



## Planning Committee

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

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## Agenda

- 1 Minutes of the meeting held on 30 August 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 65 Moy Avenue. Application ID: 160677** (Pages 11 - 16)

**7 Eastbourne Pier, Grand Parade. Application ID: 160872** (Pages 17 - 24)

**8 Land to the West of Larkspur Drive. Application ID: 160908**  
(Pages 25 - 34)

**9 17-18 Lushington Lane. Application ID: 160751** (Pages 35 - 42)

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

**11 Appeal Decisions.**

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

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

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

Members must declare the existence and nature of any interest.

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

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

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

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

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

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

## Further Information

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

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Tuesday, 30 August 2016  
at 6.00 pm



## Planning Committee

Present:-

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

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### 41 Minutes of the meeting held on 19 July 2016.

The minutes of the meeting held on 19 July 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### 42 Apologies for absence.

Councillors Choudhury and Jenkins.

### 43 1 Marcia Close. Application ID: 160641.

Proposed 1 1/2 storey side extension above existing double width flat roof garage along with rear 2 1/2 part rear storey extension and internal alterations – **RATTON**. One letter of objection and three letters of support had been received.

Members noted that a typographical error in the second to last paragraph on Page 14 of the report, should read Upper Ratton Drive not Upper Kings Drive.

A further statement had been supplied by the agent with the following comments:

- The development was in keeping with the wider character of the area
- No adverse comments had been received from the neighbours to the proposal
- Any overlooking from the roof lights would be mitigated by the floor to cill height and the separation distance proposed
- Any overlooking from the corner and end windows would be mitigated by the separation distance involved and the mature screening in between
- At no time in the life of the application were the applicants asked for an *arboricultural impact assessment and a construction method statement*. If these documents had been requested then they would have been supplied.
- Notwithstanding the lack of supporting documents, the application was fully supported by the occupiers of the neighbouring properties and also there were construction techniques (over hand building to first lift and

then supported over-sailing scaffolding) that could mitigate any concerns.

Mr Farrell, agent for the applicant, addressed the committee stating that all aspects of the proposal had been considered, neighbours had been consulted and a topographical study had been carried out. Separation distances were in accordance with Council policy. The applicant was fully prepared to provide an Arboricultural Impact Assessment (AIA) and Construction Method Statement. There had been no objections from neighbouring properties regarding the scale of the development.

**RESOLVED: (Unanimous)** That the decision be delegated to the Senior Specialist Advisor for Planning, in consultation with the Chairman, to issue the permission subject to agreement on appropriate and necessary conditions.

**44 16 Woodland Avenue. Application ID: 160546.**

Extension to side and rear, conversion of garage to office space, internal alterations and associated works – **RATTON**. Two letters of objection had been received.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time limit 2) External materials 3) Surface water disposal details to include down pipes and no encroachment onto neighbouring properties and to prevent localised flooding over the public highway 4) Dropped kerb reinstatement 5) Approved drawings 6) Notwithstanding the details of the application the waste materials excavated in the construction of the foundations of the rear extension shall be recycled where possible for use in the construction of the raised driveway to the front garden 7) Archaeological works.

**Informative:**

You are advised to apply to East Sussex County Council's Highways department for permission to install a dropped curb.

**45 21 Victoria Drive. Application ID: 160757.**

Proposed single storey extension at rear to replace conservatory, extension at rear of existing detached garage together with replacement of flat roof with a pitched roof – **OLD TOWN**. One objection had been received.

**RESOLVED: (By 5 votes with 1 abstention)** That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings 3) Matching materials 4) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such 5) The extended garage hereby approved shall be used for purposes ancillary to the enjoyment of the principal dwelling house and shall be used for no other purpose in perpetuity.

**46 46 Woodland Avenue. Application ID: 160580.**

Proposed part single, part two storey extensions to the side and associated alterations – **RATTON**.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time Limit 2) Approved drawings 3) Matching materials.

**47 65 Moy Avenue. Application ID: 160677.**

To erect raised decking 1.1m above ground level projecting 3m from the rear of the existing ground floor rear extension – **ST ANTHONYS**. One letter of objection and one letter of support had been received.

The committee was advised that the applicant had requested to address the committee and that due to unforeseen circumstances, was unable to attend the meeting. The committee agreed to defer the item to allow the applicant to attend a future meeting.

**RESOLVED: (Unanimous)** That the application be deferred to a future meeting to allow the applicant to attend and address the committee.

**48 Flat 2, 32 Saffrons Road. Application ID: 160483.**

Erect Yurt in rear garden – **UPPERTON**. One letter of objection and five letters of support had been received.

Mrs Burt, applicant, addressed the committee stating that the structure proposed was not a permanent fixture and would be removed should they vacate the property. The yurt would be solely for the use of their family.

**RESOLVED: (Unanimous)** That the decision be delegated to the Senior Specialist Advisor for Planning, in consultation with the Chairman, to issue the permission subject to agreement on appropriate and necessary conditions.

**49 Land at Sumach Close. Application ID: 160720.**

Revisions to external appearance and siting of two to four storey building consisting of 13 flats (Variation of condition 2 of planning permission granted 24 March 2016 Ref: 151170) – **HAMPDEN PARK**. Seven letters of objection had been received.

**RESOLVED: (By 5 votes to 1)** That the variation to condition 2 be granted and that conditions proposed be as the original permission and as follows: 1) Time for commencement 2) Approved drawings 3) Samples of proposed materials 4) Refuse/recycling storage (details submitted and to be provided prior to occupation) 5) Landscaping/planting 6) Wheel washing 7) Surface water drainage (Highways) 8) Parking provision (laid and provided before occupation) 9) Cycle parking (details submitted and to be provided prior to occupation) 10) SUDS 11) Surface water management 12) The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning

Authority 13) Details of retained trees in relation to existing and proposed services 14) Details of tree planting 15) Development shall not commence until an employment and training plan has been submitted to and agreed by the LPA.

**50 Woods Cottages. Application ID: 160150.**

Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise – **LANGNEY**.

Members were advised that this application was deferred from Planning Committee on 19 July in order to allow time for officers to negotiate access to the development site from the north (Langney Shopping Centre) and once this had been secured a Planning Committee site visit would follow.

The applicant had confirmed that they were unable to secure access from the north and had reiterated that Swanley Close and the internal arrangements of the scheme (albeit in illustrative terms only) met recognised highway/layout standards.

