



## Planning Committee

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

## Agenda

- 1 Minutes of the meeting held on 28 March 2017.** (Pages 1 - 6)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

**4      Urgent items of business.**

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

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

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

**6      27 St Leonards Road. Application ID: 170163.** (Pages 7 - 12)

**7      102a Tideswell Road. Application ID: 161485.** (Pages 13 - 22)

**8      Eastbourne Pier. Application ID: 170221.** (Pages 23 - 28)

**9      84,86,88 and 90 Northbourne Road. Application ID: 170224.**  
(Pages 29 - 40)

**10     Sovereign Harbour Community Centre. Application ID: 170162.**  
(Pages 41 - 54)

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

**12     Appeal Decisions.** (Pages 55 - 70)

- 1) 9 Faraday Close.
- 2) 22 Church Street.
- 3) 26 Jevington Gardens.
- 4) Land west of Larkspur Drive.

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

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

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

Members must declare the existence and nature of any interest.

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

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

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

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

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

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

## **Further Information**

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

**Local Democracy**, 1 Grove Road, Eastbourne, BN21 4TW  
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For general Council enquiries, please telephone (01323) 410000 or E-mail:  
[enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)

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Tuesday, 28 March 2017  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)  
Councillors Choudhury, Jenkins, Miah, Murdoch, Dow (as substitute for Robinson) and Metcalfe (as substitute for Taylor)

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### **111 Minutes of the meeting held on 28 February 2017.**

The minutes of the meeting held on 28 February 2017 were submitted and approved, subject to an amendment to minute 106 Mill Gap House, 2 Mill Gap Road, to reflect that the decision was one of approval by six votes to one abstention and not unanimous as stated. The Chairman was authorised to sign them as an accurate record.

### **112 Apologies for absence.**

Councillor Robinson and Councillor Taylor.

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

There were none.

### **114 Ravelston Grange, 10 Denton Road. Application ID: 161308.**

Proposed material change of use from residential care home (C2) to 9 residential dwellings (C3), with associated extensions at ground and first floors. New vehicular access from Denton Road and provision of seven parking spaces in front garden area – **MEADS**.

The committee was advised that the Chair of the Meads Neighbourhood Panel had submitted a further representation confirming that the objections to the original proposal still applied. The objections related to concerns about the removal of trees and insufficient parking associated with the proposal creating additional on street parking pressure.

The Meads Community Association had also confirmed that its original objections still applied. The objections related to concerns about the felling of the existing trees, inadequate off street parking and concerns about the impact of the development on the surrounding conservation area.

Members were advised that the Specialist Advisor for Arboriculture had requested that condition 14 be amended to require planting plans to be

submitted as part of the landscaping scheme to incorporate new trees to replace those that were to be lost as a result of this development.

Mr McEnnis addressed the committee in objection stating that the proposal was an overdevelopment of the site. He also stated that the car parking provision was inadequate and the loss of trees would be detrimental to the street scene.

Mr Langley, agent for the applicant, addressed the committee in response stating that the units exceeded national standards for living space and that a greater number of bedsits / one bedroom flats could be accommodated within the site. He also stated that whilst the loss of tree screening was regrettable, it was essential to provide the proposed parking spaces. A comprehensive landscaping scheme would be implemented should the application be approved.

The committee raised some concerns about the loss of the front boundary wall and was advised that the majority of the wall would be retained. Whilst Members were concerned about the parking issues in the vicinity, the committee was informed that the scheme had the support of East Sussex County Highways Department.

**RESOLVED: (By 4 votes to 3 with 1 abstention)** That permission be granted subject to the following conditions:

- 1) Development within three years
- 2) Development in accordance with the approved plans
- 3) You must provide the detailed drawings of the following parts of the development:  
Elevation of the retained boundary wall facing Denton Road - You must not commence works involving the conversion of the front forecourt to off street parking until we have approved what you have submitted and you must implement the development in accordance with details approved under the terms of this condition. The development hereby approved shall not be occupied until the reconstructed boundary wall has been completed in accordance with the requirements of this condition
- 4) You must provide detailed drawings (including elevations and sections at 1:10 minimum) of the following parts of the development:  
All new windows and doors - You must not remove any of the existing windows or doors from the building until we have approved what you have sent us and you must implement this permission in accordance with details approved under the terms of this condition
- 5) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings we have approved or are required by conditions to this permission
- 6) No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority
- 7) No part of the development shall be occupied until provision has been made within the site in accordance with plans (Drawing No.262600-06) to prevent surface water draining onto the public highway
- 8) No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Denton Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm
- 9) No part of the

development shall be occupied until the car parking spaces have been constructed and provided in accordance with the submitted plans (Drawing No.262600-06). The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles 10) No part of the development shall be occupied until cycle parking spaces and waste storage facilities have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles and storage of waste 11) No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use 12) Notwithstanding the approved plans, any gate facing Denton Road shall be positioned at least 5 metres back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated. You must not construct any vehicular gate within 5 metres of Denton Road 13) You must provide the following details for the approval of the local planning authority: Details and technical specification of permeable paving to be used in the front parking forecourt - You must not start work on the conversion of the front forecourt to a parking area until we have approved what you have sent us and you must implement the permission in accordance with plans approved under the terms of this condition 14) No works or development shall take place to the garden area at the front of the building until full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Planting plans including details of replacement tree planting including tree species.
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- Implementation timetables.

All landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation 15) You must provide the following details for the approval of the local planning authority: Detailed landscaping plans on a plan at not less than 1:200 scale showing the position of any trees proposed to be retained including highway trees with root protection areas plotted, and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water - You must not start work on the conversion of the front garden to a parking area until we have approved what you have sent us and you must carry out the development in accordance with plans approved under the terms of this condition.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details 16) A2.4m minimum height and 1.5m wide heavy duty hoarding securely and independently mounted around the trunk of the young highway street tree (Elm) on Denton Road outside the proposed development. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels, or chemicals, soil or other materials shall take place inside the fenced area or on the grass verge 3.5 metres either side of the tree 17) The windows that you put in the North East (Side) elevation of the new first floor extension (As shown as being sited 1.7m from FFL on plan number 262600-05 rev A) must be made from obscure glass and fixed shut and maintained in that position thereafter 18) The windows in first floor of the north east (side elevation) facing 10A Denton Road must be obscure glazed to a height of 1.7 metres from the corresponding internal first floor ground level. The obscure glazed elements of these windows must be fixed shut and the windows must be maintained in that condition for the lifetime of the development

**Informative:**

The applicant's attention is drawn to the need for a licence to construct the new access. The applicant should contact ESCC on 0345 6080193 to apply for a licence to ensure the construction is to an acceptable standard.

**115 24 Hyde Road. Application ID: 170144.**

Demolition of existing community centre with change of use for a new build residential development comprising of 3 three bedroom properties. Previous application 161318 – **MEADS**.

The committee was advised that East Sussex County Council Highways Department had confirmed that the existing disabled parking bays located on Calverley Road adjacent to the site were not directly related to the WRVS centre and as such it would not be reasonable to require their removal as a result of this planning decision. In line with usual practice the need for the disabled bays would be kept under review by the Highway Authority.

**RESOLVED: (By 6 votes to 1 with 1 abstention)** That permission be granted subject to the following conditions: 1) Development in three years 2) Development in accordance with approved plans 3) Working hours (8-6 Monday to Friday, 8-1 Saturday) - You must provide the areas for waste storage shown on drawing number 16-1330 01 rev 5 prior to the occupation of the proposed development and these areas must be retained for the purposes of waste storage for the lifetime of the development 4) The development hereby approved shall not be occupied until an area for the purpose of cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority

and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles 5) Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the identification of areas for storing materials, plant and machinery; areas for contractor parking clear of the highway; turning area; size of vehicles, routing of vehicles and hours of operation 6) The building shall not be occupied until the existing access off Calverley Road has been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority 7) You must not occupy the development until the full extent of works shown on plan number 161330- 123 showing the retained elevation to 1a West street have been completed.

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

There were none.

#### **117 Appeal Decisions.**

1. 12 The Broadway. The Inspector dismissed the appeal.
2. 65 Moy Avenue. The Inspector allowed the appeal.

#### **118 Pre-application discussion.**

The committee considered the potential redevelopment of the former Police Station in Grove Road.

The committee was concerned about the scale and density of the proposed scheme. Members also queried the capacity of the existing drainage / sewerage system and its ability to absorb an additional 50 flats.

The committee did not object to the principle of residential redevelopment at the site. Whilst the scheme was proposed as a 'zero' parking development, Members requested that the applicant explore off street parking options.

#### **NOTED.**

The meeting closed at 7.16 pm

**Councillor Murray (Chairman)**

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# Agenda Item 6

<b>App.No:</b> 170163	<b>Decision Due Date:</b> 7 <sup>th</sup> April 2017	<b>Ward:</b> Upperton
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 26 <sup>th</sup> March 2017	<b>Type:</b> Non-Material Change
<b>Site Notice(s) Expiry date:</b> N/A <b>Neighbour Con Expiry:</b> 18 <sup>th</sup> March 2017 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Cycle of Planning Committee		
<b>Location:</b> 27 St Leonards Road, Eastbourne		
<b>Proposal:</b> Non-material changes to planning permission 150172 - Erection of mansard roof to provide for four self-contained flats. Alterations to fenestration on building's facade. Changes include: Rooflights, vent pipes on roof, rainwater pipes, relocation of bin store and replace the approved glass to 2no. balcony's guarding with powder coated metal sheet.		
<b>Applicant:</b> Mr Bernard Leach		
<b>Recommendation:</b> Approve unconditionally		

## Executive Summary:

This application has been reported to Planning Committee at the discretion of the Senior Specialist Advisor in order that the issues/merits of the proposal can be discussed.

The submission of this non-material amendment was made following enforcement investigation and the identification of certain divergences from the planning consents already issued in relation to the property.

The changes are considered to be acceptable and the scheme is recommended for approval.

## Planning Status:

Former office building converted to residential units

## Relevant Planning Policies:

National Planning Policy Framework 2012

6. Delivering a wide choice of high quality homes
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D1: Sustainable Development
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- HO2: Predominantly Residential Areas
- HO20: Residential Amenity
- NE16: Dev within 250m of former landfill site
- UHT1: Design of New Development
- US4: Flood Protection and Surface Water

**Site Description:**

27 St Leonards Road stands on the north corner where Eversfield Road and St Leonards Road meet. The property once served as offices but has recently been subject to a change of use under the Prior Approval scheme and subsequently planning applications to make external changes to the appearance of the building and create an additional floor.

**Relevant Planning History:**

EB/1973/0527

Erection of a three-storey office building, not exceeding 10,000 sq.ft. floor area, together with parking space for 17 cars.

Granted, subject to conditions.

1973-07-12

EB/1973/0277

Demolition of the existing dwelling and erection of a building, containing not more than 10,000 sq.ft. of office accommodation, and parking space.

Granted, subject to conditions.

1973-04-19

EB/1973/0053

Demolition of existing dwelling and erection on the site of a three-storey office building, having a floor area not exceeding 10,000 sq.ft., and parking provision.

Granted, subject to conditions.

1973-01-25

*010042 – Pegasus Court, 29 St Leonards Road*

Demolition of existing offices and erection of five-storey building, incorporating five one-bedroom and fourteen two-bedroom retirement apartments, associated guest bedroom, office, lounge, laundry room, integral refuse store, together with eight covered parking spaces and five open parking spaces at rear of building (amended plans).

Planning Permission  
Approved conditionally  
20/07/2001

141030

Prior Notification for Conversion of offices in to 12 self-contained flats under Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Prior Notification Class J

Prior Approval - not required  
30/09/2014

150172

Erection of mansard roof to provide for four self-contained flats. Alterations to fenestration on building's facade.

