

Planning Committee

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MEMBERS: Councillor Murray (Chairman); Councillor Sabri (Deputy-Chairman); Councillors Choudury, Jenkins, Miah, Murdoch, Robinson and Taylor.

NB: Membership to be confirmed at Annual Council on 11 May 2016.

Agenda

- 1 Minutes of the meeting held on 19 April 2016.** (Pages 1 - 10)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

4 Urgent items of business.

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

5 Right to address the meeting/order of business.

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

6 3 Susans Road. Application ID: 160304. (Pages 11 - 18)

7 5 Gilbert Road. Application ID: 160152. (Pages 19 - 26)

8 33 Meadowlands Avenue. Application ID: 160316 (PPP). (Pages 27 - 32)

9 70 Kings Drive. Application ID: 160036 (OSR). (Pages 33 - 40)

10 Land at Rodmill Drive. Application ID: 151382 (PPP). (Pages 41 - 48)

11 Update on Public Speaking at Planning Committee and Update on the Planning Scheme of Delegation. (Pages 49 - 52)

Report of the Senior Specialist Advisor for Planning.

12 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

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Tuesday, 19 April 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillors Miah, Murdoch, Robinson, Taylor, Hearn (as substitute for Ungar) and Smethers (as substitute for Jenkins)

165 Minutes of the meeting held on 22 March 2016.

The minutes of the meeting held on 22 March 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

166 Apologies for absence.

Councillors Jenkins, Sabri and Ungar.

167 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.

There were none.

168 Heatherleigh Hotel. Application ID: 141521.

Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge – **DEVONSHIRE.**

This application was reported to planning committee in June 2015 and recommended that planning permission be granted subject to the necessary parties signing a legal agreement covering the Local Employment Initiatives and a restriction on occupancy of the proposed open market units until the holiday let refurbishment had been implemented.

The S106 legal agreement was nearing completion however, additional representations had been received and the case was being reported back to planning committee so that Members were aware of the additional representations prior to a formal decision being issued.

The additional representations included one letter of objection relating to parking issues and a petition signed by 36 local residents objecting to the proposal on the lack of available on-street parking and how the lack of parking would impact on local residents.

It was considered that the new information and representations received did not materially alter the conclusions drawn from the earlier reporting of this case and as such the same recommendation was offered to members to endorse and support.

The East Sussex County Highways Officer commented on the proposals stating that the existing use would require 56 spaces and the proposed change of use would require 32 spaces. The Highways Officers also stated that if the residential units were rented rather than privately owned the likely level of parking demand would be lower as occupants of rented flats had considerably lower levels of car ownership. Further the level proposed was lower than the guidance suggested but the difference was smaller for the proposed use compared to what the current consented use could be. The Highways Officer appreciated that the hotel hadn't been used for a while, however there would be some use in the future and it was unlikely that any development would be able to provide significant off street parking. Parking spaces should be allocated to the residential units and on an unallocated basis. For the holiday lets it would be useful to submit a transport statement setting out how they advise future residents about the lack of parking on site and that a public car park was close by.

Mr Trigg addressed the committee in objection stating that there were too many flats in the proposed development and that this would cause additional pressure for residents wishing to park in the area.

Mr Aggwaral, applicant, addressed the committee in response stating that development would be an annex to the neighbouring business he currently ran and at present the site was attracting antisocial behaviour.

RESOLVED: (Unanimous) That permission be granted subject to a S106 legal agreement regarding local employment initiatives and the following condition: 1) transport statement

Informative:

The S106 should cover local employment initiatives, and controls over the timing of the delivery of the refurbishment of the hotel and guest house, the S106 should express that no more than five of the residential units hereby approved shall not be sold or occupied until such time as the retained hotel and guest house had been fully refurbished in accordance with conditions.

169 22-24 Langney Road. Application ID: 141439.

Change of use of ground floor to gymnasium, change of use of first floor to provide 1no. 1 bedroom apartment and 1 x 2 bed and 2 studios together with private amenity space – **DEVONSHIRE**. One letter of objection had been received.

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

A further representation from Cameo's planning consultant stated that 'the concerns raised were in relation to the proposed residential units and the impact that the nightclub could have on these in terms of noise levels and general disturbance that could give rise to noise complaints against the established nightclub use. It was stated that neither the applicant nor the Council's noise reports provided sufficient evidence that the site was suitable for residential use. There was no assessment of L_{Amax} (instantaneous noises like shouting and or singing etc.) of noise people whilst Cameo was operating. There had been no assessment of the potential for structure-borne re-radiated music noise in the residential building as a result of vibration transfer from the adjacent Cameo building. By its own admission, the Acoustic Associates report did not provide a full assessment of the predicted noise levels in the apartments, and whether they met the NR15 criterion. Concerns were also raised in relation to the loss of retail in the town centre and the impact on the adjacent heritage asset'.

Cameo's noise consultant also stated 'The noise report failed to demonstrate that the noise from either amplified sound or other noise such as patron noise would be inaudible in the properties when the windows were open and that the predicted noise levels seemed unrealistically low in some cases. In addition the Council's report and conditions relied on the need for windows to be closed to achieve the required internal noise levels in the apartments. This was not the same as having a sealed façade, the conclusion being that occupiers of the residential units could still open windows to attain purge ventilation. The provision of mechanical ventilation would not necessarily over-ride the natural instinct to open windows for extra ventilation. In doing so, the residents may then be exposed to higher-than-acceptable levels of noise from Cameo and passing patrons. There was concern that if the local authority investigated for statutory nuisance and concluded it was reasonable for the occupant to open their windows for additional ventilation, they may then find against Cameo. The report also only dealt with airborne noise transmission and not structure borne re-radiated noise caused by vibrations created by the nightclub transferring into the adjacent building'.

The applicant had also provided a further statement 'the description of development on the application referred to 2x studios 1x 1bed and 1x2bed. The applicant's plans showed the 2 bed to be a one bed with study which had assessed the application on the basis that this was used as a 2 bed flat in terms of the floor space and standard of accommodation. Given the applicant would have little control over the resulting use of this second room. The report referred to treble glazing, this was an error as the noise assessment requires a thermal double glazing.

Ms Maccoughlan addressed the committee in objection stating that the proposal may damage the neighbouring nightclub business, with unreasonable restrictions being placed on the nightclub should future residents complain about noise. The site was not suitable for a residential development.

Mr Thomas, agent for the applicant, addressed the committee in response stating that the scheme was supported by planning policy and that the noise aspect had been considered. The noise survey complied with the

Council's requirements and any required mitigation requirements would be controlled by condition and would be tested prior to occupation.

RESOLVED: (By 6 votes with 1 abstention) The permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) Development shall be carried out in accordance with the Noise Impact Assessment 4) Submission of a mitigation and control scheme to address noise emitted from the mechanical plant 5) Submission of a building noise mitigation scheme 6) Submission of a scheme of mechanical ventilation requirements of the proposed dwellings that enables adequate airflow without the need to open windows or doors 7) Prior to occupation a written report of the results of acoustic tests undertaken to confirm the adequacy of attenuation achieved 8) Submission of a scheme for the installation and management of any electrically amplified music, public address and media reproduction within the ground floor gym 9) Submission of details in relation to refuse storage and how provision for the commercial unit and residential units shall remain separate 10) Submission of details in relation to the provision of cycle storage for the residential use shall be submitted.

170 Ridgelands - 2 Uplands Road. Application ID: 151314.

Erection of a two and a half storey building containing 10 two bedroom flats and 12 parking spaces with a new vehicular access from Upland Road. AMENDED SCHEME – **OLD TOWN**. 39 letters of objection were received and one letter of support.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Arboriculture and Planning Policy, East Sussex County Council Highways department and East Sussex County Council SUDS were also summarised.

Further representations had been received from the Specialist Advisor for Arboriculture who stated that there were no objections subject to the tree protection conditions being extended to prohibit excavations, including service trenches, within the tree protection zones and also no burning of materials or stockpiling of construction materials within the tree protection area.

East Sussex County Highways department stated that 'in line with East Sussex County Council (ESCC) policy a Transport Report had been submitted as part of this application. This had considered the application in terms of the existing situation, sustainability, access, parking and trip generation. The area around the site had been considered in terms of walking & cycling as well as access to public transport. The site was reasonably well served by bus with the routes that pass along East Dean Road linking to Eastbourne Town Centre as well as Brighton. There were also shops, etc. within walking distance. However, the topography in the area would put off some from walking and/or cycling. The report used the industry standard TRCIS database to assess the likely trip generation of the development. This had shown that approximately 30 additional trips would take place per day, with 2-3 in each peak hour. This had been checked

using a larger data set which had obtained the same result. This level of additional vehicle movement could be accommodated by the local highway network without significant issue.