The committee was advised the following additional comments from local residents had been received:

- The proposal for yellow lines and removal of on street parking in the close would cause additional demand for parking
- The road was not wide enough for further traffic
- Parking on street at present made access difficult for vehicles, emergency services and refuse collection vehicles
- Questions regarding the accuracy of the measurements on the plan were raised
- The new properties would impact on privacy and result in overlooking
- Bungalows would be more appropriate to the area
- If both entrances were used then a property would become an island surrounded by entrances to the development
- The width of road was not wide enough for large vehicles
- It would be dangerous to increase traffic flow given children use the road for access to the local school
- The pedestrian access showed no obstruction to prevent car access so it could become another vehicle access
- The area was mostly bungalows so the development was out of keeping, and would be an overdevelopment.
- There were concerns over the impact on the environment, overshadowing, privacy and loss of light to existing residents and the loss of protected trees
- There were still too many dwellings proposed
- The development would impact on traffic and flooding

Mr Woods addressed the committee in objection stating that he did not object to the development and the resulting regeneration of the area. The main issue remained the narrow access to the site and the ensuing problems this would cause the residents of Swanley Close.

Mr Jenden, agent for the applicant, addressed the committee in response stating that the proposals were for outline permission and the applicant was more than willing to work with Officers to secure the protection of the local wildlife through appropriate conditions. The refuse and emergency authorities had not raised concerns regarding the proposed access route. An alternative access via Langney Shopping Centre was not possible. Low impact construction equipment would be used to reduce the impact during the build process.

**RESOLVED: (By 5 votes with 1 abstention)** 1) That no consent be issued until the agreement of the County Ecologist had been secured. 2) That a S106 agreement be signed to provide an ongoing maintenance regime of the ponds/ecological area and a financial contribution of £5000 for towards the provision of a Traffic Regulation Order. 3) That should the S106 agreement not be signed within a reasonable time period of 8 weeks from the date of the committee resolution (unless an extension of time has been agreed) the application should be refused on the grounds that there is no provision in place to ensure the future management/maintenance of the wooded/pond area which would result in a detrimental impact on the surrounding residential properties. 4) That outline planning permission be granted subject to the following conditions: 1) Submission of reserved matters 2) That the submission of reserved matters for the layout of the scheme shall be accompanied by a tree report (prepared by a qualified Arboriculturalist) demonstrating that the proposed layout has been informed by the retention of the high amenity value trees on the site 3) Time for submission 4) SUDS condition regarding designing the surface water drainage system 5) SUDS prior to commencement ground investigations to establish infiltration rates and depth of groundwater 6) SUDS requirement for surface water management proposals to be supported by detailed hydraulic calculations 7) Submission of a maintenance and management plan for the entire drainage system 8) Submission of traffic management plan for construction 9) Submission of detailed drawings of proposed roads, surface water drainage and street lighting 10) Wheel washing 11) Submission of details of the layout of reconstructed access, visibility spays and swept path analysis 12) Provision of a turning space for vehicles 13) Submission of details in relation to parking areas 14) Submission of details of cycle parking 15) Submission of a transport report 16) Roads to be constructed at or at least close to adoptable standards.

**Informative:**

- The applicant be informed that this development is CIL liable.
- EA Informative
- SW Informative

**51 Customer Satisfaction Survey (April to June) 2016.**

The committee considered the report of the Specialist Advisor for Planning which provided a summary of responses to the Customer Satisfaction Survey for the period April to June 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 had been raised in a previous update were summarised in the report

Members noted that some of the tables detailed poor ratings and it was suggested that this was largely due to the fact that the survey had been completed by a number of residents who had been unhappy with their planning decision.

**RESOLVED:** That the report be noted.

## **52 Planning Performance (April to June) 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 April - June 2016.

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.

One appeal for costs had been submitted within the survey period; and claimed that the Council acted unreasonably in their handling of the application for the Biomass Boiler at 14 Maple Road. The agent for this appeal had supplied details justifying their costs claim of under £3,000.

The assessment of the performance of planning services showed that the team was performing at or over the National PI threshold and that there were at this time no special measure issues. However, the Government was consulting on additional and possibly revised measures. At the time of writing the report it was suggested that the major applications overturned at appeal should be reduced from 20% - 10% and that the number of major applications determined in time should increase from 40% - 50%.

The Government were also looking to roll out special measures criteria to 'non-major' applications and they were currently consulting on what those thresholds should be. Possible special measure thresholds were suggested as follows:-

- Where authorities fail to determine at least 60-70% of non-major applications in time
- Where authorities had more than 10-20% of their applications for non-major development overturned at appeal.

Members noted therefore that it was important to keep abreast of all decisions with regard to maintaining performance above the 'special measure' thresholds.

**RESOLVED:** That the report be noted.

**53 Tourist Accommodation Retention Supplementary Planning Document (SPD).**

The committee considered the report of the Director of Regeneration and Planning, providing Members with background and context to the issue of Tourist Accommodation retention and to identify potential areas of change.

The report sought to gather the committee's views on the appended Cabinet report and Tourist Accommodation Retention Supplementary Planning Document (SPD).

Feedback had now been received from Members and the Eastbourne Hospitality Association. The draft SPD was submitted for comment before being presented to Cabinet for authority to publish for consultation. Consultation was anticipated to take place between 23 September and 4 November 2016. Following consultation the comments would be reviewed to allow a final version to be presented to Planning committee and Cabinet, before adoption at the Full Council meeting on 22 February 2017.

Following a briefing session for Members on the Tourist Accommodation Retention Policy the committee felt better prepared to understand the reasons for the proposed amendments, whilst some Members expressed concern at the loss of certain types of accommodation and felt that it was essential to keep bed spaces.

The committee agreed to the proposed consultation timetable.

**RESOLVED:** That Cabinet be advised that Planning Committee endorse the consultation timetable.

**54 Update on Housing Delivery.**

The committee considered the report of the Director of Regeneration and Planning providing Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply.

Members noted that the Core Strategy planned for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the 2015/2016 financial year (31 March 2016), a total of 2,373 units had been delivered since the start of the plan period. This left 2,649 units to deliver until the end of the plan period at an annual average of 240.8 units per year.

In the first quarter of 2016/17, a total of **40** new dwellings were completed. Of these 40 completed units, 30 units were at the Meadows View development on Kings Drive. There were four other development sites that had completed units in the first quarter of the year.

The 40 completed units in the first quarter was just below the average number of units completed per quarter over the last five years, which was 49.8 units per quarter. However, delivery in the Q1 2016/17 had been across significantly fewer sites than usual. A list of sites with completed units was provided at Appendix 1 to the report.