Planning Permission

Approved conditionally  
14/05/2015

150179

Change of use from B1 (office) to C3 (residential) - comprising 12no. self-contained flats.

Prior Notification Class J

Prior Approval - not required  
13/04/2015

160381

Rendering of external elevations, variation of roof finish and revision of car parking layout, cycle store position with alterations to crossover

Planning Permission

Approved conditionally  
11/05/2016

### **Proposed development:**

The applicant wishes to make a number of minor alterations to the development, which they consider to be non-material changes. These changes are summarised as follows:

- 9 no. projecting rooflights
- Rainwater pipes and down pipes to the building
- 10 no. vent pipes and 1 no. dry riser air valve to the roof
- Guarding to the two recessed balconies to be changed from glass to powder coated sheet metal (colour to match cladding)
- Relocation of bin store to comply with Building Regulations

### **Consultations:**

#### **Neighbour Representations:**

92 neighbour consultation letters were sent out.

3 objections have been received from occupiers of the adjacent block.

The representations cover the following points:

- The works have blighted the view from adjacent properties
- The building looks like a battleship
- Vent pipes point directly at an adjacent property, having a canon-like appearance
- When windy, fumes will blow out of the pipes to the adjacent property and windows will have to be closed
- The roof domes will be disruptive when the lights are illuminated in the building
- Impractical rain chutes which will create stains on the walls of the property
- The changes are out of character with the area, as is the whole redevelopment of the site, especially when viewed from upper levels of the adjacent block, Pegasus Court, 29 St Leonards Road
- The additional floor has resulted in a 90% reduction in views enjoyed from Flat 20, Pegasus Court
- The glass domes and vent pipes are significant changes from the approved plans and should be refused
- The domes and pipes add to the poor appearance of the building
- The domes interfere with remaining outlook from Flat 20 Pegasus Court
- Domes will be lit up at night and will spoil the beautiful outlook
- Pipes associated with central heating may result in a gas smell pervading Pegasus Court
- View of the sky has been blocked with a grey roof
- Fumes emitted from vent pipes, which are almost in line with windows will be breathed in
- Water currently pours through and all down the building

### **Appraisal:**

#### Principle of development:

The changes to the original consent, although visible, are not considered to be material changes. In the main, the majority of the changes help to facilitate the change of use of the building. As the principle for the building to be used for residential has already been established by previous consents, these non-material amendments are considered acceptable.

#### Vent pipes and rooflights:

Principally, the main objection from nearby residents to the changes (notably the vent pipes and rooflights), has been with regard to the visual appearance of the building. Objectors express that the vent pipes and rooflights are out of keeping with the area and that the view from their windows has been negatively affected by the development as a whole and also these rooftop additions. Furthermore, some were concerned that the vent pipes would release gas through the windows of their properties and cause problems.

The installation of vent pipes on a domestic building is not usually something that would require further investigation with regard to its environmental health impact. Outside planning legislation, the utilisation/installation of such equipment will be regulated and this concern is not considered a planning matter. Therefore, it is not considered that planning legislation can control these vent pipes with any significant efficacy. The operational use of the vent pipes is considered to be non-material.

Although it is considered unfortunate that a number of flats have a view over the roof of the application building, the question is whether the amendments amount to material changes or not. When the development is viewed as a whole, the appearance of the vent pipes and rooflights are not a significant part. Indeed, from most viewpoints, these items are not even visible. When viewed from the public realm (e.g. the road or pavement), the vent pipes and rooflights cannot be seen. Therefore, it is not considered that the inclusion of these items has had an effect on the character and appearance of the building or wider area. It is noted that they make up part of the view from the upper floors of the west facing elevation of Pegasus Court, 29 St Leonards Road. However, as they do not reduce outlook from these windows and as the concept of entitlement to a view is not a material planning consideration in this case (i.e. there are no significant/protected views affected by the proposal), the vent pipes and rooflights are considered to be non-material.

The approved scheme had rooflights within it albeit fewer in number and of a different design and as such the principle of their use on this building has been considered and deemed acceptable. It is considered that the change in frequency/design of the roof lights and any light pollution that may result are considered insufficient grounds to substantiate a reason for refusal.

Rainwater pipes:

Further objections highlighted the current arrangement for dealing with run-off water from the roof. Chutes high up in some of the walls of the building let water run-off pour onto the ground and potentially down the walls. The proposed amendment is to include the provision for drainpipes/downpipes which are to guide water into appropriate drainage facilities. This is an amendment which is considered will be an improvement on the on the current arrangement and will deal with water run-off appropriately. The installation of drainpipes is regarded as non-material.

Guarding to the recessed balconies:

No objections have been raised with regard to this element of the proposal. The material of the balcony guards on the building are all glass. However, the change in material from glass to metal (colour to match cladding) for the recessed balconies which are not easily visible from the public realm is not considered to constitute a material change. As such, it is agreed that this aspect of the proposal is non-material.

**Relocation of bin store:**

This element of the proposal has not received any opposition from objectors. The reason for the relocation is to ensure compliance with Building Regulations. This alteration is likely to be beneficial for the residents of Pegasus Court, 29 St Leonards Road as the bin store is to be moved away from the boundary separating the two properties and situated near the entrance to the site on Eversfield Road.

**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 changes which are subject to this planning application, which have in part been implemented, are considered to be non-material in their nature. As such, it is considered that the application should be approved.

**Recommendation:**

Approve unconditionally

**Informatics:**

For the avoidance of doubt, the plans considered as part of this application and submitted on 14<sup>th</sup> February 2017 are:

- Site Location Plan
- Block Plans and Proposed Elevations, 16.07.02

**Appeal:**

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

# Agenda Item 7

<b>App.No:</b> 161485	<b>Decision Due Date:</b> 3 March 2017	<b>Ward:</b> Devonshire
<b>Officer:</b> Neil Holdsworth	<b>Site visit date:</b> Various	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 2 February 2017		
<b>Neighbour Con Expiry:</b> 13 April 2017		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To enable consultation on amended plans.		
<b>Location:</b> 102a Tideswell Road, Eastbourne		
<b>Proposal:</b> Demolition of commercial building and provision of 4 x 2 bed semi-detached dwellings.		
<b>Applicant:</b> Mr Nick Mason		
<b>Recommendation:</b> Grant conditional permission		

## Executive Summary:

This application is reported to planning committee at the discretion of the Senior Specialist Advisor given the number of objections raised to the scheme and in order to enable public debate around the merits/issues involved.

