



Planning Committee

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



The Planning Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



An induction loop operates to enhance sound for deaf people who use a hearing aid or loop listener.

If you require further information or assistance please contact the Local Democracy team – contact details at end of this agenda.

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Please ask if you would like this agenda and/or any of the reports in an alternative format.

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

Agenda

- 1 Minutes of the meeting held on 20 September 2016.** (Pages 1 - 4)
- 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 2 Fort Lane. Application ID: 160794. (Pages 5 - 14)

7 5 Wessex Place. Application ID: 160825. (Pages 15 - 22)

8 Rear of 48 St Leonards Road. Application ID: 160538. (Pages 23 - 30)

9 South Downs National Park Authority Planning Applications.

10 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).

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

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

Further Information

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

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW

Tel: (01323) 415023/415021 Text Relay: 18001 01323 410000, Fax: (01323) 410322

E Mail: localdemocracy@eastbourne.gov.uk

Website at www.eastbourne.gov.uk

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

This page is intentionally left blank

Tuesday, 20 September
2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) and Councillors Ballard (as substitute for Jenkins), Choudhury, Hearn (as substitute for Sabri), Miah, Murdoch, Robinson and Taylor

58 Minutes of the meeting held on 30 August 2016.

The minutes of the meeting held on 30 August were submitted and approved and the Chairman was authorised to sign them as a correct record.

59 Apologies for absence.

Apologies for absence were reported from Councillors Jenkins and Sabri.

60 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.

None declared.

61 65 Moy Avenue. Application ID: 160677

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

The application was deferred from the meeting held on 30 August 2016 to enable the applicant to attend and address the Committee.

Mr Smeeton, applicant, addressed the Committee and produced an impact report for the Committee's consideration, that analysed the proposal's impact on outlook and sunlight into the garden and lounge window of 67 Moy Avenue. He believed that the current proposal, advice on which had been sought from officers at the pre-application phase, would not have a significant impact on their neighbour's amenity.

RESOLVED: (By 7 votes to 1) That permission be refused on the grounds that (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.

62 Eastbourne Pier, Grand Parade. Application ID: 160872

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) – **DEVONSHIRE**. 38 letters of support and 27 objections had been received from members of the public.

The item was considered by the Conservation Area Advisory Group at its meeting on 23 August 2016. The Group stated that although it was regrettable that the applicant did not seek listed building consent prior to commencement of works, in general the work undertaken had not harmed the historic character of the grade 2* listed Pier and they supported its retention. The Group objected to any further painting of the building, including the fish scaled domes in the centre of the Pier.

The Committee was advised that informative (1) had been revised to reflect that following publication of the report, the applicant had now repainted the roof of the waterside bar white in line with guidance from Eastbourne Borough Council and Historic England.

Mrs Madell, the Council's Heritage Champion and representative of the Meads Community Association addressed the Committee in objection to the application. She strongly objected and recommended that the Committee order the applicant to remove the gold paint and reinstate the zinc roof. She made reference to the Eastbourne Borough Plan and policies UHT3, UHT4, UHT9, UHT 15, UHT17 that would support refusal of the application.

Mr Gulzar, applicant, addressed the Committee and made reference to the 38 letters of support compared to 27 letters of objection, the view of Historic England and that the proposal had been recommended for approval.

RESOLVED: (By 5 votes to 3) That Listed building consent be granted subject to a condition which specifies precisely which works are approved as a result of the decision as follows (1) This listed building consent hereby authorises the retention of the following works that have been undertaken at Eastbourne Pier as of 20th September 2016: (a) Painting of 49 ornamental lions on lampposts; (b) Painting of 13 domes.

Informatives:

The following informatives have been attached to the decision notice:

- (1) As per the email exchange between Manasdeep Singh and Neil Holdsworth dated 31st 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. It is noted that as of the date of this decision, this had now been repainted white.
- (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) The applicant is advised that any further painting of the pier may require listed building consent. The applicant is advised to approach the Council for advice prior to proceeding with any further works.

63 Land to the West of Larkspur Drive. Application ID: 160908

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 – **LANGNEY**. Seven letters of objection were reported from local residents.

Consultation with the Specialist Advisor (Planning Policy), CIL Consultations, Southern Water, Environment Agency, County Archaeologist, County Ecologist and Highways ESCC were detailed in the report.

Councillor Shuttleworth, Ward Councillor, addressed the Committee in objection to the application and supported the officer recommendation detailed in the report.

RESOLVED: (Unanimous) That permission be refused on the grounds that 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 to 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.

64 17-18 Lushington Lane. Application ID: 160751

Proposed 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 – **MEADS**. Six letters of objection were reported from local residents.