A total of 12 parking spaces were proposed to serve the site. Using the ESCC parking calculator a development of 10 no. 2 bedroom flats in the Old Town ward were likely to create a demand for 14 spaces based on census data and including for likely car ownership growth up to 2027. Whilst the development would not cater for all the likely demand within the site which was not ideal it was not always necessary to do so. The national guidance, *Manual for Streets*, stated that parking provision could be catered for on street where the local roads were easily able to accommodate the additional parking. It was noted that parking in Uplands Road was well used in between the site and East Dean Road but further along Uplands Road there was sufficient space to accommodate two extra vehicles without causing any significant problems. The submitted transport report included details of parking surveys carried out which accord with observations that had been made on site visits. It was noted that the junction of Uplands Road and East Dean Road had been mentioned in objections as a cause for concern. Normally when considering junctions, accidents for the last three years were taken into account. In this case, given the level of concern, accident records for the last 15 years had been considered. In this time there had been two recorded incidents at the junction, both of which were the result of driver error rather than road layout, etc. The transport report included details of speed and vehicle count surveys that were carried out over seven days which had shown that Uplands Road had low vehicles flows and average speeds below 30mph. This data had been used to determine the appropriate visibility splays in accordance with national design guidance. Although it would be preferable for 2.4m x 43m visibility splays to be provided (30mph standard) given the evidence the proposed splays were acceptable. The visibility to the east would also be greater than shown on the submitted plan. As noted in the transport report it was acknowledged that parking did currently take place in the visibility splays which although not ideal was acceptable and in accordance with the *Manual for Streets* guidance. A 'plateau' would be provided at 1in40 adjacent to the back edge of the footway to prevent vehicles potentially surging out into the highway and the remainder of the site would have a gradient of 1in10 which was acceptable. The access proposed was 4.1m wide, this should be widened to 4.5m to allow two vehicles to pass each other. It was noted that the access arrangements had also been subject to independent safety audit which identified a few issues all of which had been satisfactorily dealt with. Although not ideal in highway terms the proposal was acceptable as it was not considered that a severe impact would be created on the highway network and therefore it was in accordance with the NPPF.

Ms Adams addressed the committee in objection stating that the development would alter the character of the street and would be a dominant feature, which would result in overcrowding and overlooking.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the scheme would be an overdevelopment.

Mr Newton-Brown addressed the committee in objection stating that the proposals were out of keeping and an overdevelopment which would affect

the privacy of neighbouring properties. The scheme would also increase the potential for accidents at the access to Uplands Road.

Ms Biston addressed the committee in objection stating that the proposal would increase traffic and parking issues in and around the site.

Mr Cole addressed the committee in objection and referred to the number of objectors to the application.

Mr Begeman, agent for the applicant, addressed the committee in response stating that highway survey had been undertaken, that the principle for development had been established, that the site was a large site in a sustainable location, and the scale and mass of the proposed building was not out of keeping with the East Dean Road frontage.

RESOLVED: (By 4 votes to 2 with 1 abstention) That permission be refused on the grounds that 1) The proposed building, by reason of its design, bulk, mass, siting, orientation and would be out of character with the prevailing pattern of development in the area and would also have an overbearing and unneighbourly relationship to the occupiers of the nearby residential properties. It would therefore fail to comply with policies B2 and 10A of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT2 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraphs 56 -66 of the National Planning Policy Framework 2) The proposal by reason of the size of some of the proposed residential flats being below the 'National Housing Space Standards' is considered to provide substandard accommodation for the future occupiers contrary to Policy B2 of the Core Strategy Local Plan.

171 Wish Tower Memorial. Application ID: 160128.

Installation of new war memorial at the wish tower, with associated hard landscaping – **MEADS**. One letter of objection had been received.

The planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation, County Archaeologist and the Eastbourne Civilian Memorial Trust were also summarised. Historic England had not responded.

At their meeting on 29 March 2016 the Conservation Area Advisory Group raised no objections and was fully supportive of the scheme.

Members discussed the application and agreed that where possible the architects for the development of the Wish Tower and Wish Tower memorial should work together to ensure the two designs should compliment each other.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in accordance with the approved plans 2) Development within 3 years 3) Submission of a programme of Archaeological works prior to with details of any findings submitted within 3 months of completion 4) Details of foundations, piling configurations,

drainage and service to include detailed design and method statement showing preservation of surviving archaeological remains prior to commencement of development 5) Provision of a methodology statement detailing any necessary works of repair and reinstatement to the moat wall 6) Samples of materials to be used in construction of the monument 7) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, appropriate:

- (i) proposed finished levels or contours;
- (ii) hard surfacing materials;
- (iii) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting) including proposed seating;
- (iv) retained historic landscape features and proposals for restoration, where relevant;
- (v) any proposed planting plans

Informative:

This approval did not specifically permit the illumination of the memorial in question. The method of illumination would require careful consideration as it had the potential to have a significant impact on views of this building of historic importance.

172 Woods Cottages. Application ID: 160150.

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 – **LANGNEY**. Six letters of objection and one of support had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Arboriculture, East Sussex County Council Highways and Ecology departments, Southern Water, the Environment Agency, Lead Local Flood Authority (East Sussex County Council SUDS) and County Archaeologist were also summarised.

Members noted that some of the application details suggested that the site could accommodate 15 3-4 bedroom dwelling houses; given the site constraints such as Tree Preservation Orders (TPO's), access requirements for refuse and emergency vehicles and the parking requirements, officers did not agree with this capacity assessment. The layout submitted did not accommodate sufficient parking spaces and East Sussex County Council Highways department had stated that the site should not cause overspill in terms of parking onto the surrounding streets. Therefore sufficient parking had to be provided within the site for the number and type of units proposed. This was constrained by the location of TPO trees which would restrict the developable area.

For the sake of clarity all matters were reserved on this application and officers had assessed the development potential of the site to accommodate 15 dwellings at 1 – 2 bedrooms size. The applicant should note that if at the reserved matter stage they promote larger dwellings then they would

need to demonstrate that the site could be developed without adversely impacting on the TPO trees as well as complying with the requirements of East Sussex County Council Highways in terms of the number of parking spaces.

Ms St Clare addressed the committee in objection stating that the site had a very narrow access road and that any future development of the site would be detrimental to the residents if used as the main access route and would be dangerous to the school children who walked through the site twice a day. Ms St Clare also expressed concern regarding future access for emergency and construction vehicles.

Mr Jenden, agent for the applicant, addressed the committee in response stating that the site was in disrepair and the development would enable the site to be brought back to its original state.

RESOLVED: (By 6 votes to 1) That permission be refused on the grounds that the applicant had failed to demonstrate that the proposed 15 dwellings could be accommodated on the site with the required level of parking provision and suitable access and the development would likely lead to the loss of five trees which were protected by a Tree Preservation Order (86) contrary to saved policy T11, UHT4 and UHT5 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.

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.

173 Update on Housing Delivery for 2015/2016.

The committee considered the report of the Senior Head of Regeneration, Planning and Assets providing Members with an update on housing delivery and the current position in relation to the five year housing land supply.

The committee noted that the National planning policy placed considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne had been falling over recent years, and the annual delivery targets were not being achieved. This trend was expected to continue. The Council was required to identify sufficient land to accommodate the next five years' worth of annual housing target. At present this would equate to land for 1,264 units.

The committee was advised that the status of the five year housing land supply was a material consideration in the determination of planning applications. Currently the Council could only identify a 3.5 year supply of housing (equating to 846 units), and the lack of a five year supply would mean that decisions to refuse applications for residential development had the potential to be overturned on appeal.

Members would continue to be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

NOTED.

174 Customer Satisfaction Survey - January - March 2016.

Members considered the report of the Specialist Advisor for Planning which provided a summary of responses to the Customer Satisfaction Survey for the period January to March 2016. The purpose of the report was to update the committee on the subsequent responses and improvements which had been implemented to the planning service following survey responses.

The improvements, recommendations and new comments from the last quarter that been raised in a previous update were summarised in the report.

NOTED.

175 Planning Performance - Quarter 1 - January - March 2016

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance in relation to key areas of the Development Management Services for the period January – March 2016. The report included information regarding recent appeal decisions.

The majority of applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learned, or interpretations needed to be given different weight at the decision making stage. Five appeal decisions and the decision letters were appended to the report. The Committee was advised that in granting planning permission for 90% of all application received, the Council's planning service had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

With regard to enforcement, Members noted some of the data placed high volumes in the Devonshire ward, which reflected the focus given by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasised the support for the 'Driving Devonshire Forward' policy document.

NOTED.

176 Appeal Decisions.

1 Samoa Way - The appeal is allowed and planning permission is granted for a new boundary fence at No 1 Samoa Way, Eastbourne, East Sussex

BN23 5BA, in accordance with the terms of the application, reference PC/150804.

19 the Coombe – The appeal was dismissed.

41 Pevensey Road – The appeal was dismissed.

145 Burton Road – The appeal was dismissed.

199 Seaside – The appeal was dismissed.

258 Sevenoaks Road - The appeal was dismissed.

NOTED.

177 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 8.25 pm

Councillor Murray (Chairman)

Agenda Item 6

| | | |
|---|--|-------------------------------------|
| App.No: 160304 | Decision Due Date: 24 May 2016 | Ward: Devonshire |
| Officer: Neil Holdsworth | Site visit date: 03 May 2016 | Type: Planning Permission |
| Site Notice(s) Expiry date: 24 April 2016 Neighbour Con Expiry: 22 April 2016 Press Notice(s): N/A | | |
| Over 8/13 week reason: Within time | | |
| Location: 3 Susan's Road, Eastbourne | | |
| Proposal: Proposed change of use from vehicle hire centre to Eastbourne Food Bank with associated facilities | | |
| Applicant: Eastbourne Food Bank | | |
| Recommendation: Approve conditionally | | |

Executive Summary: This application relates to the conversion of a vacant vehicle hire centre located on Susan's Road to a foodbank (sui generis use class) with associated facilities. The main issues in the consideration of this application are the impact of the proposed use on the amenity of surrounding residents along Susan's Road and on the adjacent public highway. The application is considered acceptable in this regard, and is recommended for conditional approval.

Planning Status: The existing use of the premises is as a vehicle showroom/car hire centre (sui generis use class).