Planning permission is sought for the demolition of an existing commercial building that occupies a backland location between Tideswell and Longstone Road and its replacement with four two bedroom semi-detached houses. The design was amended in the course of consideration of this application to reduce the size of the proposed dwellings and improve its relationship with the surrounding residential uses.

Whilst it is acknowledged that the development will have impacts on the amenity of the neighbouring residents to the rear on Longstone Road, it is considered that this is outweighed by the benefits of the development in terms of additional houses it provides in a sustainable location, and the improvement in residential amenity following the cessation of the commercial use. The application is therefore recommended for approval.

## Planning Status:

The existing building is in use as a printers/workshop (B1 use class).

## **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
8. Promoting healthy communities

### 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  
D10A: Design

### Eastbourne Borough Plan Saved Policies 2007

- NE14: Source Protection Zone  
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 comprises an existing printworks located via an existing undercroft vehicular access off Tideswell Road. Currently the site consists of a single storey commercial building occupying part of the site with a hardstanding over the remainder.

Two storey terraced late Victorian residential properties adjoin the site along Tideswell Road and Longstone Road, with a block of flats and garden space facing Bourne Street forming the northern boundary of the site. Due south, there are other industrial buildings accessed from Tideswell Road and Arch Mews, former commercial buildings recently converted to residential use (with consent).

### **Relevant Planning History:**

050694

Erection of a single-storey detached prefabricated building to be used as a store for adjacent general printers. (Renewal of permission EB/00/0645).

Planning Permission

Approved conditionally

080518

Demolition of existing building and erection of six terraced houses

Planning Permission

Refused

04/11/2008

090677

Demolition of existing building and erection of four terraced two storey residential dwellings

Planning Permission

Refused 02/12/2009

Appeal dismissed.

### **Proposed development:**

The proposed development involves the demolition of the existing printers building and the construction of four dwellings (two pairs of semi-detached properties). The remainder of the site is to be set out as landscaped gardens, with each dwelling having a small area of private garden.

The proposed buildings have a modern contemporary design with a curved green roof sloping down towards the boundary of the site along Longstone Road. Facing Tideswell Road there is a sheer two storey elevation located three metres from the site boundary.

The proposed dwellings are to have lounge/kitchen/diner on the ground floor and two bedrooms, bathroom and study at the first floor level. The floorspace is approximately 100sqm with private garden to the front/side.

The height of the proposed is approximately 5.5m high under a curved 'green roof'. The external materials are to utilize grey brick/render and vertical timber cladding. Rooflights only on the rear elevation, no flank windows and to the front obscured glassing to the bathroom and high level and returned window to bedroom.

The general theme and style of the proposal is similar to the 'Eco' houses constructed at Chandlers Mews.

### **Consultations:**

Southern Water:

No comments received.

Highways ESCC:

First consultation - January 2017

A holding objection was supplied requiring details of the on-street parking situation.

Second consultation - April 2017

No objection subject to conditions following the scheme being amended to show a reduction of bedrooms and submission of parking survey by applicant.

**Neighbour Representations:**

First consultation (January 2017)

Four letters of objection have been received covering the following points:

**Land Use**

- Concern that loss of existing light industrial use will result in a loss of jobs and economic activity.

**Amenity**

- Concern that proposal will result in additional overlooking of surrounding properties, resulting in a loss of privacy.
- Concern about overshadowing and loss of light given height of new buildings.

**Transportation and Highways**

- Concern that proposal will result in additional pressure for on street parking thereby exacerbating existing difficulties for residents to park along Tideswell Road.
- Request that residents parking is introduced along Tideswell and Longstone Road.

**Other issues**

- Concern about emergency access for surrounding residential properties following development.
- Concern about increase in cost of heating due to overshadowing and loss of light resulting from development.
- Concern about flood risk resulting from development.
- Concern about impact on local sewerage system.
- Proposal will exacerbate existing issues relating to damp on surrounding residential properties by blocking out light.

One letter of support on grounds that proposal will fulfil existing housing need.

### Second consultation (March 2017)

- One objection received reiterating original comments made.

### **Appraisal:**

#### Principle of development:

The proposal results in the loss of an existing printing business (class B1 use) and its replacement with four two bedroom dwellings. There is no policy protection for the existing business use and the existing building has come to the end of its economic life. As such, there is no objection in principle against the redevelopment of the site for residential purposes.

The proposal provides two bedroom, two storey dwellings measuring approximately 100 sqm in floor area. This exceeds the relevant minimum space standard for a two bedroom, two storey dwelling (79 Sqm). The ground floor, which comprises the main living area is well lit and has a reasonable outlook given the constraints of the site. The upper floor which contains bedrooms has rooflights and windows that provide sufficient natural light to these secondary living areas. Overall the proposed accommodation is considered acceptable in terms of the amenity of future occupiers.

The four additional good quality residential units in this a sustainable town centre location would also contribute towards the Council's housing supply. This is of particular importance given that the Council cannot currently demonstrate a five year housing land supply.

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

A previous proposal to redevelop the site for four residential units in a similar position was refused in 2009 and subsequently dismissed at appeal. In dismissing the appeal the inspector found that the proximity of the proposed six metre high building to the neighbouring gardens along Longstone Road, together with the unbroken ridge line, resulted in an unacceptable impact on the living conditions of the occupants of 55 to 59 Longstone Road.

The applicant has sought to improve the relationship between the site and surrounding properties by slightly reducing the maximum height of the proposal to 5.5 metres, and to introduce a five metre gap between the two pairs of semi-detached houses which provides some elevational relief. Following advice from officers the proposal has been amended to be sited over one metre away from the common boundaries with the Longstone Road properties (to the rear). In broad terms the relationship between the site and

adjoining residential properties is similar to those immediately south of the site at Arch Mews, which is a commercial building recently converted to residential use.