Members noted that housing delivery over the last five years had been relatively low against the housing targets. Over this period, the annual target was met only once, with an average annual delivery of 199.2 units.

A total of **107** units were granted permission during the first quarter of 2016/17. The number of units committed in the first quarter was higher than average, although this was mainly due to the prior approval for St Anne's House for the conversion from offices to 35 residential units under Permitted Development rights. The completion of the Section 106 agreement for the Heatherleigh Hotel allowed the permission to be confirmed within the first quarter, committing an additional 16 units. The 107 newly committed units were spread across 24 sites and a list of newly committed sites was provided at Appendix 2 of the report.

As at the end of the first quarter of 2016/17, there were **648** net additional dwellings with permission that had yet to commence across **79** sites. A list of sites with permission for housing development but had yet to start, was provided at Appendix 3 to the report and included:

- 142 units at Sovereign Harbour
- 102 units at Bedfordwell Road Depot
- 61 units at the former Caffyns site on Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne's House, St Anne's Road

As at the end of the first quarter of 2016/17, there were **201** units under construction across **38** development sites. A list of sites that were currently under construction was provided at Appendix 4 to the report and included:

- 57 remaining units at Kings Drive
- 16 units at 27 St Leonards Road
- 11 units at Twin English Centre, 25 St Anne's Road
- 9 units at Koala on King Edwards Parade

The committee was advised that the annual requirement over the remaining plan period was 243 units per year, and therefore the five year requirement was 1,213 units. The additional 5% buffer equated to an additional 61 units, making the Five Year Housing Land Supply requirement for Eastbourne **1,274** units. Eastbourne Borough Council was required to identify sufficient land to meet this requirement.

The current assessment of the Five Year Housing Land Supply identified that as of 30 June 2016, Eastbourne had a supply of housing land equivalent to 912 units. This meant that Eastbourne currently had a **3.76 year** supply of housing land (or 75% of the Five Year Housing Land Supply requirement).

Therefore the Council were 362 units short of having a Five Year Housing Land Supply (including 5% buffer). Currently the Council did not have a five year housing land supply and therefore were at risk of future planning refusals for residential development being overturned at appeal.

**RESOLVED:** That the report be noted.

**55 Tree Preservation Order (TPO) 177, 55 Blackwater Road.**

The Committee considered the report of the Director of Service Delivery which sought confirmation of a Tree Preservation Order (TPO). On 31 March 2016, the Senior Specialist Adviser for Planning exercised his delegated authority and authorised the making of a TPO in respect of a tree at Land at Boyne House, 55 Blackwater Road, Eastbourne, East Sussex (No. 177 (2016)). The tree was a *Fagus sylvatica* 'Purpurea' (Purple Beech). The Order was made on 29th April 2016.

The Order would continue in force until the expiration of a period of six months from the making of the Order or the date on which the Order was confirmed, whichever occurred first.

Objections from a resident of Boyne House and the Council's response to the issues raised were summarised within the report. It was recommended that the Order be confirmed, without modification, on the grounds that the trees made a significant contribution to the visual amenity of the area.

**RESOLVED:** That the Eastbourne Borough Council Tree Preservation Order (Land at Boyne House, 55 Blackwater Road, Eastbourne, East Sussex) No.177 (2016) be confirmed without modification.

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

There were none.

**57 Appeal Decisions.**

There were none.

The meeting closed at 8.10 pm

**Councillor Murray (Chairman)**

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# Agenda Item 6

<b>App.No:</b> 160677	<b>Decision Due Date:</b> 13 August 2016	<b>Ward:</b> St Anthony's
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 25 July 2016	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> N/A <b>Neighbour Con Expiry:</b> 20 July 2016 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To bring to planning committee		
<b>Location:</b> 65 Moy Avenue, Eastbourne		
<b>Proposal:</b> To erect raised decking 1.1m above ground level projecting 3m from the rear of the existing ground floor rear extension.		
<b>Applicant:</b> Natalie Edwards		
<b>Recommendation:</b> Refuse Planning Permission		

## **Executive Summary:**

This application was deferred from August Planning Committee in order to allow the applicant to address Committee.

This application has been referred to planning committee by the Chair in order to allow the Members of Planning Committee discuss the merits and issues surrounding the application.

The application proposes a raised decking/terrace area 1.1m above ground level 3m in depth to the rear of an existing ground floor extension part 3m part 5m in length.

The height of the decking at 1.1m above the ground level projecting 3m in depth is considered large and whilst impact in terms of overlooking/privacy to adjacent properties can be mitigated by way of the proposed privacy screen, the bulk of the screening required 2.9m above ground level for 3m is considered cumulatively (the existing extension and the proposed terrace) an unneighbourly form of development which would have a significant impact on the outlook enjoyed by the neighbouring property No.67 Moy Avenue.

Therefore it is recommended that planning permission is refused for reasons set out in the report.

### **Relevant Planning Policies:**

National Planning Policy Framework 2012

7. Requiring Good Design

Core Strategy Local Plan 2013 Policies

B2 Creating Sustainable Neighbourhoods

D10 A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of new development

HO20 Residential Amenity

### **Site Description:**

The site refers to a semi-detached, two storey single family dwelling on the western side of Moy Avenue.

The property has an existing ground floor single storey rear extension granted planning permission in 2012 with steps down to the garden level which is approximately 1.1m below the floor level of the extension.

### **Relevant Planning History:**

120428

Erection of a single storey extension and raised decking to the rear  
Extension 3.7m in depth, decking a further 3m at 1m above ground level adjacent to the boundary.

Refused – Dismissed at Appeal

03/08/2012

120581

Single storey rear extension

3m in depth on the boundary with No.67, extending to 5m, 2m set back from the boundary, 4.6m in height. This application did not include a decking area but instead had two sets of steps leading from the extension down to garden level.

Approved conditionally

23/10/2012

### **Proposed development:**

The application proposes the erection of a raised terrace area, 1.1m above the garden level, projecting 3m from the rear of the existing extension, set back 2.3m from the boundary with No.67 Moy Avenue, with a 1.8m high (above the level of the decking) privacy screen to either end of the proposed decking area.

### **Consultations:**

63 Moy Avenue have written in support of the proposal.

67 Moy Avenue have objected to the proposal on the grounds of loss of privacy, overlooking and looking down from the decking and loss of light and overshadowing from the screening.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the erection of decking to create a rear terrace providing there would be no significant impact on the amenity of the adjacent properties by way of overlooking or privacy impacts or overshadowing/overbearing impacts from the proposed screening, and the design was appropriate given the setting.