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- C3: Seaside Neighbourhood Policy
- D1: Sustainable Development
- D7: Community, Sport and Health

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE18: Noise

UHT1: Design of New Development

UHT4: Visual Amenity

UHT11: Shopfronts

HO20: Residential Amenity

TR2: Travel Demands

TR11: Car Parking

SH2: Business uses Outside the Retail Hierarchy

SH6: New Local Convenience Stores

SH7: District, Local and Neighbourhood Centres

Site Description:

The site comprises a large 750 Sqm former car hire centre located off Seaside Road within Eastbourne Town Centre. It is accessed from a vehicular entrance located along Susans Road, adjacent to a taxi office and a number of shops and restaurants at ground floor level, with residential flats immediately above the premises. The site is not located in a conservation area.

Relevant Planning History:

020171

Change of use from motor trade showroom and workshop to vehicle Rental branch.

Planning Permission

Approved conditionally

20/06/2002

150825

Proposed change of use from vehicle showroom (Sui Generis) to Dance studio with associated facilities (Use Class D2).

Planning Permission

Approved conditionally

15/09/2015

Proposed development:

Planning permission is sought for the conversion of the existing car hire rental centre to a foodbank (sui generis use class). The proposed operation is to be run by 'Eastbourne Foodbank' who are required to relocate from their existing premises on Cornfield Lane due to capacity issues.

Consultations:

External:

Sussex Police: No objection to proposed development.

Town Centre Neighbourhood Panel: Support application. Plans considered to be an asset to wider neighbourhood area.

Internal:

Crime Reduction Partnership Co-ordinator: There is a low risk that the proposed use would result in anti-social behaviour arising as long as it is managed effectively.

Neighbour Representations:

Four objections have been received and cover the following points:

- Impact on congestion in surrounding area through additional parking demand.
- Concern about the blocking and obstruction of adjacent taxi rank.
- Concern about people gathering outside premises creating an obstruction to local residents, businesses and visitors.

Appraisal:

This application relates to the conversion of the former vehicle showroom that is located along Susans Road, close to the intersection with Seaside Road. The most recent use of the site was as a car hire centre which ceased prior to 2014 and the site has been vacant for over two years.

The proposed alternative use for the site is as a foodbank to be managed by Eastbourne Foodbank who are currently based at Cornfield Road. Eastbourne Foodbank is an established operator within the town who have stated that they need to move out of their current premises due to having exceeded its capacity.

An operational management plan has been submitted for the development by the applicant which states the following:

- Clients will collect 3 days food from the site and obtain advocacy & advice when required. We will store our stock of food on site. Our delivery / collection van will leave around 10.00 am and return at around midday. We will have our admin offices on site. A training room will provide facilities for small groups to receive lifestyle & basic skills training.
- Deliveries are made by our own transport once a day. The van leaves to collect food returning at midday. External deliveries of supplies are very

rare. Sometimes members if the public drop off stock for us to use. This operation should not cause any parking issues.

- We propose to be open for the collection of food from 10.00am to 12.00 midday Monday to Friday. In the afternoon we will be open for other one to one client services. The length of the day is normal office hours.
- Clients will call to the property as required via our reception. They will be accompanied at all times during their visit - usually around 30 mins.

Land use issues:

The existing premises were most recently used as a vehicle rental branch. Such a use does not fall in to any established planning use and is regarded therefore as 'sui-generis'. The proposed use as a foodbank is also regarded as a 'sui generis' use.

The site is not located in a shopping area and there are no detailed policy criteria to be applied either in respect of the loss of the existing facility or to assess the suitability of the new facility against. Policy C1 of the Core Strategy sets out the neighbourhood priorities for the Town Centre, this seeks to maintain a diverse range of services and facilities and provide additional community and health facilities to meet local needs.

The applicant states that the facility responds to a local need on the basis that the existing facility has exceeded its maximum capacity. Within 2015 the foodbank dealt with 1,160 clients in Devonshire Ward, out of a total of 4,351 clients across the Borough. Within 2016 the foodbank have helped 282 clients within Devonshire Ward out of a total of 1,153 in total. As such, the proposal is considered to help achieve the objectives of Policy C1 of the Core Strategy by providing a new community facility, and is therefore considered acceptable in land use terms.

Impact on Residential Amenity

The site is located close to the town centre location with a number of residential uses on the other side of Susans Road and directly adjacent to the premises at 15 Susans Road. In addition there are residential uses immediately above the proposed use that form part of the application site.

The proposed use would involve the deliveries and storage of food, a section for picking, office space and a waiting area. There are no industrial processes that would create noise disturbance for adjacent residents. On balance it is considered that – as long as the operation is effectively managed - the impact of the foodbank on neighbouring residents would be no different to any other retail use or the previous use on the site. Conditions are recommended relating to opening hours, deliveries and compliance with the operational management plan that should help manage the impact of the use

on adjacent residents. As such the application is considered to comply with the relevant policies on protecting residential amenity including policy HO20 of the Borough Plan (saved policies) and policy B2 of the Core Strategy.

Impact on Crime and Anti-Social Behaviour.

The Police have raised no objections to the application and the Crime Reduction Partnership Co-ordinator states that as long as the use is effectively managed and closed before the evening every day it should not result in a draw for anti-social behaviour. The management plan submitted by the applicant states that clients will only access the foodbank premises from 10am to 12am (in line with their existing facility), and the plans show a waiting area to be provided within the site avoiding the potential for a queue of people to form on the street outside.

There is no evidence arising from the consultation that the proposal would result in an unacceptable impact in terms of crime or anti-social behaviour and it is considered that the issue can be managed by appropriate conditions. An informative has been added to the decision notice that advises the applicant to work closely with the local Neighbourhood Panel and local Neighbourhood Policing Team on the ongoing management of the premises to avoid any issues arising associated with anti-social behaviour.

Transportation/Highway Impact

The site is adjacent to a taxi officer and rank which has been established for over ten years. Four objections have been raised on the grounds that the application premises would result in additional vehicular movements that would block the public highway.

There is an existing drop kerb outside the premises and an access route to the garage premises. Any additional vehicular movements generated by the proposed use must be assessed against the impact of the previous use. The applicant states that the vehicular movements associated with the site would be those associated with the delivery van, which picks up food and would enter the premises via the existing dropped kerb. A condition is recommended that would require the area shown on the plans for deliveries being retained for deliveries and vehicular parking and no other purpose. This is to avoid delivery vans waiting outside the site and creating congestion on the public highway.

There may be some additional vehicular movements generated by other deliveries to the site, staff travelling to work on the premises, and users of the foodbank accessing the premises by car. It is considered that on balance the overall impact of these movements would be broadly similar to the site in its lawful existing use, or any alternative retail or other town centre use on the site in question. Furthermore, the town centre location of the site makes it well located for access by staff, users and visitors using public transport. As

such the proposal is considered acceptable in Highways and Transportation terms.

A condition requires that the development is carried out in accordance with the Operational Management Plan submitted to the Council as part of this application. It is noted that, in this statement, the applicant states the intention to convert the centre in to a hub for other community related uses. An informative states that should other uses be proposed alongside the foodbank use the applicant will need to submit an amended operational management plan to ensure the uses are effectively integrated into the surrounding residential environment.

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 application is considered to be acceptable in land use, amenity and highways terms and is recommended for conditional approval.

Recommendation: Approve conditionally.

Conditions:

- 1) Development within three years
- 2) Development in accordance with the approved plans.
- 3) Opening hours for service users and deliveries restricted to 8.30 am to 6 pm daily, with the front doors kept locked shut outside of these times.
- 4) You must implement this permission in accordance with the email dated 24th March 2016 from Eastbourne Foodbank to Lee Watson and referred to hereafter as the 'Operational Management Plan'. You must not change the operating procedures of the proposed foodbank use (or any other ancillary uses) without the written approval of the Local Authority through the submission of an amended Operational Management Plan.
- 5) You must retain the area shown on the approved plans as 'deliveries' for the purpose of vehicular parking, loading and unloading in relation to the foodbank use permanently. You must not use this area for any other purpose at any time.

Informatives:

1. To help protect the amenity of local residents and surrounding residential and commercial occupiers you are strongly advised to work with the Neighbourhood Panel and Neighbourhood Policing Team to help manage the risk anti-social behaviour arising as a result of the proposed use.
2. This application hereby approves the use of the premises as a foodbank in accordance with the operational management statement submitted in support of this application. Should you wish to expand the use to other community related uses you must submit an amended operational management plan under the terms of condition 4 of this planning permission.
3. Condition 3 restricts the opening hours of the premises from 8.30am to 6pm daily. Outside of these hours the front doors must be kept locked shut and the premises must not be open to the public or other service users outside these hours.

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: 160152 | Decision Due Date: 3 May 2016 | Ward: Devonshire |
| Officer: Neil Holdsworth | Site visit date: several | Type: Householder |
| Site Notice(s) Expiry date: 24 April 2016 Neighbour Con Expiry: 24 April 2016 Press Notice(s): N/A | | |
| Over 8/13 week reason: To meet committee cycle. | | |
| Location: 5 Gilbert Road, Eastbourne | | |
| Proposal: retention of 3m x 4.05 m x 2.75 m brick outbuilding build in rear garden of number 5 Gilbert Road. | | |
| Applicant: Mr Michael Joubert | | |
| Recommendation: Refuse permission and authorise enforcement action | | |

Executive Summary: This application seeks approval for the retention of a two storey outbuilding that has been constructed in the rear garden of number 5 Gilbert Road without planning permission.

Objections from neighbouring residents have been received and it is considered that - due to its height and bulk - the structure has an adverse impact on the amenity of neighbouring residents and represents an overdevelopment of the site.

It is recommended that planning permission is refused and an enforcement notice served requiring the reduction of the height of the structure to 2.5 metres, which is the maximum height allowed under permitted development rules.

Planning Status: The application site comprises a domestic garden within the curtilage of a single family dwelling.