Notwithstanding this it is acknowledged that the proposal would have some impact on the residents of Longstone Road primarily through an increased sense of enclosure to the rear garden area as the result of the construction of the proposed building in close proximity to the site boundary, reducing the existing limited sense of openness from these garden areas. This is particularly apparent for numbers 53 and 55 Longstone Road, where at present where there is no existing building on the other side of the boundary wall. These impacts must be weighed against the benefits of the proposal discussed elsewhere in this report.

The proposal is located three metres from the boundaries of the properties to the rear on Tideswell Road and has been orientated in a way that prevents direct overlooking of these properties. In this case the distance is sufficient to not create a significant loss of amenity for these residents. Due to its siting and limited height, the proposal would not have any significant impact on the residents of Croft Court facing Bourne Street, or Arch Mews further south.

The bathroom window on the front elevation will be conditioned to be obscure glazed. It is not considered appropriate or necessary to control the glazing to the front bedroom as these windows are high level to the front with a side return and thereby limiting the potential for overlooking. There would be no direct overlooking of the properties on Longstone Road given roof lights only on this elevation. The ability for the applicant to extend or alter the roof of the properties, or to install new windows on the building, is removed by condition.

The cessation of an existing commercial use and its replacement with residential development is considered to result in a more appropriate use given the surrounding residential uses. The applicant proposes hard and soft landscaping within the proposal. These measures will lead to improvements in the residential amenity of this area for both existing and future residents and help to mitigate the adverse impact on residents as a consequence of the close proximity of the development to existing residential buildings.

Overall the improvements to the existing amenity of the area offered by the proposal, together with the cessation of the existing use and mitigation measures proposed are considered to weigh in favour of the proposed development.

#### Design issues:

The proposal is to construct a pair of buildings with a curved green roof of a contemporary modern design. There is timber cladding to the front elevation

with glazing at ground floor level (front and side) and high level windows on the front elevation. There is private amenity space to the front and side of each unit.

The design reflects other local schemes including a nearby site in Chandlers Mews.

The design has been amended to facilitate access to the rear of the properties via a 1m wide path, thereby improving the relationship with the properties to the rear along Longstone Road. This will also assist with the maintenance of the proposed green roofs by ensuring easy access.

In design terms the proposal is considered appropriate for this urban infill site. The appearance, layout and design of the accommodation provided represents a significant improvement when compared with other schemes in this part of Eastbourne, many of which are conversions of commercial buildings carried out under permitted development rules which do not seek to influence design quality. The design quality of the proposed buildings is a consideration that weighs in favour of the proposed scheme.

Impacts on trees:

There are no trees currently occupying the site, as such there is no impact on trees.

Impacts on highway network or access:

The proposal creates four new two bedroom units. No off street parking is provided. The lack of off street parking was not an issue in the 2009 proposal, nor was this an issue in the subsequent appeal.

A number of local residents draw attention to the additional parking pressure created through the introduction of four additional residential units. The existing vehicular access via Tideswell Road would cease, and as such any parking would need to be undertaken on the surrounding network of on street parking spaces, principally along Tideswell Road. As this is currently an unrestricted parking area, parking demand for these spaces is high, particularly given the proximity of the site to Eastbourne Town Centre.

It is acknowledged that the proposal is likely to result in additional pressure for parking along Tideswell Road and the surrounding network of streets. It is accepted that the development will result in greater demand for parking spaces, and that this will result in both existing and future residents having to travel further to find a parking space. However it should also be acknowledged that the location of this development site and its close proximity to all town centre services including public transport links may reduce the demand for parking spaces. In addition the cessation of the existing business use will result in fewer large delivery/service vehicles

parking on Tideswell Road which may also mitigate localised congestion, as would the stopping up of the existing vehicular access to the site providing more space for parking along Tideswell Road.

Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst it is recognised that zero parking development results in an inconvenience for local residents, in this case there is no evidence that the additional demands for parking from the four additional residential units would result in a severe transportation impact as set out in the NPPF, nor has any evidence been presented that the highway safety issues resulting from additional vehicular movements on the surrounding public highway comprise a significant material consideration. The Highway Authority do not object to the development, and is considered that in view of the policy context discussed above it would be difficult to defend a reason for refusal on highways grounds were the matter to proceed to an appeal.

The highway authority and some of the objectors note that at present the parking along Tideswell Road is unrestricted. It may be possible to address the issues outlined above by introducing controlled parking along Tideswell Road, however this is a matter for local residents to pursue with the highway authority and falls outside the scope of the current decision.

Planning obligations:

Not relevant on a scheme of this nature.

Sustainable development implications:

The environmental credentials of the scheme including the green roof and the highly thermally efficient building fabric are noted and welcomed and should help to reduce the development reliance on fossil fuels.

Other matters:

The development is not located within an area of flood risk on the basis of the 2014 Environment Agency data.

**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:**

Because of its close proximity to 53 to 59 Longstone Road the development will have impacts on these residents principally through the sense of enclosure the development would create to these gardens. The proposal would also result in additional demand for on street parking on the surrounding streets.

Overall however it is considered that the benefits of four well designed new residential units in a sustainable town centre location outweigh these issues and the application is recommended for approval subject to conditions.

**Recommendation:**

Approve planning permission subject to conditions.

**Conditions:**

1. Development in three years
2. Development in accordance with the approved plans
3. Front bathroom window to be made from obscure glass
4. PD rights removed: windows
5. PD rights removed: extensions to any part of the building.
6. Submission of a detailed landscaping plan.
7. Existing vehicular access to be stopped up in agreement with local highway authority prior to occupation of building hereby approved.
8. Provision of waste storage and cycle parking as per the approved plans.
9. Working Hours 8-6 Monday to Friday, 8-1 Saturday.
10. Submission and approval of a construction management plan prior to commencement of works on site.