#### Impact of proposed development on amenity of adjoining property No.67 Moy Avenue:

The impact on privacy to this neighbouring property can be mitigated by the positioning of the privacy screen proposed as part of the application. The screen 1.8m in height would restrict overlooking from the terrace toward either neighbouring property.

However the privacy screen itself raises some concerns in relation to the impact on the neighbouring properties outlook and weather the height and visual appearance of the screening would be overbearing on the neighbouring property.

The existing extension to the application property already has an impact in terms of outlook and overshadowing to both the rear elevation of the attached dwelling and the garden level which is lower than the floor level of the property.

There is an existing 2m high fence between the two properties. The applicant submits that for the majority of the day the screening would have little additional impact on that created by the existing fence in terms of overshadowing.

The greatest concern is the cumulative impact of the extension at 5m in total length and a further 3m of privacy screen, albeit set back from the boundary. This results in a bulk of development which is considered overbearing and detrimental to the outlook from the adjacent property's rear elevation and garden level contrary to Policy B2 of the Core Strategy Local Plan which requires new development to protect the residential amenity of existing and future residents and Saved Policy HO20 which states that proposals will be refused unless they demonstrate that they do not cause unacceptable loss of outlook.

#### Impact of proposed development on amenity of adjoining property No.63 Moy Avenue:

The occupiers of No.63 have written in support of the application. This property has a slightly raised garden adjacent to this boundary and is therefore less impacted by the height of the proposed fence. Given the orientation of the properties the privacy screen would also have less impact on this property in terms of loss of light or overshadowing.

Design issues:

The existing extension is rendered matching the rear elevation of the property. The application proposes the erection of a timber privacy screen, however the applicant has confirmed that they would consider a different material if considered appropriate.

It is considered however that any material that blocks overlooking and is a solid structure will have a detrimental impact in terms of the cumulative impact of development along the boundary visible to the neighbouring properties. It is considered that the visual bulk and scale of development will not make a positive contribution to the property and that the scale and massing are not appropriate or sympathetic to the setting or relationship with adjoining properties contrary to policy D10a of the Core Strategy Local Plan 2013.

Other matters

The council strives to act in a positive and proactive way to seek resolutions rather than opting to refuse applications. The applicant has been advised during the course of the application that the decking should be lowered in height from ground level and reduced in length therefore reducing the bulk of the privacy screening needed and therefore the impact on the adjoining property. However this advice has not been followed the application has not been amended to alleviate officers concerns.

**Human Rights Implications:**

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

**Conclusion:**

Whilst the impact on privacy to neighbouring properties can be mitigated by way of a privacy screen, the privacy screen itself is considered unacceptable. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue.

The applicant has confirmed that they would consider a height and material to privacy screen to the Council's consideration. However, the reduction in

height of the screen would result in unacceptable impacts in terms of loss of privacy.

**Recommendation:**

To refuse planning permission for the following reason;

1. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue contrary to Policy B2 of the Core Strategy Local Plan and Saved Policy H020 of the Borough Plan 2007.
2. By virtue of the visual bulk and scale of development the proposed terrace will not make a positive contribution to the property and the scale and massing, when considered cumulatively with the existing extension, are not appropriate or sympathetic to the setting or relationship to adjoining properties contrary to policy D10a 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**.

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# Agenda Item 7

<b>App.No:</b> 160872	<b>Decision Due Date:</b> 22 September 2016	<b>Ward:</b> Devonshire
<b>Officer:</b> Neil Holdsworth	<b>Site visit date:</b> Various	<b>Type:</b> Listed Building Consent
<b>Site Notice(s) Expiry date: N/A Neighbour Con Expiry: N/A Press Notice(s): 30 August 2016</b>		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> Eastbourne Pier, Grand Parade, Eastbourne		
<b>Proposal:</b> Retrospective Listed Building Consent for the following works to Eastbourne Pier; Painting Lion detailing on 49no. lamp posts (primer undercoat layer and gold metallic outer layer); Painting 13 Domes and Pinnacles (primer undercoat layer and gold metallic outer layer).		
<b>Applicant:</b> Mr Sheikh Abid Gulzar		
<b>Recommendation:</b> Approve conditionally		

## Executive Summary:

This application is reported to Committee at the discretion of the Senior Specialist Advisor given the level of interest in the site/application and the Borough/Regional significance of the proposal.

This retrospective application was revised following a site visit attended by officers of the Council, Historic England and the owner of the pier whereby it established the owners commitment not to paint any further parts of the pier gold without first seeking listed building consent.

It was also agreed that the roof of the waterfront bar at the rear of the pier, which has been the cause of significant objection, would be repainted a neutral colour.

Because of the choice of colour and method of application the works that have taken place involving the painting of the rear dome (Camera Obscura) of the pier are considered to have resulted in some harm to the character and appearance of this Grade 2\* listed building. On balance, and having given consideration to the context of the works taking place as part of a significant programme of investment in the pier, it is considered that listed building consent should be granted for retention of the works in question.

**Planning Status:**

Eastbourne Pier is a grade 2\* listed pier comprising a mixture of retail and entertainment uses.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

Policy B2 Creating sustainable neighbourhoods  
Policy D10: Historic Environment.

Eastbourne Borough Plan Saved Policies 2007

Policy UHT1: Design of new development  
Policy UHT17: Protection of Listed Buildings and their settings.

**Relevant Planning History:**

Numerous historic applications for listed building consent the most recent/relevant applications are listed below.

141413

Dismantle the existing fire-damaged Arcade frame, together with the removal and replacement of the affected timber deck and deck support steelwork. Removal, refurbishment and reinstatement of existing cast iron balustrade, lighting columns and wind-breaks. Replacement of the Arcade building itself will be subject to a separate application.

Listed Building Consent Approved conditionally

11/12/2014

150285

Installation of rides and stalls upon the decking at the location of the former Blue Room at Eastbourne Pier for a temporary period of at least 18 months prior to redevelopment. (Amended description).

Planning Permission Refused

04/06/2015

**Proposed development:**

Retrospective Listed Building Consent is sought for the following works to Eastbourne Pier

- Painting Lion detailing on 49no. lamp posts (primer undercoat layer and gold metallic outer layer);
- Painting 13 Domes and Pinnacles (primer undercoat layer and gold metallic outer layer).