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
B2. Creating sustainable neighbourhoods
C8. Seaside Neighbourhood Policy
D5. Housing
D9. Natural Environment
D10A. Design

Eastbourne Borough Plan Saved Policies 2007
UHT1. Design of New Development
UHT4. Visual Amenity
UHT7. Landscaping
HO2. Predominantly residential areas
HO20. Residential Amenity

Site Description:

The site comprises a small residential garden located to the rear of number 5 Gilbert Road. It is surrounded by two similar properties with residential gardens on either side. To the rear of the site there is a narrow alleyway and beyond this the rear gardens of the properties situated along Leslie Street.

Relevant Planning History:

There is no relevant planning history. An application for a two storey extension to the rear of the property is the subject of separate consideration under reference 160156 and has been refused planning permission.

Proposed development:

The applicant has erected a dual pitched two storey outbuilding at the rear of the existing garden area, this rises to a maximum height of 4.05 metres, its width is 2.75m and length is 3 metres. It has been constructed from brick and contains two UPVC windows and a UPVC door facing on to the main garden area. At the time of the site visit the building was in use for storage purposes.

Consultations:

Internal: None

External: None

Neighbour Representations:

Objections have been received from three neighbouring residents and cover the following points:

Design

- Structure is oversized in proportion to garden location and has an adverse impact on the setting of surrounding gardens and properties.
- Pitched roof structure is overbearing and unsightly.

Amenity

- Building is overbearing.
- Obstruction of views
- Loss of light and sense of enclosure for properties on Leslie Street.

Other issues

- Building could potentially be used as living accommodation.
- Building significantly larger than that allowed under permitted development rules.

Appraisal:

Principle of development:

The construction of ancillary outbuildings within gardens of single family dwellings is allowed under permitted development rules as long as the legal criteria relating to the location and size are met. In this case the building does not fall under permitted development rules, and requires an assessment under planning control.

In land use terms there is no objection in principle to the construction of outbuildings such as this, as long as they are ancillary to the residential use of the main building.

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

The building has been constructed immediately adjacent to the boundary wall shared with number 4 Gilbert Road and a small alley with the garden of number 15 Leslie Road at the rear. The garden of number 15 Leslie Road is small and the building is a highly prominent feature when viewed from the rear of this property. More broadly the structure, due its height and location, is visible from many surrounding gardens.

Objections have been received on the grounds that the structure would lead to a loss of light for neighbouring residents. Whilst these objections are understandable the habitable rooms of the neighbouring properties in question are otherwise well lit, and the loss of light and overshadowing created by the structure would not in itself constitute a sustainable reason for refusal.

Objections are also raised regarding the sense of enclosure created by the structure. These concerns have greater weight in planning terms as there is a

clear diminution of outlook to the gardens at the rear at Leslie Street. This is created by the large pitched roof that extends considerably and noticeably higher than the surrounding boundary walls that rise to approximately two metres in height. This creates a clear sense of being 'shut in' for the resident directly to the rear at Leslie Street, reducing the amenity of this occupier.

Because of the sense of enclosure described above the relationship between the proposal and the surrounding gardens is considered to be unneighbourly and, were it to be approved, would set an unfortunate precedent that would create considerable harm to residential amenity. The development also includes a window at first floor level, which overlooks the neighbouring garden at 4 Gilbert Road.

Policy B2 of the Core strategy requires that Development 'protect (s) the residential and environmental amenity of existing and future residents'. Policy HO20 of the Borough Plan (saved policies) requires that new development proposals will be refused unless they can demonstrate that they do not cause unacceptable loss of outlook or loss of privacy by overlooking from habitable rooms. The upper floor of the premises is considered to be potentially capable of future occupation as a habitable room, and overall – because of the sense of enclosure and overlooking it creates - the proposal is considered contrary to the Council's adopted policies on protecting residential amenity.

Design issues:

Whilst a number of other premises in the area to the rear of Gilbert Road and Leslie Street have outbuildings in similar locations, there are no equivalent examples of outbuildings of a similar scale and height to the outbuilding under consideration as part of this application. The other surrounding outbuildings terminate at a similar height to that of the boundary walls. There are no other examples of outbuildings constructed from solid brick as the application premises have, with most of the other surrounding outbuildings visible at the time of the site visit being constructed from timber.

It is considered that the height of the structure, its overall bulk and its relatively close proximity to the main building contributes to a character that is not ancillary or subservient to the main building. The building appears oversized and has the appearance of a scaled down dwelling which lacks its own setting or plot and is highly prominent in views from surrounding gardens.

Policy D10A of the Core Strategy deals with design in Eastbourne. It states that 'design and layout should take account of context, i.e neighbouring buildings as well as the surrounding area. New development can be modern or based on historic forms but must respect, preserve or enhance local character. It is vital that design goes beyond the focus of the individual

development and also takes account of sense of place, safety and security'. It goes on to say that 'Eastbourne's built environment should be of an exemplary standard. It will be protected and enhanced and development will be expected to seek exemplary standards of design and architecture that respects Eastbourne's unique characteristics and ensure that the layout and development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features'.

Regarding the Borough Plan (saved policies), Policy UHT 1 states that all development will be required to 'a) harmonise with the appearance and character of the local environment, respecting local distinctiveness; b) be appropriate in scale, form, materials, setting, alignment and layout'. In this case for the reasons outlined above the structure is considered to be of a bulk, mass and design that fails to harmonise with its surrounding environment.

Overall, because of its siting, location, bulk and height and proximity to boundary walls it is considered that the development results in harm to the appearance of the main building, and fails to contribute to local distinctiveness and sense of space. It is therefore contrary to Policy D10A of the Core Strategy and Policy UHT1 of the Borough Plan (saved policies).

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

Not applicable

Impacts on trees:

No trees are affected by the development

Impacts on highway network or access:

The proposal does not raise highways issues.

Planning obligations:

Not relevant.

Sustainable development implications:

None relevant

Other matters:

None relevant

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 application is considered unacceptable in amenity and design terms.

Recommendation:

It is recommended that the application is refused and an enforcement notice is authorised requiring the reduction in height of the outbuilding to 2.5 metres, in line with what would otherwise be permitted under permitted development rules. An informative advises the applicant to take immediate steps to reduce the height of the structure to avoid an enforcement notice being served.

Reasons for refusal:

- 1) Because of its bulk, height and siting the proposed development would lead to an unacceptable loss of outlook and result in an unneighbourly and overbearing relationship that gives rise to sense of being 'shut in' for residents of surrounding residential properties. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007.
- 2) The window that is located in the side elevation of the proposed outbuilding would lead to an unacceptable perception of overlooking for the resident of the neighbouring property. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007.
- 3) Because of its siting, location, bulk and height and proximity to existing boundary walls it is considered that the development fails to contribute to local distinctiveness and sense of space. This is contrary to Policy D10A of the Core Strategy and Policy UHT1 of the Borough Plan (saved policies).

Informatives:

- 1) To avoid an enforcement notice being served you are advised to take immediate steps to reduce the height of the building to 2.5 metres which would bring the building within the parameters of permitted development. Should you proceed on this basis, you are advised that

any future use of the building must remain ancillary to the main residential building at 5 Gilbert Street.

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 8

| | | |
|---|--|-------------------------------------|
| App.No: 160316 (PPP) | Decision Due Date: 19 May 2016 | Ward: Ratton |
| Officer: Anna Clare | Site visit date: 20 April 2016 | Type: Planning Permission |
| Site Notice(s) Expiry date: 21 April 2016 Neighbour Con Expiry: 21 April 2016 Press Notice(s): n/a | | |
| Over 8/13 week reason: | | |
| Location: 33 Meadowlands Avenue, Eastbourne | | |
| Proposal: Proposed two storey dwelling with parking space. | | |
| Applicant: Mr S Sharp | | |
| Recommendation: Refuse planning permission | | |

Executive Summary

The application would result in the net gain of 1 dwelling, through in-fill new build development this could contribute positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). However whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

This proposal is considered by virtue of the scale, siting and detailed design of the proposed dwelling to undermine the original symmetry of the existing pair of semi-detached properties, and by virtue of the siting and prominent location would appear incongruous within the street scene both from Meadowlands Avenue and Timberley Road. The proposal is also considered by virtue of the small size in terms of floor space to provide substandard accommodation for future occupiers. Therefore it is recommended to refuse planning permission.

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

Eastbourne Core Strategy Local Plan Policies 2013

- B2 Creating sustainable neighbourhoods
- C7 Hampden Park Neighbourhood Policy
- D5 Housing
- D10A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of New Development

UHT4 Visual Amenity

HO2 Predominantly Residential Areas

HO6 Infill Development

HO20 Residential Amenity

Site Description:

The site refers to a two storey semi-detached dwelling at the corner of Meadowlands and Timberley Road. Given the corner plot, the property has a larger side/rear garden. The property has existing access onto Meadowlands Road with off street parking provided to the front of the property and a car port with access gates to the side (north) of the property.

Relevant Planning History:

010562

Erection of carport attached to side of dwelling (1.8m timber fence and gates to be erected, and hardstanding/driveway to be formed under permitted development rights).

Planning Permission

Approved unconditionally

04/02/2002

060300

Erection of new two-storey dwelling with parking space

Planning Permission

Refused for the following reason

The proposed dwelling would appear as an incongruous feature within the streetscene due to its siting and prominent location and would therefore be contrary to policies UHT1 and UHT4 of the Borough Plan 2001-2011.

20/06/2006

Dismissed on appeal

Proposed development:

The application proposes the erection of a two storey dwelling attached to the side (north) elevation of the existing property.