**Informatives:****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> 170221	<b>Decision Due Date:</b> 20 April 2017	<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:</b> 30 March 2017		
<b>Neighbour Con Expiry:</b>		
<b>Press Notice(s):</b> 6 <sup>th</sup> March 2017		
<b>Over 8/13 week reason:</b> To meet committee cycle.		
<b>Location:</b> Eastbourne Pier, Grand Parade, Eastbourne		
<b>Proposal:</b> To paint the remaining 2 domes in the middle of the Pier in gold colour to match the existing 13 domes. To paint the roof on the entrance mall with a white 'weather proof' sealant paint.		
<b>Applicant:</b> Mr Sheikh Abid Gulzar		
<b>Recommendation:</b> Approve conditionally		

## Executive Summary:

This application is reported to planning committee at the discretion of the Senior Specialist Advisor given that similar recent cases relating to this building have been heard at planning committee.

This application proposes to paint the two remaining domes at the centre of the pier gold and to paint the main roof of the entrance pavilion white.

Historic England consider that the works would result in some harm to the character and appearance of the Grade 2\* listed building. However, it is considered this harm is less than substantial and the principle of changing the colour scheme of the pier has already been established in previous permissions. The works form part of a credible programme of investment in the structure, and officers consider that the public interest of assisting in keeping this high status tourist asset open for all is served in permitting the alterations proposed.

Application is recommended for conditional approval.

**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

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).

Approved conditionally  
September 2016

### **Proposed development:**

Listed building consent is sought to paint the two remaining central domes on the pier gold, and to paint the existing roof of the entrance pavilion white.

### **Consultations:**

#### Internal:

Specialist Advisor (Conservation): Recognises the importance and leading role that the Pier holds within the borough's heritage portfolio; in this regard supports the unifying visual role that the painting of the domes would have and recommends that the applicant explores the potential use of a transparent sealant for the entrance building.

Conservation Area Advisory Group: Considered at meeting on 4<sup>th</sup> April 2017. The Group could not support the proposal and reiterated their comments made at the previous meeting on the 23 August 2016...' *The Group objected to any further painting of the building, including the fish scale domes in the centre of the Pier.'*

#### External:

Historic England: Summary of their response below

#### *Gold domes:*

*"We think that the painting that has taken place so far has caused modest harm to the significance of the pier and that painting the remaining shingled domes would cause further harm as a result of the loss of detail and maintenance issues created. However, we acknowledge that the painting of the majority of the domes has now been approved and will remain for the foreseeable future. The last two unpainted domes arguably present an unfinished and inconsistent appearance to the pier within this context. Your authority must judge whether the further harm that would arise is justified in the terms of the NPPF paragraph 132, and offset by any public benefits that you might identify (para 134). "*

#### *Entrance pavilion*

*"We advise... against a uniform white washed paint over the structure because of the visual impact this would have, resulting in no clear distinction between the roofs and walls of the structures on the pier. The result of this would be to cause harm to the attractive and historic appearance of the*

*pavilions and kiosks on the pier, and the public's appreciation and understanding of the details and materials of their construction.*

*... If consent is granted for one large zinc roof to be painted in white, we would have concerns that it would establish a precedent for others to be painted in a similar way... The painting of this roof and others in this way would, in addition to the points raised above, interfere with the appreciation of the distinctive and celebrated silhouette of the roofscape of the pier in longer distant views. We can see no strong justification for this change".*

Eastbourne Society: Objection

Gold domes

*"The society fully objects to the two remaining domes... The two domes are clad in 'fish-scale' zinc tiles, known as shingles and are completely different in style to all the other domes on the piers buildings which are lined in zinc and not clad in shingles. To paint them in gold would destroy the original look of the saloons, which dates from 1901, as they are the only structures on the pier to have survived completely intact from that time. Furthermore the gold paint would be extremely difficult to remove from the shingles if a decision was made to do so in the future"*

Entrance roof

- Object to the choice of white and recommend instead that a clear weather proof sealant used instead to enable the colour of the zinc lining to show through.

### **Neighbour Representations:**

One objection received on grounds that gold paint detrimentally impacts upon the character and design of the pier and its surroundings.

### **Appraisal:**

The works involve painting the two fish scale zinc domes in the centre of the pier gold, and the roof of the entrance pavilion white.

Both sets of works are reversible and do not relate to the removal of any features of this listed building.

The pier is located within a difficult marine environment and requires constant repainting, maintenance and adaptation. The works proposed to the entrance roof are a reflection of this reality. The painting of the central domes, whilst regrettable for the reasons expressed by consultee responses, can also be seen in this context.

The main impact of the works is on the overall appearance of the pier, and how it relates to the surrounding seafront townscape. In this regard, the cumulative effect of the works already undertaken to the pier and further works now proposed is to change the colour scheme of the pier from (blue, white and grey) to (blue, white and gold). The principle of this was established with the granting of retrospective listed building consent for the painting of the thirteen other domes on the pier. When compared against the existing position, the painting of the remaining two domes in the centre of the pier gives some additional consistency to the appearance of the entire Pier building.

The works involving the painting of the entrance roof does raise some concern over the loss of a traditional feature, however it is considered that the painting of this part of the pier white is consistent with its broader colour scheme of blue, white and gold.

The advice of Historic England is that the alterations cumulatively result in less than substantial harm for the purposes of paragraph 132 of the NPPF. Paragraph 134 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As with the previous application, the works proposed can be seen in the context of a credible programme of improvements in the pier, including the refurbishment of the rear platform, the Piers' substructure and the recent improvement works to The Waterfront Bar. Given that the pier falls within private ownership and there are no realistic alternatives to this position, it is considered that the public interest is served in permitting the alterations to help secure its optimum viable and continued use as an open and publically accessible heritage asset. As the harm is less than substantial, it is considered that this position is consistent with paragraph 134 of the NPPF.

The application is therefore 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.

#### **Conclusion:**

The proposal is considered acceptable in listed building terms.

#### **Recommendation:**

Grant conditional listed building consent.