## **Consultations:**

### **Historic England**

Historic England would not object to the application if no further works of painting take place including the two remaining fish scale domes in the centre of the pier, and the waterfront cafe is repainted a neutral colour. Further comments from their response are summarised below:-

*Historic England recognise that the current owner has stepped in to acquire the pier when it was facing an uncertain future and is now investing in it.*

*However, the painting of the larger domes and other areas of the roofs of the pier does cause some harm to the historic character and appearance of the pier.*

*This is because these large sections, painted in bright yellow gold paint are overly dominant, particularly in medium and long views, drawing them to the eye and interfering with the appreciation of the consistent colour and celebrated silhouette of the roofscape of the pier.*

*Overall, the works have created a modest amount of harm and that continuing to paint the roof of the shingled domes would create more harm.*

### **Eastbourne Chamber of Commerce**

- Eastbourne Chamber of Commerce is a membership organisation representing the interests of 600 businesses across the district.
- Concerns have been expressed by members of the public and visitors that works that have taken place to the pier are not in keeping with the Victorian heritage of the pier and are unattractive.
- Concerns have also been made about the 'amateurish' look of the paint work undertaken on the decorative lion heads on the lamppost.
- Concerns that work taken place without planning consent and without prior consultation with the local planning authority and Historic England given heritage status of the site.
- Concern that works are not sustainable. Any works should use materials that can withstand high salt levels and severe weather conditions.

## **Eastbourne Society**

- Eastbourne Society regret that works have been undertaken without planning consent.
- Most of the painting is acceptable in the public domain and, whilst reversible, does not constitute damage to the structure.
- Objection raised to painting of the roof of the waterfront bar and of the turret on top of the camera Obscura.
- Oriental appearance of the pier is consistent with historic pier architecture. 49 lampposts are understood to be 1980's or 1990's additions to the pier.

## **Neighbour Representations:**

65 comments received from members of the public.

27 Objections received on the following grounds:

### **Conservation and design:**

- Use of gold is inconsistent with Eastbourne 'aesthetic' of blue and white.
- Use of gold is inconsistent with Victorian appearance and detracts from the character of grade 2\* listed building.
- Use of gold contributes to a commercial character which is out of character with the seafront area of the town.
- Use of gold resembles religious buildings thereby changing the character of the pier.

### **Other grounds**

- Concern that work was undertaken without seeking listed building consent.
- Concern that use of gold will easily discolour and show stains/marks over time.

38 letters of support

### **Conservation and design**

- Use of gold is typical on domes of Victorian buildings and within the nature of pier architecture.
- Use of gold will 'further celebrate the achievements of the athletes in the Olympic games'.

### **Other grounds**

- Support for works undertaken by the owner in restoring the pier.
- Works appear to be locally popular resulting in more visits to the pier.
- Gold is used elsewhere on the seafront e.g. litter bins and lampposts.

## **Appraisal:**

This retrospective application for listed building consent was submitted following the painting of a number of domes on Eastbourne Pier in July 2016.

It also seeks retrospective approval for the painting of the lions located on lampposts on the pier itself, undertaken in the course of 2015. Following amendment it does not now include the painting of the final two domes in the centre of the pier which retain a 'fish-scale' appearance nor the retention of the gold paint applied to the roof of the waterside café.

Eastbourne Pier is widely acknowledged as being the finest remaining example of Eugenius Birch's seaside Victorian piers which is reflected in its designation as a grade 2\* listed building. The pier began as a promenade pier and was subsequently adapted to a pleasure pier, with the kiosks and entertainment pavilions constructed on the pier itself being built and adapted over time to reflect the changing demands of customers and owners. As such the pier in its current form represents a building that is constantly evolving and changing and cannot necessarily be fixed in a certain point of time. As an example of this evolution the lampposts on the pier, which incorporate ornamental lions, are understood to date back to the 1980's. Given this background, painting parts of these lampposts gold is not considered inappropriate in historic buildings terms.

Many respondents to the consultation exercise draw attention to the distinctive blue and white colour scheme which has come to be associated with Eastbourne and the pier. The domes on the pier, of which there are 15 in total are clad in zinc which had weathered to create a grey appearance which complements the blue and white colour scheme. In this context, the painting of these domes gold is seen by many respondents as creating an unfortunate juxtaposition to the blue and white colour scheme associated with the pier, and therefore harming the overall appearance of the Grade 2\* listed building.

Historic England have inspected the works and consider that painting of small areas of the pier may be considered appropriate. However the painting of the larger areas could be considered to have materially altered the character of the pier.

Historic England consider that these sections are particularly dominant, particularly in medium and long views, drawing attention to them and interfering with the appreciation of the consistent colour and celebrated silhouette of the roofscape of the pier. As such, they consider that the works have changed the character of this grade 2\* listed building. Their overall assessment is that some harm has occurred to the heritage asset as a result of the works, although at present the harm is less than substantial and they do not object to the proposal as long as the roof of the waterside café is repainted a neutral colour, which the applicant has agreed to do.

Paragraph 134 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The applicant, along with many respondents to the consultation exercise draw attention to the investment that has been made in to the pier. This includes works to repair the substructure and platform of the pier, works to provide additional seating and general repair and decoration which will help sustain the pier as a viable commercial enterprise which is an important asset to the town and integral to its appeal as a tourist destination. In this context the owner sees the painting of the domes as being integral to these works and his long term vision for the pier.

Having given consideration to the tests set out in the NPPF it is considered that on this occasion the public interest in the ongoing viability of the pier outweighs the identified harm, and the application is recommended for approval.

**Human Rights Implications:**

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

**Recommendation:**

The application is recommended for approval subject to a condition specifying precisely which works have been approved as a result of the decision.

An informative has been added to the decision reminding the applicant that the roof of the waterside bar is not approved by this permission and comprises a breach of listed building controls, and to seek the advice of the local planning authority prior to undertaking any further painting of this grade 2\* listed building.

**Conditions:**

1. This listed building consent hereby authorises the retention of the following works that have been undertaken at Eastbourne Pier as of 20<sup>th</sup> September 2016:
  - a. Painting of 49 ornamental lions on lampposts.
  - b. Painting of 13 domes.

Reason: For the avoidance of doubt.

**Informatives:**

1. As per the email exchange between Manasdeep Singh and Neil Holdsworth dated 31<sup>st</sup> August 2016, this listed building consent does

- not authorise the retention of the gold paint on the roof of the waterside bar at the rear of the pier. This constitutes a breach of listed building consent and must be rectified immediately by painting it a neutral colour. If you are in doubt about what you are required to do to rectify this breach, please contact the local planning authority.
2. The two remaining domes in the centre of the pier which are clad in fish scale zinc must be retained in that condition and not altered without obtaining listed building consent.
  3. You are advised that any further painting of the pier may require listed building consent. You are advised to approach the Council for advice prior to proceeding with any further works.