The Conservation Area Advisory Group at its meeting on 23 August 2016 raised no objections to the proposed development.

An additional condition was recommended by officers to ensure the appearance of the development was consistent with others in the vicinity of the development.

RESOLVED: (Unanimous) That permission be granted subject to the following 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. (7) Details must be provided of the windows, doors and rainwater goods to be used in the development hereby approved. This must be submitted to and approved in writing under the terms of this condition and work must not be started on any relevant parts of the development until approved. The works shall then be carried out in accordance with the approved details.

Informative:

An informative has been attached to the decision notice advising the applicant of the need to submit a DOC application.

65 South Downs National Park Authority Planning Applications.

There were none.

66 Appeal Decisions.

There were none.

The meeting closed at 7.19 pm

Councillor Murray (Chairman)

Agenda Item 6

App.No: 160794	Decision Due Date: 6 September 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: Various	Type: Planning Permission
Site Notice(s) Expiry date: 6 August 2016		
Neighbour Con Expiry: 7 October 2016		
Press Notice(s): N/A		
Over 8/13 week reason: Extension of time agreed to facilitate amendments to scheme and re-consultation prior to reporting case to planning committee.		
Location: Unit 2, Fort Lane, Eastbourne		
Proposal: Development of 9no residential units and 11no car parking spaces, located on 2 adjacent sites in Fort Lane: SITE A - Unit 2, located on East side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, West side of Fort Lane, comprising: 5no x 2bed terraced houses (Site B); 2no x 2bed houses (Site A); 1no x 1bed flat (Site B); 1no x 2bed flat (Site B). AMENDED PLANS RECEIVED.		
Applicant: Mr M Ward/Eastbourne Homes		
Recommendation: Approve conditionally		

Executive Summary:

This application is reported to committee due to the number of objections received and due to the applicant being Eastbourne Council.

Planning permission is sought for the demolition of a light industrial complex and its replacement with a development comprising seven new residential dwellings and two flats. Eleven car parking spaces are to be provided as part of the development.

Objections have been received from surrounding residents of Myrtle Road and Allfrey Road which back on to the existing light industrial site, raising issues regarding the impact of the new building to on the residential amenity of existing residents, and of the impact of additional housing on demand for existing on street parking.

The proposal is considered to create additional new housing in a sustainable location and a considerable improvement to the local residential environment. It is considered acceptable in amenity and highways terms.

The application is recommended for conditional approval.

Planning Status:

The existing site is a light industrial complex (B1c use class) currently used by a steel fabricator and partially vacant land most recently used as vehicle storage. It is split in to two parts with Fort lane running through the centre of the site.

Relevant Planning Policies:

National Planning Policy Framework 2012

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

Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C3: Seaside Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D5: Housing
- 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
- 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:

The site is divided in to two by Fort Lane which is currently a service road serving the former industrial premises on the site.

Site A is a derelict space bounded by residential gardens and the car park/garden area to the rear of the Alexandra Arms pub.

Site B is bounded by Fort Lane, Myrtle Road and Allfrey Road and occupied by a light industrial unit currently in use by a steel fabricators.

An access alleyway runs alongside the gardens of both the Myrtle Road and Allfrey Road properties separating the houses from the industrial unit. To the rear of the steel fabricators is a further industrial building currently used as a car workshop accessed from Myrtle Lane. This is not part of the development site and is to remain in situ.

Relevant Planning History:

Development of 3no two bedroom residential units and 3no car parking spaces.

Planning Permission

Withdrawn

12/01/2015

Proposed development:

The proposed development involves the construction of a block comprising 5 x two bedroom houses and 2 flats (1x1 bed and 1x2 bed), together with freestanding building comprising 2 x 2 bedroom houses accessed directly from Fort Lane. 11 parking spaces are provided together with landscaping showing the construction of gardens and access routes through the development.

Type	Size	Minimum national standard
7 x 2 bedroom houses 2p, 2bed 2 storey	90 Sqm	79 Sqm
1 x 2 bedroom flat 1 storey	65 Sqm	61 Sqm
1x1 bedroom flat 1 storey	50 Sqm	50 Sqm

The semi-detached property is formed from brick under a slate roof to a ridge height of approximately 7.1m and 15.5m in width and 8.8m in depth.

The terrace is formed from an identical material palette to the semi-detached units and measures approximately 8.3m to the top of the ridge line and 30m for the length of the terrace and 11.1m in depth.

Consultations:

Internal:

Specialist Advisor (Environmental Health): Advise that report desk based study is sufficient in terms of an investigation in to the site. Recommend further conditions are added to any approval to ensure that contaminated land issues are dealt with should development proceed.