**Conditions:**

1. This approval relates only to the painting of the roof of the entrance building in white, and the painting of the two remaining domes in the centre of the pier in gold colour.

**Informatives:**

1. Historic England advise that an etch primer should be used on zinc surfaces such as this prior to the application of paint.

**Appeal:**

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

# Agenda Item 9

<b>App.No:</b> 170224	<b>Decision Due Date:</b> 30 <sup>th</sup> May 2017	<b>Ward:</b> St Anthony's
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 3 <sup>rd</sup> March 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 25 <sup>th</sup> March 2017		
<b>Neighbour Con Expiry:</b> 25 <sup>th</sup> March & 23 <sup>rd</sup> April 2017		
<b>Press Notice(s):</b> 10 <sup>th</sup> March 2017		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> nos. 84,86,88 and 90 Northbourne Road, Northbourne Road, Eastbourne		
<b>Proposal:</b> Demolition of 4no. 3 bed houses and erections of 7no. 2 bed flats and 5no. 1 bed flats. Creation of 12no. car park spaces and associated bin and bike stores.		
<b>Applicant:</b> Eastbourne Homes Ltd		
<b>Recommendation:</b> Approve conditionally and subject to a S106 Agreement for a Local Labour Agreement		

## Executive Summary:

The case is being reported to Planning Committee as it is a Major Planning Application.

Four vacant dwellings (nos. 84, 86, 88 and 90 Northbourne Road) affected by subsidence stand on the application site and this application proposes the demolition of these four dwellings and construction of twelve flats with twelve parking spaces in their place (100% parking).

Overall, the proposed development is considered appropriate and compliant with adopted policies. The proposed units comply with the Nationally Described Space Standard and are in all other respects considered appropriate for future occupiers. The development is not considered likely to have a significant negative effect on the wider area, which is a mix of residential and industrial/commercial uses.

Due to the Council's shortfall in the five year housing land supply, the NPPF requires that planning permission should be granted for new housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It is considered that any adverse impacts of this proposal will not significantly or demonstrably outweigh the benefits and the scheme is

therefore recommended for approval subject to conditions and local labour agreement.

**Planning Status:**

Four residential dwellings with associated amenity space located within a principally residential area.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

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

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C13: St Anthony's Neighbourhood Policy  
D1: Sustainable Development  
D8: Sustainable Travel  
D10: Historic Environment  
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- HO2: Predominantly Residential Area  
HO20: Residential Amenity  
TR6: Facilities for Cyclists  
TR11: Car Parking  
UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT6: Tree Planting  
UHT7: Landscaping  
UHT20: Archaeological Sites and Scheduled Monuments  
US4: Flood Protection and Surface Water Disposal

Technical housing standards – nationally described space standard

**Site Description:**

The application site is located on the north side of Northbourne Road on the east corner where the access road for the Britland Industrial Estate meets Northbourne Road. The access road to the Britland Industrial Estate is bordered with grassed areas to both sides, providing a visual break to the west side of the application site. No. 82 Northbourne Road stands to the east

(side) and no. 92 Northbourne Road stands to the west (on the other side of the Britland Industrial Estate access road. To the rear of the application site stand the Britland Industrial Estate and properties at the east end of Finmere Close.

Currently standing on the site are four terraced houses with three bedrooms each. The properties are two storeys high and benefit from front and rear gardens. Only one off-street parking space is currently available and this is associated with no. 84, three of the dwellings therefore do not have access to any off street car parking spaces and rely on on-street. The existing buildings are in the style of most of the other properties lining Northbourne Road and are typical of the area. Approximately, the full height of the existing four dwellings is 7.3m, the eaves height is 5.2m and the width is 26m.

The existing buildings are subject to subsidence and are currently vacant as they are deemed unsafe for habitation.

#### **Relevant Planning History:**

None relevant

#### **Proposed development:**

The applicant seeks planning permission to demolish the four houses on the site (each of which has three bedrooms with only one having off-road parking facilities) and erect in their place twelve flats, the mix is outlined below. Twelve car parking spaces (100%) are to be provided as well as some cycle storage and bin storage.

The proposed building has essentially a square footprint and is to have three storeys, with the uppermost storey to be within the roof space and served by dormer windows. Approximately the eaves height is to be 5.1m, the full height 9.5m, full width 24.7m and a depth of 16.5m.

The proposed car parking court is to be located on the right hand side of the new building and adjacent to the common boundary with number 82 Northbourne Road. The siting of this car parking court does result in the new building being sited in part on the greensward on the right hand side of the access into the industrial estate to the rear.

Location	Type	Size Sqm	National Space Standards
1	1 bed 2 person	52	50
2	1 bed 2 person	52	50
3	2 bed 3 persons	70	61
4	2 bed 3 persons	70	61
5	2 bed 4 persons	70	70
6	1 bed 2 persons	50	50
7	1 bed 2 persons	50	50
8	2 bed 3 persons	70	61

9	2 bed 3 persons	70	61
10	1 bed 2 persons	60	50
11	2 bed 3 persons	85	61
12	2 bed 4 persons	76	70

**Consultations:**

**Internal:**

Specialist Advisor (Economic Development) – supports this application and requests inclusion of a local labour agreement if planning permission is approved

- An Eastbourne Homes development of a similar size within Eastbourne has proved successful in supporting local labour and an apprenticeship placement. It is hoped that this development can support the construction economy similarly.
- In accordance with the Local Employment and Training Supplementary Planning Document adopted on 16 November 2016, this development if approved would qualify for a local labour agreement.

Specialist Advisor (Environmental Health) – no comments received

**External:**

Southern Water – no comments received

East Sussex Building Control Partnership – No comments received

Environment Agency – no comments received

County Archaeologist – no objections to the site being developed.