The proposed dwelling would be set back 0.75m from the front building line of the existing property and would be 4.5m in width by 7m in depth (level with the rear building line of the existing property). The dwelling is proposed 7.3m in height, set down by 0.3m from the ridge of the existing property.

The siting of the proposed dwelling would leave a 4.5m distance to the existing side boundary with Timberley Road.

| Property size | Floorspace | National Requirement |
|---|-------------------|-----------------------------|
| 2 bed (1double, 1 Single) over 2 stories | 51m ² | 70m ² |

Consultations:

Specialist Advisor (Arboriculture)

The trees on site are a mix of cypress, willow and cherry and are of a condition that indicate that they should not be considered a constraint to development, that said the applicant has indicated the trees are to be retained although no root protection areas have been provided that concur with the applicants statement. The applicant has also indicated that the trees may require pruning to facilitate the development.

Should this application be approved it should be noted that there is no guarantee that any of the trees will endure the development and cannot be considered a long term screen to the proposed development. Conditions requested should permission be granted.

Highways ESCC

The proposal would allow one off street parking space per resulting dwelling. This although below that suggested by the Parking Calculator, is considered on balance acceptable. In accordance with Paragraph 32 of the NPPF development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is not considered that the addition of 1, 2 bed unit in this location would be severe to warrant the refusal on this grounds.

Specialist Advisor (Planning Policy)

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment therefore is considered to be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

The application results in the net gain of 1 dwelling, through in-fill new build development. The site is located in the Hampden Park neighbourhood. The type of residential development proposed is considered appropriate for its neighbourhood location and conforms to the Council's Strategic Housing Market Assessment. The case officer will determine the specific impact of the development on residential amenity and its impact on the local character of the neighbourhood. The development would not be liable to an affordable housing contribution, but will be liable to a Community Infrastructure Levy payment if the application is approved.

The application contributes positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in ensuring the housing target for the neighbourhood is delivered over the plan period. The development would conform with the Hampden Park Neighbourhood Policy (Policy C7 of the Core Strategy) by 'delivering housing through infill development on underused land' and, subject to no harm to residential amenity, should be considered sustainable development.

Neighbour Representations:

Objections have been received from the following properties;

- 35 Meadowlands Avenue
- 37 Meadowlands Avenue
- 39 Meadowlands Avenue
- 60 Meadowlands Avenue
- 62 Meadowlands Avenue
- 66 Meadowlands Avenue
- 70 Meadowlands Avenue
- 42 Timberley Road
- 44 Timberley Road

Cover the following points;

- Impact from construction noise
- Unnecessary development
- Insufficient off road parking provision
- Out of character
- Making a pair of semi detached into a terrace is out of keeping
- Different height is out of keeping
- Ruins the line of the existing houses
- Safety of another parking space close to the road junction
- Existing properties are 3 bedroom, 2 bed is substantially different
- Overall design is incongruous
- Pruning trees will result in lessened natural screening

Appraisal:

Principle of development:

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment therefore is considered to be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

Therefore in principle there is no objection to a proposal for a new dwelling where it can be shown that this would not lead to substantial and demonstrable harm to amenities of existing residents, the design and siting was in keeping with the character of the existing area, and the accommodation would provide a good standard of living for future occupiers.

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

The dwelling is proposed attached to the northern elevation of the existing NO.33 Meadowlands Road. It is not considered that this would result in significant impacts on surrounding residential properties in terms of overlooking/overshadowing to warrant refusal of the application given the context of the site. Whilst the property would be forward of the established building line of the adjacent terrace in Timberley Road it would be at such an angle that would not afford views from the rear of the new dwelling to the front elevation of the existing No.31 Timberley.

Future Occupiers Standard of Living

The proposal is for a two storey, two bed 3 person property with an internal floor space of approximately 50m². The property would have a substantial side and rear garden for a property of this size, which is noted. However, The Department for Communities and Local Government Technical Housing Standards 2015 recommend a property of this size should provide 70m² of floor space. The proposal is therefore well below the national described space standards and would be considered to provide substandard accommodation for future occupiers contrary to policy B2 of the Core Strategy Local Plan.

Design issues:

The proposed dwelling is set back from the front elevation building line of the existing pair of semi-detached, with a lower ridge height, and a proposed barn hip. All of which are considered out of keeping with the established character. Instead of creating a terrace of three similar properties when viewed from Meadowlands Avenue, visually the proposed dwelling who appear at odds with the adjacent properties and totally incongruous in terms of design.

An application for a similar development was refused and dismissed on appeal in 2006 on the grounds of the impact on the street scene due to the siting and prominent location.

The Inspector in his decision stated that the development would protrude beyond the building line on the southern side of Timberley Road to the east of the site, and in these circumstances would be an incongruous visually dominant feature. Whilst the width of the proposal has been decreased the building would still be forward of the building line of properties in Timberley Road and would still be considered an incongruous visually dominant feature when viewed from this angle.

Impacts on trees:

The application indicates that the existing trees on site will remain, however some pruning would be necessary. The existing trees, especially to the rear boundary offer screening from Timberley Road. The Councils Arboriculturalist states that there is no guarantee that any of the trees will endure the development and cannot be considered a long term screen to the proposed development.

Impacts on highway network or access:

One off street parking space is proposed for each property with the existing access onto Meadowlands Road to be marginally extended. This is considered acceptable, the distance from the corner is considered sufficient that concerns are not raised over highway safety. It is not considered that the addition of 1 dwelling in this location would have a severe impact on the demand for on street parking such as to warrant a refusal of the application on this ground.

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 National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment therefore is considered to be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan). The site would be considered sustainable in terms of local amenities and transport links, however whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

This proposal is considered by virtue of the scale, siting and detailed design of the proposed dwelling to undermine the original symmetry of the existing pair of semi-detached properties, and by virtue of the siting and prominent location would appear incongruous within the street scene both from Meadowlands Avenue and Timberley Road. The proposal is also considered by virtue of the small size in terms of floor space to provide substandard accommodation for future occupiers.

Recommendation: Refuse planning permission for the following reasons;

1. This proposed dwelling by virtue of the scale, siting and detailed design would undermine the original symmetry of the existing pair of semi-detached properties, and by virtue of the siting and prominent location would appear incongruous within the street scene both from Meadowlands Avenue and Timberley Road contrary to Policy D10A of the Core Strategy Local Plan 2013 and Saved Policies UHT1 and UHT4 of the Borough Plan 2007.
2. The proposal by virtue of its small size in terms of available internal floor space would provide substandard accommodation for future occupiers of this dwelling contrary to policy B2 of the Core Strategy Local Plan 2013.

Appeal:

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

Agenda Item 9

| | | |
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| App.No: 160036 (OSR) | Decision Due Date: 21 April 2016 | Ward: Upperton |
| Officer: Anna Clare | Site visit date: 6 April 2016 | Type: Outline (some reserved) |
| Site Notice(s) Expiry date: 20 March 2016 Neighbour Con Expiry: 20 March 2016 Press Notice(s): N/A | | |
| Over 8/13 week reason: N/A | | |
| Location: 70 Kings Drive, Eastbourne | | |
| Proposal: Erection of two semi detached dwelling houses adjacent to the existing house, together with the provision of new access and four parking spaces. | | |
| Applicant: Mr Owens Verizon LLP | | |
| Recommendation: Refuse outline permission | | |

Executive Summary

The application would result in the net gain of 2 dwellings, this could contribute positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). However whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

The proposed development is considered unacceptable in both scale and layout terms. Two dwellings are considered cramped into a small and awkward site given the slope to the rear providing small or unusable private amenity spaces.

The proposed development would result in significant movement of soil and minor excavation within the root protection area of tree T1 an Ash detrimental to the long term health of this tree.

The hardstanding for parking covers the majority of the area to the front of the proposed properties which is considered out of character with the rest of Kings Drive which as adjacent either has open front garden areas, or for the more substantial properties includes walled front driveway areas. Therefore it is recommended that outline planning permission is refused.

Relevant Planning Policies:

National Planning Policy Framework
4. Promoting sustainable transport

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

Eastbourne Core Strategy Local Plan Policies 2013

B2 Creating Sustainable Neighbourhoods
C2 Upperton Neighbourhood Policy
D5 Housing
D10 Historic Environment
D10A Design

Eastbourne Borough Plan Saved Policies 2007

HO20 Residential Amenity
HO2 Predominantly Residential Areas
UHT1 Design of New Development
UHT4 Visual Amenity
UHT5 Protecting Walls/Landscape Features

Site Description:

The site refers to a triangular plot adjacent to existing residential property No.70 Kings Drive, a main route into/out of Eastbourne. The site is on a slope to the north-east down to the site currently being developed by Bovis Homes.

The existing No.70 Kings Drive is an end of terrace property. The terrace of three properties are two storey with pitched roof, and matching fenestration although two of the three have large porch/front extensions. The rest of this part of Kings Drive is characterised by large detached properties with off street parking, and large front garden areas.

Relevant Planning History:

No planning history.

Proposed development:

Outline Planning permission for Access, Appearance, Layout and Scale (Landscaping Reserved) for the erection of 2 dwellings adjacent to the existing residential property.

The proposal includes a new access from Kings Drive and 4 off-street parking spaces, 2 per dwelling. The proposed dwellings would be detached from the existing terrace and approximately 1m forward of the building line of the existing terrace.

One dwelling would be 3 bedrooms over 3 stories, the other 2 bed over two storeys. Both dwellings would appear 2 stories from Kings Drive. The ridge height would match the adjacent terrace.

Consultations:

Specialist Advisor (Arboriculture)

Objections raised. The application will lead to the loss of one sycamore which at present provides a limited screen between 70 Kings Drive and the Kings Drive Bovis Homes development.