**Appeal:**

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

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# Agenda Item 8

<b>App.No:</b> 160908	<b>Decision Due Date:</b> 3 October 2016	<b>Ward:</b> Langney
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 7 September 2016	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 3 September 2016 <b>Neighbour Con Expiry:</b> 3 September 2016 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> Land to the West of Larkspur Drive, Larkspur Drive, Eastbourne		
<b>Proposal:</b> Outline planning permission (Access, Appearance, Layout and Scale) for erection of up to 9 no. dwellings including potential for hard and soft landscaping and car parking.		
<b>Applicant:</b> Clinton Development Company Ltd		
<b>Recommendation:</b> Refuse Planning Permission		

## **Executive Summary:**

This application is reported to planning committee given the proposed development in the location proposed is considered to be a departure from the Council's Local Plan.

The application is for outline planning permission (landscaping reserved) for the erection of up to 9 dwellings.

The site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary.

The main issue in relation to the application is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The Council is currently unable to demonstrate A full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the planning period to 2026. However it is considered the environmental and landscape constraints with

the site are strong policy reasons to not support this application and therefore it is recommended that planning permission is refused.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment
- 55. Sustainable, high quality of design in rural areas.

Core Strategy Local Plan 2013 Policies

- D1 Sustainable Development
- D5 Housing
- D9 Natural Environment
- D10a Design
- D11 Eastbourne Park

Eastbourne Borough Plan Saved Policies 2007

- UHT1 Design of development
- UHT2 Height of buildings
- UHT4 Visual amenity
- UHT7 Landscaping
- NE23 Nature conservation
- NE28 Environmental amenity
- HO17 Supported and special needs housing
- HO20 Residential amenity
- TR11 Car parking
- US4 Flood protection and surface water disposal

**Site Description:**

The application site is located outside of the built up development boundary of Eastbourne and is located with the confines of Eastbourne Park.

The application site comprises an irregular piece of principally undeveloped land on the west side of Larkspur Drive, 0.4ha in area, adjacent to the Busy Bees Nursery. There is a sewage pumping station in the south east corner of the site, and the whole of the western boundary adjoins the Willingdon and West Langney Sewer. The site slopes down from south to north, and from east to west; a post and rail fence in front of a sparse hedgerow forms the boundary with Larkspur Drive, and the site is mostly covered in scrub, but with a reed bed along the western boundary.

**Relevant Planning History:**

020737

Erection of 14 residential units comprising 8 three-bedroom houses, 2 two-bedroom houses, 2 two-bedroom flats and 2 one-bedroom flats together with provision of a viewpoint facility. (Amended description)

Outline (some reserved)  
Refused  
22/07/2003

090510  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Withdrawn  
20/10/2009

100412  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Refused on the grounds of the design, scale, height and massing would be detrimental to the visual amenities of the area and the setting of, and views of, Eastbourne Park.  
01/10/2010  
Dismissed on appeal

120252  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Refused as the design of the proposed building was considered detrimental to the character and appearance of the site and the long and short range views.  
14/06/2012  
Dismissed on appeal with the inspector concluding that the standard of design would not be good enough to prevent a building of this size and prominence from having a detrimental impact on the long views to and from Eastbourne Park.

**Proposed development:**

The application proposes the erection of 9 dwellings, 3 blocks of 3 dwellings, two storeys in height.

**Consultations:**

Specialist Advisor (Planning Policy)

Raised concerns regarding the sustainability of the proposal, the development of the site is not supported in principle and recommends refusal.

CIL Consultations

The development would be liable to a CIL charge.

Southern Water

No response received

Environment Agency  
No response received

County Archaeologist – Consultations

Although this application is situated within an Archaeological Notification Area, the site has been subject to archaeological evaluation excavation which has identified it as being of low archaeological interest. I therefore do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

County Ecologist  
No response received

Highways ESCC

No objection raised in principle to the development. Their full response is attached below:-

*The new shared access will have a minimum width of 4.5m which is considered to be appropriate for a development of this type and size, however a footway on the southern side of the access should be provided for residents to use from the site to Larkspur Drive.*

*Larkspur Drive is subject to a 30mph speed limit, therefore any new access should be provided with visibility splays of 2.4m x 43m, the applicant has demonstrated that visibility splays greater than 43m can be achieved. It is unlikely waste collection vehicles will enter the site, therefore it is recommended that a central refuse collection point be incorporated to accommodate the maximum carry distances of 30m for residents and 25m for waste operatives.*

*The Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 14 spaces provided there are 9 No.2 bed dwellings with 1 space allocated per dwelling. The parking provision therefore falls 1 short of the recommended number; however there appears to be scope to increase this number. If parking spaces number 3, 4, 6, & 7 are moved toward the western boundary an additional 4 spaces in a tandem arrangement could be provided. This would also help prevent the turning head being obstructed by parked cars. It is noted that the cycle parking has not been indicated. Cycle parking should be provided in accordance with the East Sussex County Council's adopted parking standards with 1 cycle parking spaces per dwelling. These parking facilities should be covered and secure and located within the site in a convenient location for users.*

*Pedestrian facilities connecting the site to public transport and the surrounding area are generally good. From a highway perspective the application site has good access to local services which are not on the whole car dependent. Local schools are close by and bus stops are present and within short walking distance. 9 residential units would generate in the region of 45 trips per day over the course of a 24 hour period. During the peak periods, it is expected that 4-5 vehicle trips are likely. This increase in activity from this site does not raise concern from a highway safety or highway capacity point of view.*

*Given that Larkspur drive can get congested during peak times. A Construction Traffic Management Plan should be submitted to ensure that this development does not have an adverse effect on the existing highway infrastructure. This should be submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction traffic hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking clear of the highway.*

*It is noted from the application form on Section 6 that the applicant wishes the new road to be adopted a public highway. Given the size of the development and the fact that it does not link to any other public highway or right of way it is not considered of sufficient public benefit and we would not want to adopt.*

### **Neighbour Representations:**

Objections have been received from the following properties;

- 1b Erica Close
- 2 Erica Close
- 10 Erica Close
- 15 Erica Close
- 16b Erica Close
- 4 Briar Place
- 8 A Larkspur Drive

Covering the following points:

- Provision for parking overspill impact on Larkspur drive
- Increase in traffic congestion
- Pedestrian safety given increase in vehicles
- Loss of open space
- Flooding
- Climate change
- Ecology
- Land is in Shinewater Park
- Access for construction
- Problems with sewage infrastructure

## **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 would be considered to be a windfall site.

The site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary. The application would result in the net gain of 9 dwellings on a greenfield site.

