roughly level with that of the proposed building, and the gap between them would be approximately 9m at its closest point. The building would be further away as it progresses alongside the boundary wall so that the first and second floor windows would be approximately 10m from the boundary; at second floor level, the closest windows have been changed to rooflights (acceptable to CQC for day space) and the bedrooms originally facing the rear elevation of no.2 have been turned to face the boundary wall from the boundary, so at this point they would be 14m from the boundary wall. As detailed above, the two storey element should not exceed the height of the boundary wall, and would not have bedroom windows at first floor level.

1 to 23 Longland Road – these properties are at a much lower level than the application site, and the eaves are approximately 1-1.5m above the current ground level of the application site. Any building on the site would have an impact on these dwellings, as is the case now, and the principle of this has been established by the previous approval. The proposed building would be bulkier, but has been pulled away from the boundary by a small amount, although it is closer in others. Overall it is considered that the current proposal would have the same impact as the previous scheme. At its closest points windows have been removed, and service rooms such as the laundry on the first floor have been located there.

Overall, it is considered that the amended scheme has resulted in no increased impact on residential amenity over and above the previous approval. Issues such as boundary treatments, noise from ventilation and external lighting will need to be controlled by condition to take into account the potential impact on adjoining residents.

Character and appearance of the area:

The design of the proposed building is residential in character, although it is unremarkable in that respect. It would be similar to many modern blocks of flats, and as such would not stand out from its surroundings, being of brick and render under a pitched roof. Notwithstanding this, there are some concerns regarding the proposed roof material, which is a large concrete tiled which is supposed to resemble slate. Whilst some of the existing buildings are roofed in slate, they are natural slate which has aged accordingly. Most of the surrounding residential properties are red or orange clay, and because the roof would be such a prominent feature in the streetscene, due to the buildings length and the sloping nature of the site, it is considered that the roof should be finished in a small element red tile.

Impacts on trees:

Whilst some of the trees on the site provide good screening, much of the front boundary is weed and ivy, which will soon take over the remaining trees, some of which have already been lost to Dutch elm disease (and more likely to follow). It is considered, in agreement with the Council's Specialist Advisor (Arboriculture), that it would be better to remove all the screening to East Dean Road and much of it along the boundary with 2 Downside Close and 50 East Dean Road to enable a better scheme for the future to be implemented. A significant amount of the vegetation along the boundary with these two properties would need to be removed in any case in order to reinforce the large bank here (which also supports the brick and flint boundary wall dating from the time of the former Gildredge Hospital). This will need to be controlled by condition.

Highway safety and parking:

The number of parking spaces on the site is considered to be adequate for the use proposed. The previous uses would have generated a similar demand for parking and vehicle movements. The site is located on a well served bus route linking the site to Eastbourne town centre as well as the coastal routes; the site is therefore located in a reasonably sustainable area in transport terms. The Highway Authority raises no issues with the use or the level of parking provided.

Other matters:

Issues regarding the contamination of the site by previous uses would be dealt with by condition.

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 generally meets the prescribed criteria set out in Policy H017 in that the site is located in a sustainable and accessible location near to public transport routes, and the scheme's design is functional to the needs of its occupants. The proposed change of use is therefore supported by National Planning Policy and Policy C4 of the Eastbourne Core Strategy.

It is considered that the amended scheme would have an acceptable impact on the amenities of nearby residents. The proposal would result in some loss of sunlight and outlook from nearby dwellings, but it is considered that it would not be significantly harmful to justify refusal of permission.

The site is located close to a well served bus route linking the site to Eastbourne town centre as well as the coastal route. The site is therefore located in a reasonably sustainable area in transport terms, and the use and level of parking provided on site would have no impact on highway safety.

Overall, it is considered that the proposed redevelopment of the site is acceptable and accords with national and local planning policy.

Recommendation:

Conditions:

1. Commencement within three years
2. Compliance with approved plans
3. Submission of details of a Construction Environmental Management Plan
4. Submission of details of Phase II Soil Investigation report
5. Submission of samples of materials
6. Submission of a landscape scheme and boundary treatments

7. Submission of details of retaining walls to the bank adjacent to 50 East Dean Road and 2 Downside Close
8. Tree protection
9. Submission of details of a landscape management plan
10. Retention of trees
11. No burning on site
12. No imported material other than clean, uncontaminated material
13. Submission of details of ground levels
14. Submission of details of an external lighting scheme for the building and grounds
15. Hours of operation during construction
16. Submission of details of a Traffic Management Scheme, including wheel washing facilities
17. Details of secure cycle parking
18. Submission of details of ventilation scheme & ducts
19. Parking to be provided as approved prior to occupation

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.**