External:

Highways ESCC:

Support the application on the basis that the change of use will result in a lower intensity of use on the site and therefore no trip generation. Amount of parking spaces provided and layouts are acceptable. Proposal is considered acceptable subject to conditions.

Neighbour Representations:

Seven objections were received and cover the following points:
Original scheme (consultation July 2016)

Design

- Concern that proposal represents an overdevelopment of the site.

Residential Amenity

- Proposal will result in a loss of light and overshadowing of surrounding residential gardens.
- Proposal will result in overlooking of surrounding residential properties.

Highways and Parking

- Concern that proposal will result in additional parking demand on surrounding streets.
- Concern that proposal will result in blocking of public highway and illegal parking.

Other issues

- Concern about impact of dust and noise from construction works.
- Proposals for alternative methods of traffic management and parking.
- Concern that rear access to properties on Myrtle Road is to be changed.
- Concern that insufficient provision is made for waste storage.
- Concern about loss of existing business and employment provision on the site.

Amended scheme (re-consulted 9th September)

- Concern about overshadowing and loss of light to properties along Myrtle Road.
- Concern about additional parking pressure created by proposed development.

Appraisal:

Principle of development:

The site is not located in a defined industrial or employment area. As such there is no objection in principle to the loss of the existing business and its replacement with a residential led development.

The proposed development creates nine new units. Seven of these are houses and two are flats. Private garden space is provided for all the units except the upper floor flat.

Whilst the general outlook from the new buildings on the site is constrained by its urban infill setting, it is considered that the buildings have an acceptable level of residential amenity for future occupiers and thereby meet the requirement of policy B2 of the Core Strategy.

All the units meet the minimum space standards for new dwellings as set out in central government guidance. A full breakdown of the unit types and size is set out in the table below.

Type	Size	Minimum national standard
7 x 2 bedroom houses 2p, 2bed 2 storey	90 Sqm	79 Sqm
1 x 2 bedroom flat 1 storey	65 Sqm	61 Sqm
1x1 bedroom flat 1 storey	50 Sqm	50 Sqm

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

A number of objections have been raised by residents of Myrtle and Allfrey Road expressing concern about overlooking from the new dwellings and of additional overshadowing created by the proposed development.

Site B is occupied by an unrestricted light industrial unit which backs on to the gardens of the properties thereby resulting in an existing sense of enclosure and perception of overlooking. This is a material consideration in assessing the impact of the replacement buildings. The proposed building is

smaller than the existing building and located 10 metres from the closest rear windows on the Myrtle Road buildings, and 13 metres from the Allfrey Road windows. The applicant has agreed that the glass on the main upper floor panel windows facing the Myrtle Road properties are to be made from obscure glass and therefore avoids direct overlooking of the closest neighbouring gardens. This is reflected in a condition on the decision notice.

In the case of the Allfrey Road windows these are to be built in clear glass. The 13 metre separation distance is considered to be sufficient to prevent any significant additional overlooking of these neighbouring properties given the urban setting and existing position.

The two semi-detached 2 bedroom dwellings to be constructed within site A will not result in a material loss of light or overlooking in respect of any surrounding properties. The applicant has re-sited these dwellings away from the closest property on Myrtle Road. The proposal backs on to a pub beer garden/car park and this relationship is considered acceptable. The relationship between this property and those that surround it is similar to the remainder of the development and the relationship is considered acceptable in amenity terms.

The bulk and scale of the development, at two storeys in height and recessed away from neighbouring gardens is not considered to result in an unacceptable level of overshadowing of neighbouring gardens when compared with the existing position.

Whilst it is recognised that the development will create some additional overlooking, on balance it is considered that the development will deliver an improvement in the overall residential quality of the existing dwellings which is considered to outweigh this objection. In addition, the removal of the light industrial use will reduce the potential for disruption from such a use in terms of noise, heavy industrial traffic and odour.

Conditions removing permitted development rights are recommended to prevent new windows being built and extensions (rear extensions and roof extensions) being constructed on the dwellings hereby approved. This is because of the proximity of the site to surrounding residential properties and the potential to create overlooking of neighbouring properties.

Design issues:

This is an infill site that is not located within a conservation area or an area of high townscape value. The surrounding streets are predominantly comprised of two storey Victorian terraced residential buildings and post war rendered semi-detached houses. Many of the historic buildings have already been heavily altered.

The building fits in with the general flow of the townscape with the ridge height of the roof eaves being generally consistent with the buildings along Allfrey and Myrtle Road. The proportions, height and depth of the building reflect those that surround it.