The main policy issue is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The site is located within Tidal Flood Zone 3A, and is also located within the Willington Levels Flood Storage Catchment Area (Policy US4, Eastbourne Borough Plan). It is a low-lying site that would require significant on-site infrastructure improvements to deal with drainage of water into Eastbourne Park and surface water management. A detail flood risk assessment has been provided in support of the application, including necessary information relating to the sequential and exception test. However, the sites location in Eastbourne Park is the determining factor which currently resists residential development within its boundary.

The Council is currently unable to demonstrate a full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the plan period to 2026. However it is considered the environmental and landscape constraints of the site are in this instance the overwhelming material planning considerations in the evaluation of this application. Given this it is recommended that the application should be resisted on these grounds despite the shortfall in the 5 year housing supply.

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

The site is low lying compared with the closest residential properties of Larkspur Drive, therefore having limited impact on these in terms of any loss of privacy etc.

To the south of the site is Busy Bee's Nursery a single storey building with rear outdoor space. A first floor bay window is proposed to the side elevation of the terraces to maximise the views this would overlook the garden area of the adjacent nursery. This is probably not ideal however could be controlled by condition should permission be granted.

The design of the property and layout results in a lack of private amenity space for future occupiers. The dwellings have bedrooms at ground floor with the main living accommodation at first floor level. Each have a small balcony to the rear 1m in depth with access down to a small courtyard garden mostly taken up with the spiral staircase access to first floor. The terraces are not shown with any privacy screening between, therefore affording little privacy for occupiers.

Design issues:

The dwellings comprise a gabled front elevation with pitched roof, and are laid out within the site as three blocks of three dwellings.

The proposed elevations have elements of timber boarding and render. The design and access statement states the layout has been designed to break up the elevations. The properties are designed with a vertical emphasis, narrow in width with steeply pitched roofs.

The adjacent nursery building is a single storey brick building. The properties opposite on Larkspur Drive and Erica Close are all two storey dwellings of a similar design/character. Whilst of no particular architectural merit they have a sense of uniformity. It is not considered that the proposal relates to any of the surrounding buildings. However there are more modern dwellings similar to this proposed design further up Willingdon Drove at the corner with Milfoil Drive, which are part render part timber clad.

There is a significant change in ground level on this part of Larkspur Drive. Therefore the first floor and roof pitches will be level with Willingdon Drove and are therefore highly visible. The much higher profile of the proposed properties than the existing nursery adjacent which is only just visible from Willingdon Drove will affect views of Eastbourne Park.

Given its prominence to both the long and short range views across the park it is considered that the proposed rear elevation needs to be handled sensitively and appropriately. In this regard the rear elevation of the properties are considered not to promote a form of development that that integrates with the immediate and wider landscape and moreover not of sufficient design quality (in NPPF terms) to justify building outside of the built up area and within Eastbourne Park. In addition the domestication of the balconies and rear gardens by the likely paraphernalia associated with residential living (tables and chairs, rotary washing lines, children's play equipment) is considered harmful to the wider character of the area.

In isolation there are no material harmful impacts with the design and appearance of the dwellings however it is considered that the proposed buildings are not site specific and as such do not relate to the open undeveloped character of the immediate and wider surrounding area.

Impacts on highway network or access:

As shown in ESCC Highways response, the access to the site would be considered acceptable with some minor amendments which could be controlled by condition.

In terms of parking, whilst the layout plan shows below their requirement for this number of dwellings in this area it is considered that additional parking could be incorporated within the scheme.

Therefore it is not considered that a reason for refusal based on additional traffic movements or the level of parking could be substantiated.

**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 site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary. As such in the Eastbourne context this site is a wholly greenfield site.

The main issue in relation to the application is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The Council is currently unable to demonstrate A full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the planning period to 2026. However it is considered the environmental and landscape constraints with the site are strong policy reasons to not support this application and therefore it is recommended that planning permission is refused.

**Recommendation:** Refuse planning permission for the following reason;

The proposed development is situated within the boundary of Eastbourne Park and outside the built up area boundary and the design and appearance of the proposed dwellings/buildings is not of sufficient quality to offset the

harm by way of an in principle policy objection the development. It is therefore considered contrary to policy D11 of the Core Strategy Local Plan 2013 and paragraph 55 of the National Planning Policy Framework.

**Appeal:**

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

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# Agenda Item 9

<b>App.No:</b> 160751	<b>Decision Due Date:</b> 25 August 2016	<b>Ward:</b> Meads
<b>Officer:</b> Neil Holdsworth	<b>Site visit date:</b> Various	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 30 July 2016 <b>Neighbour Con Expiry:</b> 30 July 2016 <b>Press Notice(s):</b> 9 <sup>th</sup> August 2016		
<b>Over 8/13 week reason:</b> To meet committee cycle		
<b>Location:</b> 17-18 Lushington Lane, Eastbourne		
<b>Proposal:</b> Demolition of existing garages and erection of a three storey building with 6 No. two bedroom flats with private courtyard gardens to the rear serving the ground floor flats.		
<b>Applicant:</b> Mr C Benton		
<b>Recommendation:</b> Approved conditionally		

## Executive Summary

This application is reported to planning committee given the level of objections received.

This proposal involves the demolition of an unlisted garage within the Town Centre and Seafront Conservation Area and its replacement with a three storey building comprising 6x 2 bedroom flats.

The proposed footprint and scale of the silhouette of the development is identical to one that was previously approved on the site for four flats each with a garage at ground floor level.

Under the current proposal the ground floor (garages on the former schemes) would comprise two additional units and there will be no off street parking provided. The highway authority advise that there is sufficient capacity in the surrounding road network to absorb any parking demand from this development.

The proposed development is acceptable in all other respects, and it is therefore recommended for approval subject to conditions.

**Planning Status:**

Town Centre and Seafront Conservation Area  
Source Protection Zone 2

**Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C1: Town Centre Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D5: Housing

D10: Historic Environment

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE17: Contaminated Land

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT15: Protection of Conservation Areas

HO1: Residential Development Within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO20: Residential Amenity

BI1: Retention of Class B1, B2 and B8 Sites and Premises

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

**Site Description:**

These single storey commercial garage premises are located on the south side of Lushington Lane. The building is purely functional, and is of no merit to the conservation area, although it does reflect the scale of the service buildings found originally on this side of the lane.