This tree and the others within this screen were required to be retained as part of the Bovis Homes development as part of the planning conditions. This group of Ash and Sycamore individually are not of a category which should be considered a constraint to development except 1no. Ash, but are considered useful as a screen. These trees are within the boundary of the Bovis Homes development and not owned by the applicant for 70 Kings Drive.

The applicant indicates they will request the owners of T4 (Sycamore) to remove the tree to facilitate the development at 70 Kings Drive. This may be in breach of the conditions which Bovis Homes are obliged to comply with.

Should this development be approved the remaining screen on the boundary with the Bovis Homes development may be subject to post development pressures with requests to prune the remaining trees as the development will be in substantial shade.

The applicant indicates that only minor excavation will occur within the root protection of T1 Ash in order to facilitate the development, I disagree with that statement as the site will require significant movement of soil in order to build the end property.

To conclude in order to facilitate the development at 70 Kings Drive it will require the breaching of conditions on the adjacent development site by removing one tree (T4 of the applicants tree report). In its current form the applicant will not be able to replace the lost screening as the site has insufficient space to facilitate supplementary planting.

ESCC Highways

No objection raised. The proposed access will have a minimum width at the channel line of 6m which is considered to be appropriate for the development of this type and size. The new access should be provided with visibility splays of 2.4m x 43m in each direction at the junction with Kings Drive and shall be positioned with sufficient space so vehicles turning right out of the access are not impacted by the pedestrian island.

The 4 car parking spaces proposed within the site is in accordance with the provision indicated by the East Sussex Parking Demand Calculator and I am satisfied that this level of provision is sufficient. It should be noted that car parking spaces should measure a minimum of 2.5m x 5m. The area to the rear of the parking spaces should be a minimum of 6.0m to ensure vehicles are able to turn within the site and exit using a forward gear. In the absence of a shed or garage each dwelling should be provided with a long-term, secure cycle storage space. Conditions requested should planning permission be granted.

Specialist Advisor (Planning Policy)

The proposed application would provide 2 new residential dwellings on a greenfield windfall site. The National Planning Policy Framework (NPF) supports residential development coming forward on sustainable sites in order to meet local housing need. The Eastbourne Core Strategy Local Plan (2013) identifies the need for windfall development in principle in order to meet its local target.

The development is located within the Willingdon Levels Flood Storage Catchment Area, and as such consideration should be given to suitable SUDS mechanisms that can be used to alleviate surface water flooding and drainage on and off the site. The site is also on the

edge of Fluvial Flood Zone 3 and is bounded by a 'main river' as identified on the EA flood zone maps, so development should be sensitive to this water course and the impacts of climate change.

The application proposes two houses of new floorspace, therefore they will be liable to make a CIL Payment on commencement of development. The CIL officer should therefore be consulted on this application.

ESCC Archaeology

The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric, Roman and medieval activity, including occupation, industrial activity and human burial. The area immediately to the west of 70 Kings Drive has been subject to an extensive archaeological excavation which recorded a very significant amount of archaeological remains. It is highly likely this activity extends into the proposed development site.

The application includes an archaeological desk based assessment that reaches the same conclusion. The applicant has declined to consider our advice to assess the site through archaeological field evaluation to clarify the significance of the site and any potential risk to the development budget through archaeological mitigation costs. It is therefore assumed the applicant has an adequate budget to cover what could be potential very high archaeological costs if planning permission is granted.

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). Therefore conditions requested should planning permission be granted.

Neighbour Representations:

1 response to the neighbour consultation was received, this was a general observation questioning the safety of the new vehicular access and close proximity of the pedestrian island.

Appraisal:

Principle of development:

There is no objection in principle to the development of the site for housing, providing the accommodation proposed was considered to provide quality accommodation for future occupiers, there would be no significant impacts on existing properties, the design was in accordance with the surrounding properties and the proposed access and other material considerations was in accordance with policies of the Core Strategy Local Plan 2012 and saved policies of the Borough Plan 2007.

Access

A new access is proposed onto Kings Drive, with 4 off street parking spaces provided by way of hardstanding to the front of the properties. ESCC highways have raised no objection to the application stating the proposed access will have a minimum width at the channel line of 6m which is considered to be appropriate for the development of this type/size.

It is noted that the access is proposed in close proximity of a pedestrian crossing, however ESCC council have raised no objection to this and therefore we could not justify a ground of refusal on the impacts of the new access on the safe use of the crossing.

Appearance

Whilst the majority of the properties along Kings Drive have driveways with access directly onto Kings Drive the adjacent properties share a single access to a rear garage area. Therefore the front of No.66-70 are open green spaces. The site is fenced level with the front elevation of the property and provides a side garden. The area in front of this is landscaped and provides a welcome break between the development adjacent which is significantly lower than the application site.

The proposed dwellings are a pair of semi-detached properties with matching fenestration detailing. The proposal matches in ridge height the existing adjacent terrace of three properties. Unfortunately the design of the existing properties hasn't been bought through to the proposed properties which have differently proportioned windows

The majority of the other properties with driveways are significantly larger semi or detached properties with enclosed front garden/driveway areas which is considered the character of this part of Kings Drive.

The pair of properties sit approximately 1m forward of the building line of the adjacent terrace which increases the bulk and appearance from the street scene.

The proposed development would result in the majority of the area to the front of the properties to be hard standing with a small triangular section approx 9m at the widest point being retained as a landscaped area. This is considered to detract from the visual appearance of this part of Kings Drive detrimental to the character of the area contrary to Policy D10A which states that development should ensure that the layout and design of development contributes to local distinctiveness and a sense of place and makes a positive contribution to the overall appearance of the area.

Layout

The proposal is for a pair of semi-detached properties, one two bedroom over two stories, one three bedroom over three stories. The DCLG published National Space Standards for new residential properties, the proposal meets these requirements as outlined below.

| Property size | Floorspace | National Requirement |
|---|-------------------|-----------------------------|
| 3 bed (2 double, 1 Single) over 3 stories | 117m ² | 99m ² |
| 2 bed (2 double) over 2 stories | 85m ² | 79m ² |

The site is situated on a slope, towards the side and rear (north-east) the site drops significantly. This results in plot 1 to the north of the site appearing as two stories to Kings Drive and three stories to the rear with the lower ground floor opening out onto a side and rear garden. For the existing property this results in a rear garden of approx 5.5m then steps down to a sloped area a further 6m in length. For Plot 2 this results in

an awkward and unusable rear garden area given the significant change in levels. For Plot 1 this results in two separate areas of garden space, doors in the floor plan show access to the side garden area, but no access is shown to the the rear area and the building appears to be within 40cm of the boundary not allowing sufficient access between the spaces.

Therefore the layout of the development is considered to be unacceptable and resulting in insufficient and/or unusual private amenity space for the existing and proposed properties contrary to policy B2 of the core strategy local plan which states that development should protect the residential and environmental amenity of existing and future residents.

The 4 parking spaces provided within the site is in accordance with the provision indicated by the East Sussex Parknig Demand Calculator and is therefore considered sufficient.

Plot one has windows in the side elevation at ground and first floor which given the significant difference in height these will look down upon the adjacent site. However, the properties are well under construction and the nearest property is set back from the boundary by a parking area and pumping station therefore it is unlikely that these side windows would have significant impacts in terms of amenity on the adjacent properties.

Scale

The scale of development, a pair of semi-detached properties to what is an awkward and small site given the slope, and is considered over development. The development would result in properties with unusable rear amenity spaces given the sloping ground level and in terms of Plot 1 with smaller triangular sections of garden which would enclose the property with limited outlook.

Impacts on trees:

The proposed development is in close proximity of the boundary with the adjacent currently under construction Bovis Homes development. This boundary is well screened with existing trees which are all situated on Bovis Homes land. Specialist Advisor Arboriculture has raised objections to the application on the grounds of the impacts on these trees both in development and through long term health impacts. The trees are not on the applications land and are not therefore under their control. I understand that no discussions have taken place with Bovis Homes in relation to these trees.

Other matters:

The plans show no provision for bicycle or bin storage. The majority of the front garden area for the two new properties would be taken up with the parking, the small section of landscaping remaining is sloped however it is anticipated that these could be built into a scheme.

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 is considered unacceptable in both scale and layout terms. Two dwellings are considered cramped into a small and awkward site given the slope to the rear providing small or unusable private amenity spaces.

The proposed development would result in significant movement of soil and minor excavation within the roof protection area of tree T1 an Ash detrimental to the long term health of this tree.

The hardstanding for parking covers the majority of the area to the front of the proposed properties which is considered out of character with the rest of Kings Drive which as adjacent either has open front garden areas, or for the more substantial properties includes walled front driveway areas.

Therefore it is recommended that outline permission be refused for the reason set out below.

Recommendation: Refuse Planning Permission for the following reasons;

1. Two dwellings is an over development of a constrained site, the dwellings are cramped into a small site resulting in an ill-conceived and awkward configuration of the private amenity spaces contrary to policy B2 of the Core Strategy Local Plan 2012 which states development should protect the residential amenity of existing and future residents.
2. The proposed development would result in significant movement of soil and minor excavation within the roof protection area of tree T1 an Ash detrimental to the long term health of this tree contrary to Saved UHT5 of the Borough Plan 2007.
3. The proposed hardstanding for parking results in the loss of the existing open landscaped area, and covers the majority of the area to the front of the proposed properties, out of character with the rest of Kings Drive contrary to policy D10A of the Core Strategy.