The proposed brick and render terraced housing interspersed with some defining features (such as bay windows) and provision of landscaping and external amenity space is considered to achieve a good standard of urban design.

The proposal is considered acceptable in design terms and objections that the proposal represents an overdevelopment cannot be supported.

Impacts on highway network or access:

The proposed development provides eleven car parking spaces which equate to more than one per unit, these are to be located in a row off Fort Lane with pedestrian access to the new dwellings. The freestanding semi-detached buildings have 2 spaces each on a private driveway.

Local residents are concerned that the development will result in an increase in parking demand for on street parking and additional highway movements resulting in danger for highway users.

The highway authority consider that the eleven spaces will be sufficient to prevent overspill and additional demand for on street parking in the local area. Whilst the development is likely to generate some additional parking demand the removal of the existing light industrial use would also remove some parking demand, so on balance therefore the impact is likely to be neutral.

Regarding the potential for additional highway movements, the existing use is broadly estimated to create around 90 trips per day. In terms of expected vehicular activity for residential use, family dwellings typically generate 5-7 daily trips and flats 2-3. For this proposal between 39 and 55 daily trips would be likely which would be lower than the existing use. In light of this, there are not considered to be sustainable grounds to resist the application on the grounds of increased vehicular movements on the site.

Issues relating to illegal parking and proposals for alternative traffic management are outside the scope of this planning decision.

The proposal is considered to be acceptable in highways terms.

Impacts on trees:

There are no trees within the vicinity of the site.

Planning obligations:

Not relevant on a scheme of this size, although the dwelling houses are fall within the Councils CIL charging schedule.

The applicants are promoting an exemption to the CIL charge as these properties are deemed to be 100% affordable.

Sustainable development implications:

None relevant.

Other matters:

The applicant has submitted a contamination report identifying the potential for contamination on the site. The specialist advisor for environmental health advises that this is acceptable and a number of conditions are recommended. These are reflected in the draft conditions.

A number of respondents express concerns about the future of the existing access routes to the rear of the Myrtle Road and Allfrey Road premises. These are land ownership/rights of way issues that fall outside the scope of the planning decision before the committee. Notwithstanding this it is noted that the plans indicate that the access routes will be retained in a similar position to that which exists at present.

Human Rights Implications:

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

Conclusion:

The proposal is acceptable in Land Use, amenity, design, highways and all other relevant planning considerations.

Recommendation:

Grant conditional approval.

Conditions:

1. Development within 3 years
2. Development in accordance with approved plans
3. Areas of waste storage to set out on approved plans prior to occupation.
4. Parking and turning areas provided prior to occupation.
5. Details of cycle parking approved and occupied prior to occupation.

6. Details of a) site investigation and b) remedial works provided prior to commencement of development.
7. Details of a verification report demonstrating implementation of remediation prior to occupation
8. Development to be monitored and maintained in accordance with remediation measures approved.
9. Contamination to be reported to Local Planning Authority.
10. Obscure Glass to be retained permanently
11. Parking to be retained permanently for residents and users
12. Working Hours – Monday to Friday 8-6, Saturday 8-1.
13. PD rights removed: Rear extensions.
14. PD rights removed: Windows.

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**.

This page is intentionally left blank

Agenda Item 7

App.No: 160825	Decision Due Date: 6 th October 2016	Ward: Old Town
Officer: Thea Petts	Site visit date: 27 th September 2016	Type: Planning Permission
Site Notice(s) Expiry date: 29 th September 2016 Neighbour Con Expiry: 29 th September 2016 Press Notice(s): N/A		
Over 8/13 week reason: Seeking amendments and cycle of planning committee meetings		
Location: 5 Wessex Place, Eastbourne		
Proposal: Part demolition of office building and construction of 3no two storey residential dwellinghouses (revised drawings)		
Applicant: Mr Lee Botting		
Recommendation: Approve conditionally		

Executive Summary:

The scheme proposes the part demolition of the existing building and subsequent construction of three two storey terraced houses, each offering three bedrooms, a garden and one parking space.

The proposed scheme complies with nationally recognised floor area requirements and locally adopted policies. There are no associated highway concerns and the site is located on a main road and main bus route.

Scheme is recommended for approval.

Planning Status:

Part two storey, part single storey commercial unit

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods
C4: Old Town Neighbourhood Policy
D1: Sustainable Development
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

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

Technical housing standards

Nationally described space standard

Site Description:

The application site stands on the west side of Wessex Place amidst garage blocks. Wessex Place itself is located to the rear of the Old Town (Victoria Drive) neighbourhood shopping area on Victoria Drive. It is accessed from Victoria Drive to the east and Central Avenue to the north.