**Relevant Planning History:**

Site

141478: Demolition of existing garages and erection of a three-storey block of four self-contained flats with garaging on the ground floor.

Approved conditionally 29/01/2016

16 Lushington Road

140801

Demolition of garages and erection of a pair of semi-detached dwellings.

Approved conditionally 08/08/2014

20 Lushington Lane

EB/2000/0262

Demolition of redundant warehouse and construction of four townhouses and five flats with integral garaging.

Approved conditionally 9/11/2000

**Proposed development:**

Permission is sought to demolish all the commercial buildings on the site, and to construct a block of six two-bedroom flats.

Planning permission was previously granted for a similar proposal under reference 141478.

The revised proposal is identical in most respects to the previous approval with the exception of the conversion of the ground floor to two additional two bedroom flats and alterations to the rear elevation to create external amenity space at ground floor level.

The new building would be constructed of brick with hanging tiles at first floor level and a mansard style roof.

**Consultations:**

Internal:

Conservation Area Advisory Group

The proposal was considered at the meeting of CAAG on 23<sup>rd</sup> August and no objections were raised to the proposed development.

Highways ESCC

A refusal on highway grounds would be difficult to defend.

Other main points raised by ESCC Highways have been summarised below.

*The main highway issue related to this proposal is lack of parking. However it should be noted there are a variety of travel choices available in Eastbourne and the site is located within the Town Centre and therefore is in a sustainable location in transport terms. There is good access to train, bus and taxi services as well as shops and services which will limit the need to travel by car. Under these circumstances a zero parking provision is acceptable.*

*The site is also in a permit parking zone (G) so parking is controlled and residents are required to purchase a permit before they can park in the area. Following consultation with the ESCC Parking Team, permits are still issued for this zone and there is no waiting list. It*

*should be noted that the issue of a permit does not guarantee that space will be available on street.*

*A refusal on highway grounds would be difficult to defend as a severe impact would be unlikely to be created and therefore the proposal is in accordance with the transport requirements of the NPPF. Parking restrictions along Lushington Lane prevent unauthorised parking, therefore maintaining the free flow of traffic.*

#### Neighbour Representations:

Six objections have been received on the following grounds:

##### Design

- Concern that proposal is an overdevelopment of the site.

##### Amenity

- Loss of light and overlooking to neighbouring properties along Lushington Road.
- Overshadowing and sense of enclosure to adjoining property.

##### Parking

- Concern about lack of parking for proposed flats

##### Other issues

- Concern that proposed development in opens out directly on to the road, risking highway safety.
- Absence of cycle and waste storage.
- Concern about hygiene of rear alleyway.

#### **Appraisal:**

##### Principle of development:

Many of the former commercial buildings fronting Lushington Lane have been redeveloped over the past 15-20 years to provide dwellings of a range of different forms and styles. The character of the lane has changed from that of a service road containing principally commercial buildings on the south side, to one which now contains very much more residential properties interspersed with some garaging and commercial uses.

The principle has for residential developed has therefore been established.

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

Objections have been raised by occupiers of adjacent buildings within Lushington Lane, to the rear along South Street and to the front along Lushington Road which have a rear access to Lushington Lane.

A building of the same bulk scale and mass has already been considered acceptable on this site and an extant planning permission is in place. That decision considered the relationship between the proposed development and

properties to the side and rear to be acceptable both in terms of its height, bulk and scale and the principle of clear glass windows in the rear elevation. This is an important material consideration in the current decision.

In amenity terms the distance between the premises and the properties to the rear along South Street was previously considered to be acceptable and would not create a material increase in overlooking. There are no material changes in circumstance that would justify changing this position. The residential redevelopment of the site and increase in height fits the pattern of the surrounding townscape and established precedents along Lushington Lane, and is not considered to result in a noticeably detrimental relationship in amenity terms.

In respect of the recently constructed semi detached premises on Lushington Lane (16 A and B) it is acknowledged that the bulk of the development will result in a small loss of light through the enclosure of the small rear courtyard gardens to these premises by a three storey high wall. Whilst any loss of light is regrettable, in this case the courtyard gardens in question are very small and already substantially enclosed. Furthermore, the properties in question were under construction at the time of the granting of the previous permission, and any future occupier would be aware of the possibility of that development being built out. In respect of the properties along Lushington Road which open out directly on to Lushington Lane it is considered that there is sufficient distance from the development to the affected windows and private amenity space to not result in a material increase in overlooking or loss of privacy to these properties.

The proposal is considered acceptable in residential amenity terms.

#### Amenity of future occupiers.

The proposal provides 6x 2 bedroom units which are 67 sqm in size. This exceeds the nationally defined minimum standard for a 2 bedroom/ 3 person unit (61sqm).

All the units have an acceptable outlook and are sufficiently lit. The ground floor flats have a small area of private amenity space to the rear.

#### Design and impact on conservation area:

In design terms the scheme replicates the previous approval with the exception of the replacement of the garage doors with windows. This in turn replicated the scale and design of the nearby development at 20 Lushington Lane (known as Chelsea Mews). The style of development is in keeping with the appearance of surrounding buildings and this part of the Town Centre and Seafront Conservation Area.

The loss of the existing garages were previously considered acceptable and the residential development follows surrounding precedents.

Impacts on highway network or access:

Objections are raised regarding the fact that no off street parking is proposed. The proposal is a zero parking development and the loss of garaging when compared with the previous proposal is regrettable as any parking demand from future occupiers will need to be absorbed on the surrounding road network.

However, the Highway Authority advise that there is sufficient capacity within the current residents permit scheme to absorb the potential parking demand from the development. As such a reason for refusal on highways grounds cannot be supported. Whilst it is acknowledged that the fact the development opens out directly on to the highway is not ideal, it follows the existing pattern of development.

Details of waste storage and cycle parking within the development are required by condition.

**Human Rights Implications:**

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

**Conclusion:**

The proposed development would have no adverse impact on visual or residential amenity, and would provide residential units with a good standard of accommodation within the town centre. As such the proposal complies with the relevant policies in the Council's approved local plans and national guidance.

**Recommendation:** Approve conditionally

**Conditions:**

1. Commencement with 3 years
2. Development in accordance with approved plans
3. Hours of operation
4. Details of waste storage
5. Details of cycle parking.
6. Details of materials.

**Informatives**

Need to submit a DOC application

**Appeal:**

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

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