Appeal:

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

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Agenda Item 10

| | | |
|--|--|-------------------------------------|
| App.No: 151382 (PPP) | Decision Due Date: 7 March 2016 | Ward: Upperton |
| Officer: Jane Sabin | Site visit date: 28 January 2016 | Type: Planning Permission |
| Site Notice(s) Expiry date: 4 February 2016 | | |
| Neighbour Con Expiry: 4 February 2016 | | |
| Press Notice(s): N/A | | |
| Over 8/13 week reason: N/A | | |
| Location: Land At Rodmill Drive | | |
| Proposal: Erection of four dwellings with car parking spaces at the rear accessed from Rushlake Crescent. | | |
| Applicant: Eastbourne Homes Ltd | | |
| Recommendation: Approve subject to conditions | | |

Executive Summary:

This application was deferred from March Planning Committee in order to clarify a land ownership issue. The landowner has now been informed of the application and has made no direct representations upon the application.

It is considered that the proposed development would have no adverse impact on visual, residential or environmental amenity, or on highway safety, whilst providing much needed family housing in a very sustainable location. As such the development accords with the National Planning Policy Framework and the Council's adopted policies set out in the Eastbourne Core Strategy Local Plan 2013 and Eastbourne Borough Plan Saved Policies 2007.

The scheme is recommended for approval subject to conditions.

Planning Status:

Site 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

C5: Ocklynge & Rodmill Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D8: Sustainable Travel
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT6: Tree Planting
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO7: Redevelopment
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The application site comprises an open area of grass (696m²) on the junction of Rodmill Drive, Framfield Way and Rushlake Crescent. There are blocks of flats to the north and north-west, houses to the south, and the Framfield Way shops (with flats above) to the west. The character of the wider Rodmill area is characterised by dwelling houses of varying designs and sizes.

The site slopes from north to south and from west to east. One small tree (an Acer Maple) is located near the west boundary. Although the tree is small, it is well established.

In one corner of the site, there are four off-street parking spaces, formerly connected with the flats in Rushlake Crescent. They have not been used for many years, and remain blocked off from use.

Relevant Planning History:

None; the site was laid out as part of the development of the Rodmill Estate.

Proposed development:

Planning permission is sought to construct four dwellings on the site, facing Rodmill Drive, with parking spaces and enclosed rear gardens accessed from Rushlake Crescent to the rear. The proposed dwellings would be connected to each other at ground floor level only by the combined hall/study, so that the appearance would be of detached dwellings.

National Space Standards

| | | | |
|-----------|---------------------------------------|--------------------------------------|--------------------------------------|
| 4 x Units | Proposed floorspace 3 bed 6 person | National Space Standards 2 Storey | National Space Standards 3 Storey |
| Each unit | 112 Sqm | 102 | 108 |

Each dwelling would have three bedrooms, two bathrooms, a living room, kitchen/dining room and a combined hall/study arranged over three floors, with one of the bedrooms in

the roof space. The footprint of the dwellings would be 5.6m wide (excluding the hall/study) and 8.7m deep (excluding the bays), with an overall accommodation space over three floors of 112m². The maximum height of the dwellings would be just over 8m to the ridge of an asymmetric grey tiled roof with a lead clad dormer on the east side. The walls would be a mixture of blue/black brick, white painted render and cedar cladding. The doors and windows would be aluminium covered timber, also in grey.

The rear gardens would average 4.6m in depth, with a further 5.9m allocated for parking and refuse storage; cycle storage would also be provided in the rear garden area. Due to the sloping nature of the site, the rear gardens would be graded to the ground floor level of the dwellings, with the parking at pavement level secured by retaining walls with fencing for privacy. The dwellings will be accessed from the front and the rear.

In order to facilitate the development the existing tree on the site would be lost.

The Design and Access Statement submitted with the application indicates that that particular regard would be had to energy efficiency, in terms of materials, fittings, water consumption and waste. It also identifies the house type as being 'Lifetime Homes' compliant.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – Support subject to compensatory tree planting.

The proposal will lead to the loss of the only tree on site which is an Acer (Maple); this tree is not of sufficient merit to be considered a constraint to the development. Nonetheless, the tree is part of the Borough's tree stock and as such is considered an asset. Therefore this asset has been valued in a monetary form using the Helliwell System to ensure the Council's overall tree asset is maintain by using the funding secured to provide compensatory tree planting (7 trees in the wider Rodmill area).

Highways ESCC - No objection, the scheme is acceptable.

There is an existing parking area within the site, and there would normally be a concern about displacement of parked cars. In this case however the area has been blocked off for at least 5 years with the spaces advertised for rent. There seems to have been little/no use of these spaces, with cars instead parking across the spaces blocking the footway. The loss of this area will not have a significant impact on the level of parking in the area.

The layout of the site as shown is acceptable. Although the vehicle access for one property will be relatively close to the junction with Rushlake Crescent, there is adequate visibility so it is not considered a significant problem. Two parking spaces per dwelling with pedestrian access are proposed, along with cycle and bin stores. The ESCC parking calculator suggests that 9 spaces should be provided. As the shortfall is only one space this is not considered to be a severe issue and therefore is acceptable. Cycle storage should be covered and secure.

A section of boundary wall is proposed between the bin stores and the footway in Rushlake Crescent. The height of this wall will need to be a maximum of 600mm to allow adequate pedestrian visibility.

It is acknowledged that this site is located in a busy section of the highway network that suffers from congestion for large parts of the day. However, the level of vehicle movements created by this development will be low, likely adding only 2/3 trips in each peak hour which can be accommodated by the highway network without significant issue. As the impact of the development will not be severe on the highway network the proposal is in accordance with the National Planning Policy Framework and is therefore acceptable.

Specialist Advisor (Planning Policy) – The development is acceptable.

The application proposes 4 dwellings on amenity land that has been identified for residential development in the Council's Strategic Housing Land Availability Assessment (SHLAA). Therefore in principle the development is acceptable. The Council relies on identified sites coming forward for development in order to meet its challenging local housing targets set out in the Core Strategy Local Plan (2013). The application states that the residential development will be provided as 'affordable' this would also result in the application being exempt from Community Infrastructure Levy contributions.

External:

Neighbour Representations:

A petition signed by 160 residents has been received, and 24 individual objections, including the freeholder of St Clements Court (a housing association Anchor). The objections are summarised thus:

- The tree is covered by a preservation order
- This is the last grass area left on the Rodmill Estate; the only landscaped area in the vicinity; no respect for the environment; residents are being hemmed in; even the smallest of green spaces has a substantial positive impact, particularly the elderly residents of St Clements Court; will ruin the look of the road; surely there are better brownfield sites
- Gross over-development of a very small site; will significantly change the character of the area; a carbuncle; the gardens are too small for children to play in; oppressive development on a small site
- Why build on a grass bank when the large housing estate underway in Kings Drive opposite are struggling to sell
- Very concerned that if this goes ahead it will set a precedent for building on every last piece of landscaped green space that was intended at the time of original developments to enhance the area; it would be better to create a garden on the area for the benefit of residents
- Proximity of building to St Clements Court (housing scheme for older people) and resulting noise, disturbance, overshadowing, loss of light and outlook, creating a claustrophobic atmosphere; loss of privacy to the flats behind and houses opposite
- Would result in more traffic using the Framfield Way/Rodmill Drive junction, as well as Rushlake Crescent (the only vehicular access to St Clements Court for emergency services); will create a blind spot for the junction; hazardous for residents trying to cross the road

- Rushlake Crescent could not cope with the traffic generated by the building works
- Pressure on on-street parking, which is already difficult; would also make the lay-by at St Clements Court difficult to use (already suffers from constant illegal parking/parking on pavements); will make parking in Framfield Way chaotic
- No consideration for residents who live nearby; it's all about money and objections are a waste of time as the decision has already been made
- Will prevent the shops being visible from Kings Drive and will affect trade
- Pollution in the area is a health hazard, and will be worse when Meadow Fields is completed
- Pollution and noise impacts on the wellbeing and quality of life of residents of St Clements Court during construction, which could cause a great deal of distress and disruption
- The site is unsuitable for development; particular concern should be given to the residents of St Clements Court due to their age and vulnerability
- Hospitals, doctors, schools and social services cannot cope with any more developments. Council budgets are already stretched and being cut, yet more development is being invited - unsustainable

Appraisal:

The main issues to take into account in determining this application are:

- The principle of development for housing
- The loss of the amenity area and the impact on environmental amenity
- Design of the development
- Residential amenity
- Visual amenity
- Highway safety

The Principle of development for housing:

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) as a site that could deliver housing.

The inclusion of the site in the SHLAA was driven by its assessment in the Open Spaces Study as being of poor quality. Members will be aware from the Update on Housing Delivery reported to the last Planning Committee on 2 February 2016 that the Council cannot currently meet the five year housing land supply. Given the very considerable weight that the government places on the delivery of new housing via the National Planning Policy Framework (NPPF) and the hierarchy of the local plan and its supporting documents (in this case the SHLAA), the principle of providing housing on the site must be regarded as established and acceptable.

Loss of amenity area/environmental amenity

The Rodmill Estate was developed during the 1960's and 70's, and the application site formed part of the planned landscaping of the layout connected with the adjacent flats. It has remained as an open grassed area supporting one tree. Although it adds to the open aspect of the junction, it is not comparable to the other amenity areas on the Rodmill Estate (the greens in Burton Road, Pockocks Road and adjacent to Kings Drive), which support many trees and make a significant contribution to the character of the area. With regard to the tree, it is not subject to a preservation order, nor does it meet the criteria for the making of a new order, and therefore should not be considered as a constraint to development. Notwithstanding this, it is considered that compensatory

planting should be provided in the vicinity. The Open Spaces Study 2005 identified the site as being a poor quality amenity area. Although not an adopted document, it was an evidence document for the Core Strategy adopted in 2013, and therefore carries considerable weight.