5 Wessex Place is made up of a large principal building which is part single and part two storey, with a pitched roof and flat roofed dormer extensions. There is a large garage to the rear of the site. The site is bounded by garage blocks to the front and rear (north and south) and is accessed at the side (east) from Wessex Place. To the other side (west), the site shares boundaries with a number of residential properties on The Crescent, nos. 6, 8, 10 and 12. These properties stand at a slightly higher ground level than the application site, giving an appearance of being almost a full storey higher in places. In addition, a high wall separates the application site and the properties on the Crescent.

On the other side of Wessex Place stand the small shopping parade on Victoria Drive. These buildings are mainly three storey (retail below and residential above) and the rear looks out onto the application site. There is a high brick wall separates the road from the rear external areas of these properties.

Relevant Planning History:

020782

Change of use from Class A1 (retail) to Class B1 (offices) for building contractor with ancillary storage, alterations to building fenestration, erection of conservatory, demolition of existing garage and reduction of ground levels to form car parking spaces.

Planning Permission - Approved conditionally, 16/01/2003

040372

Erection of a single storey storage building.

Planning Permission - Refused, 08/09/2004

040373

Erection of single storey and first floor extensions to increase office accommodation.

Planning Permission - Approved conditionally, 08/09/2004

060128

Single storey extension at rear to provide a store.

Planning Permission - Approved conditionally, 24/04/2006

080557

Provision of a first floor flat-roofed side extension to provide additional office space.

Planning Permission - Approved conditionally, 24/09/2008

130664

Demolition of garage on adjacent land and erection of side extension

Planning Permission - Withdrawn

Proposed development:

The applicant seeks permission to partly demolish the existing building and construct three terraced houses each with a parking space and rear gardens.

The scheme has altered slightly during the life of the application. These alterations principally affected the size of the proposed bedrooms and the parking provision.

Demolition

The principal building on the site (currently reportedly hosting offices for a construction company) would be partly demolished, but the footprint would be retained, including the single storey extension close to the boundary shared with no. 10 The Crescent. The large garage to the rear of the site would be demolished to allow for garden space for the three new dwellings.

New dwellings

The existing parking space to the front is to be retained and is to provide parking for three cars as well as a bin store for the three dwellings.

The proposed dwellinghouses will be taller overall, than the maximum height of the existing building by approx. 1.8m. However, the bulk of the existing building is currently approximately 4.6m in height, the proposed overall height is to be approx. 7.4m. The end of the terrace closest to properties on The Crescent has an element of single storey (existing) as well as the two storey. This two storey element is to be perpendicular to the properties at The Crescent.

The terrace is to have a continuous ridgeline with gable ends. The upper floor windows to the front and rear housed in pitched roof dormers and the

porticoes to the front doors will also have pitched roofs. The external finish is to be clad part in render and part in weatherboard and the windows are to be uPVC framed. To the rear, bi-folding doors at ground floor level will give access into the garden.

Unit	No Bed/Persons	Proposed Size	National Space Standards
1	3 bed 4 person	99 Sqm	84 Sqm
2	3 bed 4 person	87 Sqm	84 Sqm
3	3 bed 4 person	90Sqm	84 Sqm

Consultations:

External:

Highways ESCC – Response dated 2nd August 2016:

As there are no highway alterations and it is unlikely that this change of use will involve an intensification of traffic on Wessex Place

Neighbour Representations:

The original scheme has been subject to amendments during the life of the life of the planning application. As such, two public consultations have been undertaken to ensure that the public may comment on amendments.

Two objections have been received from 10 and 12 The Crescent, Eastbourne. The objection from occupier of no. 12 states that it represents occupiers of nos. 6, 8, 10, 12 and 14. Both representations received cover the following points:

- Concerns over traffic using Wessex Place
- Loss of privacy due to windows overlooking existing property
- Parking for three cars is insufficient
- Proposal would devalue nearby properties by at least £10,000
- Side wall of terrace will have an impact on light received into garden of adjoining property
- Side wall of terrace will appear unattractive

Appraisal:

Principle of development:

In principle the change of use of this site to residential - which is located in a mixed use area - is considered compliant with adopted policies and as such is acceptable as long as there would be no significant negative effects on the amenity of nearby or future residents or the established character and appearance of the area.

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

Effect on Light

It is possible that some effect on sunlight received into the ends of the gardens of the properties in The Crescent.

The loss of light is likely only to affect the very ends of gardens serving nos. 10 and 12 The Crescent and is mitigated by the perpendicular angle to which the proposed dwellings will stand. Further to this, the gardens serving these properties are quite extensive and due to the orientation of these plots the light received into well used parts of the gardens is unlikely.

There is currently a high wall along this boundary and the part of the building closest to the adjacent gardens will be single storey and potentially a similar height to this wall. As such, it is not considered that the single storey element would reduce light to adjacent properties.

Privacy/Overlooking

It is considered necessary that Permitted Development Rights regarding the creation of windows and doors should be removed from the end of the terrace facing rear of properties on The Crescent. This would be to ensure that gardens of these properties could not be overlooked directly.

The proposed dwellinghouses are to stand at an angle perpendicular to the houses on The Crescent, with the windows of the upper storey facing directly north and south (front and back). Further to this, the properties on The Crescent stand at a higher ground level to the proposed. There is also some mature vegetation in the rear gardens of these properties – especially nos. 4, 6 and 8, which could potentially be overlooked from the front (although this elevation is some distance from the boundaries of these properties). In assessment of these factors, there is considered less likelihood of overlooking from these new properties.

Proximity to Existing Properties

The proposed two storey element of the scheme is estimated to stand no closer than 17m from the rear wall of the closest adjacent dwelling, no. 8 The Crescent. Windows (at a perpendicular angle to one another) are likely to be no closer than 17.5m from one another. As these windows are not to directly face each other and as they are to be some distance from one another, it is considered that this could not amount to reason to strike them from the scheme or refuse the scheme.

Quality of Accommodation for Future Occupiers

The proposed two storeys for the terrace is considered appropriate and indeed better than single storey in this location, as a single storey property may be dwarfed by the higher surrounding buildings and may give rise to the perception of being hemmed-in by the nearby garages.

The floor space allotted to the dwellings is considered appropriate as it appears compliant with the Nationally Described Space Standards (on the basis of having one double bedroom and two single bedrooms in each property). Bedroom sizes were amended during the life of the application to ensure compliance.

Design issues:

The proposed scheme is considered appropriate in this area. In its obscured location the site has limited effect on the public realm and for this reason, sample of materials will be required before construction begins. However, the scheme picks up on some common attributes of nearby buildings such as the part render and pitched roofs and as such is considered appropriate.

Nevertheless, details pertaining to the bin store, cycle stores (to rear) and the proposed fence will be required to ensure appropriateness.

Impacts on highway network or access:

There are not considered to now be any highway issues attributed to the scheme, as advised by ESCC Highways. Before the amendments, there was a concerns that parking spaces were to be made on the Highway, but this element of the scheme has now been amended.

Human Rights Implications:

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

Conclusion:

The proposed scheme is considered appropriate subject to suitable conditions. The quality of accommodation is considered appropriate and the change of use will not negatively impact the area. As such the scheme is recommended for conditional approval.

Recommendation:

Approve conditionally

Conditions:

Time
Drawings
Rainwater goods to be kept within site
Samples of materials
Details of bin store
Details of cycle storage
Details of fence
No PD to west elevation (doors and windows)
No PD Extensions
No PD Roof extensions dormers

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**.

This page is intentionally left blank

Agenda Item 8

App.No: 160538 (PPP)	Decision Due Date: 15 th September 2016	Ward: Upperton
Officer: Thea Petts	Site visit date: 7 th July 2016	Type: Planning Permission
Site Notice(s) Expiry date: 20 th July 2016 Neighbour Con Expiry: 20 th July 2016 Press Notice(s): 26 th July 2016		
Over 8/13 week reason: Cycle of planning committee meeting		
Location: Land to rear of 48 St Leonards Road, Eastbourne		
Proposal: New build 3 storey residential accommodation consisting of 11 dwellings and 11 car parking spaces		
Applicant: Mr S Khalil		
Recommendation: Approve conditionally		

Executive Summary:

The principle of residential development has been accepted by way of the recent appeal decision for a two storey development.

It is accepted that there is a need for additional housing within this neighbourhood in particular and the borough in general.

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 that the scale, bulk, separation distances and appearance of the proposal is such that it would be harmful to the character of the area and also by way of over dominance, loss of privacy and neighbourliness result in a severe loss of residential amenity.

Scheme is recommended for refusal.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 55. Sustainable development

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution Sustainable Centre

B2 Sustainable Neighbourhood

C1 Town Centre Neighbourhood Policy

D5 Housing Low Value Neighbourhoods

D10 Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO20: Residential Amenity

TC11 St Leonards Road Area

TR11 Transport & Parking

Site Description:

The application site is located within the Town Centre neighbourhood area on the north west side of Commercial Road where vehicular access is gained. The site is used as a car park previously serving Esher House which was a multi-storey building used as offices. Esher House has since been converted to flats through the 'prior approval' process.