Design of the development :

The design of the dwellings picks up references from other properties on the estate, notably the asymmetric roofs and the single storey links at ground floor level, as well as the horizontal emphasis of the fenestration. The introduction of two storey bays, dormers and render is, however, untypical, but that is not to say such features are unwelcome. The agent describes the design as "*intended to evoke a feeling of 'traditional' whilst being contemporary*". New developments need not be copies of the buildings around them. In this particular location, there is no rigid pattern to conform to in terms of layout or design; the Framfield Way shops have three stories under a flat roof, St Clements Court has three stories under a pitched roof with one slope over sailing the pitch of the other, whilst the adjacent flats are a simple two-storey block form under hipped and pitched roofs. Moreover, each is constructed of different bricks; the overall result is a prominent part of the estate on a busy junction with no cohesive character. It is considered that the scale, massing and design (including the use of materials) of the proposed dwellings is acceptable for this location.

Residential amenity:

The siting of the development would provide reasonable separation distances between existing flats and dwellings. The distances between the proposed dwellings and the nearest wall/window of the surrounding properties are as follows:

21.5m Framfield Way shops/flats
24.8m St Clements Court
21.5m St Clements Court
15.6m 4-10 Rushlake Crescent
25.3m 1-11 Rodmill Drive

At these distances, it is considered that there would be no loss of privacy, loss of light or overshadowing involved to any adjoining residents. The main impact would be on the windows on the flank wall of St Clements Court. Residents have benefitted from an open aspect from these windows since the flats were built, and whilst the development would present a significant change, it is considered that the combination of the distance involved and the southerly outlook would result in no great degree of harm to residents' outlook. The development would have an impact on residents' views from these windows, but the loss of views is not an issue which can be taken into account in determining planning applications.

In terms of noise, it is considered that the provision of four dwellings would not necessarily give rise to any increase, over and above the already very high noise levels (from traffic) evident when standing anywhere in the vicinity. As far as noise from building works are concerned, the local planning authority can only impose restrictions on working hours during the build, and cannot refuse planning permission for this reason, no matter how strong the feeling is amongst local residents.

Visual amenity:

As stated above, the Open Spaces Study 2005 has identified the site as being of poor quality. Whilst the loss of open space should not be underestimated, it is considered that its contribution to the visual amenities of the area is not so significant in this particular instance, when balanced against the need to provide housing and the quality of the units to be provided, that a refusal could be reasonably sustained. There are no spaces of sufficient size within the development for replacement tree planting, therefore replacement tree planting should take place elsewhere on the estate, as requested by the Specialist Advisor in Arboriculture.

Highway safety:

A large number of objections have centred on the high levels of traffic on this section of Rodmill Drive and the danger presented by building dwellings close to it and the additional traffic created.

East Sussex County Highways has confirmed that the accident record for the roundabout over the last three years is very low (four recorded), and of a minor nature (no injuries). The provision of four dwellings would not add a significant amount of traffic to an already very busy roundabout, with the worst case scenario being one extra car every 20 minutes (and likely to be very much less).

The layout of the access to the dwellings is acceptable to Highways, and no reason can be found to dispute this; it is therefore considered that there would be no impact on the use of the private parking facility for St Clements Court or for other users of Rushlake Crescent. The height of the dividing walls adjacent to the highway will need to be controlled by condition in the interests of pedestrians and other road users.

The shortfall of only one space is not a significant issue, particularly as each dwelling has two dedicated on-site parking spaces. The National Planning Policy Framework is very clear that parking and highways issues must be severe to warrant a refusal.

Given the above a refusal based on highway impact terms could not therefore be substantiated.

Sustainable development implications:

The site is located in a sustainable location close to the main road in and out of the town, which is well served by buses. Shops, schools, the college and the hospital are nearby, as is Hampden Park. As such the proposal is considered to be in a very sustainable location, and therefore complies with local and national policies.

Other matters:

The application identifies the units as being affordable units, thereby claiming an exemption from a contribution to the Community Infrastructure Levy (CIL), this is permissible under the CIL legislation.

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, residential or environmental amenity, or on highway safety, whilst providing much needed family housing in a very sustainable location. As such the development accords with the National Planning Policy Framework and the Council's adopted policies set out in the Eastbourne Core Strategy Local Plan 2013 and Eastbourne Borough Plan Saved Policies 2007.

Recommendation: Approve, subject to a mechanism for the continued provision of affordable housing units at the site and replacement tree provision the following conditions:-

Conditions:

1. Commencement within three years
2. Development in accordance with the approved plans
3. Hours of operation (building works)
4. Samples of materials
5. Provision of parking spaces in accordance with approval before occupation
6. Provision of cycle/refuse storage in accordance details to be approved before occupation
7. Details of boundary treatment/fences
8. No fences within 1m of the boundary with the footpath in Framfield Way
9. No walls over 600mm in height between the car hardstanding's and the boundary with the footpath.
10. Submission of details of surface water drainage
11. Wheel washing facilities
12. Restriction of permitted development rights (extensions)

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.**

| | |
|-------------------|--|
| COMMITTEE: | Planning Committee |
| DATE: | May 2016 |
| SUBJECT: | Update on Public Speaking at Planning Committee and Update on the Planning Scheme of Delegation |
| REPORT OF: | Senior Specialist Advisor (Planning) |

| | |
|-------------------------|---|
| Ward(s): | All |
| Purpose: | To provide Members with suggested changes to the rights to address Planning Committee and also to update Members with revisions the scheme of delegation for processing of planning applications. |
| Contact: | Leigh Palmer (Senior Specialist Advisor Planning) Tel no: (01323) 415215 E-mail: leigh.palmer@eastbourne.gov.uk |
| Recommendations: | That Members note the contents of this report and endorse the referral to Full Council for incorporation into The Constitution. |

Background:-

As part of an ongoing review of the planning service/function a number of changes/enhancements have been identified.

As part of a review of current practices and procedures associated with the processing of Planning Applications and the performance of Planning Committee a working party comprising officers, Chair and opposition spokesperson from Planning Committee was initiated and recommended that changes/amendments should be explored and if practicable implemented.

The identified changes/enhancements related to delivering consistency across those wishing to address (speak at) planning committee and amendments to planning scheme of delegation to reflect the type and nature of applications that are reported to planning committee.

Issues Arising

- 1. Public Speaking at Planning Committee**
 - 2. Planning Scheme of Delegation**
-
- 1. Public Speaking at Planning Committee**

As the Constitution currently stands the applicant or representatives of the applicant can only exercise their right to address planning in response to an objector. This issue has been the source of a number of complaints handled in the last year by officers in the Democratic Services Team.

It is considered more equitable and transparent to allow all applicants (including their representatives) the ability to address planning committee whatever the officer recommendation and whether or not there has been an objection to their application.

The working party acknowledged that this may increase the case processing times at Planning Committee. In reality however, it is unlikely that all applicants will take up this opportunity and for those that do it is considered that the benefits to the process by deriving a more informed debate would outweigh the modest increase in Committee processing times.

The working party recommend that the rights to address planning committee be amended to allow the applicants and or their representatives to address planning committee irrespective of the officer recommendation and whether there are representations in opposition.

2. Planning Scheme of Delegation:-

The working party acknowledged that reporting cases unnecessarily to Planning Committee adds significantly to the application processing time.

The working party acknowledged that the role of a Planning Committee member was to make decisions on complex/involved planning applications that help to 'place-shape' the character, urban fabric and public realm of Eastbourne.

The working party has identified that the time taken at planning committee and type of applications being reported to Planning Committee over the last year is inconsistent with previous years. This inconsistency has resulted in the working party tabling a number of modest revisions to the planning scheme of delegation (the decision making route for planning applications).

The working party recommend that the scheme of delegation be amended as identified below.

| Current Position | Suggested Revisions |
|---|---------------------|
| A) Applications comprising 'major' development within the meaning of the T&CP (General Permitted Development) Order | No change |
| B) Applications for development which conflicts materially with the Local Development Plan, County Development Plan, or any adopted South Downs National Park Authority Development Plan. | No Change |
| C) Applications materially affecting ancient monuments, and sites of special scientific interest. | No Change |
| D) Where the application has been made by a member (or their spouse/partner or an officer (or their spouse/partner who are part of the Corporate Management Team or working in the planning division. | No Change |
| E) Applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) Departures Direction 2009 | No Change |

| | |
|---|---|
| F) Where the Planning Officer dealing with the matter considers that the application should be dealt with by the committee | Where the Senior Specialist Advisor dealing with the matter considers that the application should be dealt with by the committee |
| G) Where a member of the council not more than 28 days after the validation of an application requests otherwise. | Where a Member of the council not more than 28 days after the validation of an application requests otherwise and that this request is formed by material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal. |
| H) Where the Chairman Opposition Spokesperson or a ward Councillor requests that the matter be determined by the Committee at any point up to the Officer formally making and implementing the decision | Where the Chairman Opposition Spokesperson(s) requests that the matter be determined by the Committee and have substantiated their claim on material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal. |
| I) Where more than six letters of objection have been received on material consideration grounds | Where more than six letters of objection have been received on material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal and these objections are in opposition (contrary) to the officers recommendation. |
| J) Where an objector has made their wish to address the Committee within the consultation period | Where an objector has made their request to speak, then their request must comply with all of the following: <ul style="list-style-type: none"> - Request to speak made within the public consultation period. - Must be accompanied by a written statement of your address to committee and - Must relate to material planning grounds that in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal |

Recommendation:-

That Planning Committee endorse the content of this report and refer to FULL COUNCIL to endorse the recommended changes to the Constitution.

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