The site is therefore surrounded by residential to the south east on the opposite side of Commercial Road, Esher House to the north west and Gables Court adjacent to the south west. St Mary's House adjacent to the north east is used as County Council offices.

Relevant Planning History:

100463 Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Planning Permission Refused 06/12/2010
Subsequent appeal dismissed 13 April 2011 based on the lack of marketing information to demonstrate that the site could not be used for continued commercial use.

130542 Conversion of Office Space (B1a) to 23 self-contained flats (C3). Change of use as permitted development under Class J. Prior Notification (building)
Approved conditionally 09/08/2013

130679 Installation of new windows, entrance doors, French windows and Juliet balconies to flats, along with new canopy to main entrance. Planning Permission
Approved conditionally 30/10/2013

140011 Construction of additional floor to the existing building. Planning Permission
Approved conditionally 20/02/2014

150141 New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces. (Amended description). Refused and allowed on Appeal 26/02/2016

Proposed development:

This application essentially seeks an extra storey on the appeal approval earlier in 2016.

The scheme now proposes a three storey flat roofed building with Undercroft parking with flats over.

The proposed building is approximately 9.2m high 24.30m wide and 16.6m deep. The accommodation provided:-

Location of Accommodation	Size	National Requirement
Ground Floor		
11 car parking spaces inc. 1 disabled and refuse enclosure		
1 X 2b 4person	85 Sqm	70sqm
First Floor		
1 X 3b 5 person	77.5sqm	86sqm
3 X 1b 2 person	46sqm	50sqm
1 X 2b 3 person	50sqm	61sqm
Second Floor		
1 X 3b 5 person	77.5sqm	86sqm
3 X 1b 2 person	46sqm	50sqm
1 X 2b 3 person	50sqm	61sqm

The building would occupy most of the footprint of the site but set back slightly from the pavement and from the rear boundary. Undercroft parking, bin and cycle storage would be provided to the ground floor.

There are a number of the flats below National space standards however the majority have the benefit of planning permission by way of the appeal scheme and all of the flats have access to external amenity space (balconies), this would offset the shortfall in internal space.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – Low grade tree on boundary 48/52, this tree is not considered to be a constraint to development.

Specialist Advisor (Regeneration) – No objection subject to the S106 agreement controlling Local Labour initiatives.

Specialist Advisor (Waste) No objections subject to space sufficient to provide 3 X 1280 bulk refuse bins.

External:

Lead Local Flood Authority: - Acknowledge green roof within the scheme and given that the site is impermeable then it is considered that their surface water management is considered to be acceptable.

Southern Water: - No objections subject to an informative controlling connections.

East Sussex County Highways: - Given the history and the likely impact upon the local highway network there no objections subject to proposal subject to conditions

Neighbour Representations:

8 objections have been received in response to the consultation on the original proposal and cover the following points:

- Insufficient parking in Commercial Road where parking is very difficult and made worse by proposal
- Insufficient number of spaces proposed.
- Loss of parking in the existing car park.
- Esher House parking court is abused by non-residents
- Highway safety concerns and increased congestion.
- Loss of view, loss of light,
- loss of privacy,
- loss of sunlight.
- Would cause pollution, noise, overshadowing and overlooking.
- Footprint is too large and too close to Esher House.
- Overdevelopment.
- Proposal has been refused for fewer units
- Size of proposed flats is small and does not provide quality living environment.
- Failure to propose a scheme that is reflective of the local area and thereby contrary to local plan policies that promote 'local distinctiveness'. Should be limited to two storeys.
- No disable facilities

Appraisal:

The main considerations in the determination of this application are the acceptability of the proposal on the character and appearance of the street scene, surrounding residential amenity, loss of the commercial use associated with the site and sufficient off-street parking provision.

Principle of development

Policy C1 of the Eastbourne Core Strategy states that that the vision for the town centre will be promoted through delivering new housing through conversions and conserving the historic environment and protecting it from inappropriate 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 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). Moreover the site has planning permission by way of the recent appeal scheme for a two storey building containing 7 apartments.

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The previous reasons for refusal and dismissed appeal were based mainly on the lack of marketing information to demonstrate that the site could not be used for continued commercial use. Given the site served a previous office block which has now been converted to residential and the site is not located within a designated industrial estate, it is considered, therefore, that there is now no requirement for the applicants to demonstrate that the site is still viable for a commercial use.

As such, it is considered that the principle of residential development is acceptable subject to compliance with all other relevant planning policies within the Local Development Framework and would represent a sustainable form of development given its town centre location close to public transport, amenities and services.

Design, Siting and Layout:

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy D10A requires all new development to make a positive contribution to the appearance of the townscape and urban heritage.

An application for a 3 storey building for 11 flats under a flat roof with the majority of the site covered by the building is considered to have an overbearing and unneighbourly relationship to the occupiers of the nearby residential properties. It is considered that the separation distance to Esher House to the rear of the site is some 12.5m and that this distance does not provide sufficient privacy buffer to those new residential occupiers within that property.

It is accepted that an approval already exist for a new two storey building however it is considered that the addition of a third storey would be likely to result in direct overlooking at over a short distance and due to the orientation create an inhospitable environment between the proposed building and Esher House. Given this relationship it is likely that the scheme would have a material impact upon the quality of the living environment for these residents.

It is accepted that there is marginally greater separation to the properties on the southern side of Commercial Road (15m) and to some extent this distance is mitigated by the orientation. However it is considered that the scale and mass of the proposed building would be likely to dominate this part of the street scene which is formed by small two-up two-down terraced properties. In this context it is considered that the proposed building would be out of character with the local area and not of sufficient design quality to justify the stark erosion of local distinctiveness.

The building would be set back slightly from the pavement providing an element of relief from the street and the undercroft parking at ground floor would result in a less solid appearance within the street and provide limited views through the site to Esher House at ground level, however it is considered that this design feature does not mitigate sufficiently the harm caused by the design quality of the overall building.

The provision of a flat roof to the building is akin to some of the surrounding post war office buildings in the area, some of which now converted to flats, and facilitates a lower height to the building and consequently reduced impact on the streetscene however for the reasons outlined above the impacts of the additional floor is such that the scheme remains unacceptable in townscape and residential amenity terms.

Quality of the living environment:

It is accepted that the scheme proposes flats which are below the minimum National standard, however the majority of these have already have planning permission (appeal decision) and all of them have access to a private balconies. In this context it is considered that the internal layout of the proposed flats would provide an adequate living environment for the future occupiers of the building.

Impacts on highway network or access:

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

Using the ESCC Parking Calculator it is evident that the scheme would require in excess of one space per unit. However ESCC Highways acknowledge that the previous scheme on the site proposed a similar scheme with comparable parking ratio which attracted a highway recommendation for approval and allowed on appeal and as such it was deemed to unlikely to give rise to any material highway concerns. Given this no objections on highway grounds can be substantiated on highway grounds.

Given the advice from ESCC Highways if the scheme is to be supported then conditions are recommended controlling issues in the main relating to cycle parking and construction method statement.

Local residents have raised concerns about the potential impact on on-street parking availability mainly with regard to the displacement of cars that currently park in the application site during the day. The site is not a public car park and appears to have been used as an extension to St Mary's House car parking availability. The site has not historically been used as a public car park or as an extension to St Mary's House. As such, it is assumed that any cars parked on the site do not have any right to do so and thus displacement of these cars do not form a material consideration in the determination of this application and should not be considered relevant.

In any event, the proposal may result in more commuter cars parking within the surrounding streets during the day; however, this should not affect local residents overnight and weekend parking availability. In addition, the surrounding streets have a maximum capacity and if there is currently no available on-street parking availability within the surrounding streets, then any commuter cars may be discouraged or pushed to further afield.

ESCC Highways have been consulted and consider that the provision of the new access from Commercial Road will require an alteration to be made to the existing parking bay and double yellow lines.

As such, it is considered that the proposal would not have any material adverse impact on on-street parking capacity within the vicinity and would accord with Policy TR11 of the Eastbourne Local Plan.

Trees:

The Specialist Advisor (Trees) has been consulted and has advised that the tree on the common boundary between the site and No 52 St Leonards Road is not considered to be an impediment to development and as such its loss would not lead to or substantiate a reason for refusal.

Other Issues:

Affordable Housing: - The application is supported by an affordable housing statement as the development is above the threshold for the delivery of the affordable housing. This statement does not justify why the affordable housing could not be provided on site, notwithstanding this the statement does promote that the applicants acceptance to pay for an off-site contribution. No mechanism has been supplied to meet with this element of the proposal.

Refuse and Recycling: - Based on the proposed ground floor layout officers are not satisfied that the scheme promotes refuse and recycling facilities sufficient to meet the likely demand and in the absence of information to the contrary this had led to a reason for refusal .

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:

By way of the appeal approval the principle of residential redevelopment of the site is acceptable however the nature of this proposal in terms of its visual impact in the street scene and impact upon the amenities of the occupiers of nearby properties is considered to be unacceptable.

Scheme is recommended for refusal.

Recommendation:

Refuse Planning Permission

- 1 Design
- 2 No S106 for affordable housing
- 3 refuse and recycling not enough space, unusable configuration.

This page is intentionally left blank