- This is the site of 19th century clay quarries
- Unlikely that significant below ground archaeological remains will be affected by the proposal
- No recommendations to make in this instance

Highways ESCC – no objection, subject to the imposition of conditions

- The Parking Demand Calculator indicates that this development would require 16 unallocated spaces. The proposed 12 spaces provided fall below the recommended; however, the existing 4 no. 3 bed units should be provided with 8 spaces where only 1 exists. Therefore, this proposed development is likely to reduce to the requirement for on street parking.
- Cycle parking has been provided. This facility should be covered and secure.
- The development can be achieved at the proposed vehicular access and the entrance to the Britland Estate and cars parked close to these access are unlikely to cause significant problems.
- The vehicular access into the site and the turning space provided are considered acceptable.

- The site is located within walking distance to bus stops with connecting services to the Town Centre and Eastbourne Railway Station
- The site offers travel choices other than the private car

South East Water Limited – No comments received

ESCC Flood Risk (SUDS) - Further information requested

**Neighbour Representations:**

- 73 neighbour consultation letters sent in initial consultation and were repeated in a second round of consultation.
- 3 Site Notices displayed near the application site
- Public Notice was published in a local newspaper

Objections from the following 8 parties have been received:

The objections cover the following points:

- Overcrowding of the road
- Parking issues which already exist will worsen
- Safety concerns associated with traffic and nearby industrial estate
- People in new flats may have unsociable attitudes to residents of houses
- Houses with off-road parking would be preferred for this site
- Concerned that the scheme is a money making scheme designed for a quick return for investors
- The developers of the four houses did shoddy work - where is the compensation?
- Subsidence may occur in the future and perhaps the site is not good to develop
- Greedy scheme
- Six houses on the site with off-street parking and gardens would be acceptable
- Loss of privacy will occur
- Development would disrupt skyline of the street
- The additional height of the proposed building will reduce privacy to front of properties opposite
- Insufficient parking for additional cars and visitors to the flats
- It doesn't appear that parking spaces for those with limited mobility have been included in the scheme
- The local sewerage system is already problematic
- New development will negatively affect the friendly and safe community of Northbourne Road residents
- Apartment living is extremely anti-social
- The development will result in too many people living on Northbourne Road
- Additional cars will lead to more pollution
- Flats are inappropriate here

- The development will result in noise pollution, e.g. bin collections, deliveries etc.
- Occupiers may loiter in front of the building during the evening, which is unacceptable
- Because of the garden space, bin storage areas and parking spaces, anti-social behaviour will occur at the property
- Existing residents do not know what backgrounds the new residents will have come from
- The street is quiet at night and should stay that way
- The construction of the flats will result in a decrease in house prices nearby
- While works are carried out, dust and pollution from construction vehicles will have a negative effect on the area, making people's cars dusty and contributing to pollution
- It is understood that targets for housing are prescribed and out of the Council's hands, but it appears that the Council has lost sight of local interests in favour of hitting targets
- The development is not in keeping with the area
- The scale of the development is inappropriate
- The ground of the site is not appropriate for development in its current state
- Increase in people and cars will make the area noisier
- Overdevelopment of the area
- Road is already congested and the development will make this worse
- Proposed disruption of the existing building line will affect character of the area
- Development will result in loss of light to no. 92 Northbourne Road
- Height of building will be out of keeping with the character of the area
- Increased overlooking, overlooking from many parties, not just four households
- The road is very busy and unsafe at times and the development will make this worse
- The green area may become a location for anti-social behaviour or to park on
- The presence of Council flats brings additional concerns
- Traffic survey of the area should be undertaken

### **Appraisal:**

#### Principle of development:

The principle for residential use on the site has already been well established. It is considered, therefore that residential use is acceptable in principle in this location subject to the appropriate design of any replacement building and that it provides an appropriate living environment for the future occupiers of the new apartments and that any new building should not materially affect the amenities of the occupiers of the adjacent properties.

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

**Overlooking/Loss of privacy:**

Most notably, a number of objections have been made with regard to this development because it is considered that a loss of privacy and increased overlooking would occur as a result of the development, with particular focus on the front of properties located on the south side of Northbourne Road (e.g. nos. 67, 69 and 71 Northbourne Road) and the side elevation of no. 92 Northbourne Road.

It is noted that if the development were to go ahead, there would be an increase in the number of windows and those serving the proposed second floor (within the roof space) would be at a higher level than any of the windows serving the existing buildings on the site. However, it is not considered that the increase in the amount of windows facing the aforementioned properties would lead to an increase in overlooking as the front of the property is already overlooked from the public realm and from the windows of the existing dwellings on the site. Furthermore, the front elevations of both the existing properties on the south side of Northbourne Road and the proposed development would be approximately 22.5m apart. Similarly, the side elevations of the proposed development and no. 92 Northbourne Road would stand approximately 20.5m apart. This being the case, the potential for overlooking is further mitigated by this significant separation of the buildings.

It is considered that the development will not result in loss of privacy from direct overlooking.

**Loss of light:**

The proposed development, although higher than the existing dwelling houses, is not considered likely to reduce the sunlight received into any adjacent property. Essentially this is due to the separation between the proposed building and the surrounding buildings.

Furthermore, as the development is to pull away from the existing building position close to the boundary of no. 82, it is likely to improve the amount of sunlight received by no. 82.

The development, therefore, is not considered likely to reduce the level of sunlight received into nearby residential properties and in the case of no. 82, may improve on the existing situation.

**Amenity for future occupiers of the development**

All of the proposed flats will comply/exceed the Nationally Described Space Standard. It is noted that some objectors opposed the scheme on the basis that the dwellings are to be flats, not single private dwelling houses. However, it is considered that the proposed flats will provide adequate internal living space and the two ground floor flats to the rear will have some outdoor amenity space. It is not considered that flats would be out of keeping with the established character of the area in general.

Further to this, the four ground floor flats will have private entrances which will give a house-like impression from street level. It is also likely that this will promote surveillance around the building and will lessen the possibility of anti-social behaviour occurring.

The level of fenestration proposed is considered appropriate and future occupiers should not lack for availability of natural light.

Overall it is considered that the development provides an acceptable level of amenity for future occupiers of the development.

Design issues:

Prior to submission of the current scheme, the proposal has been redesigned following consultations with the local community.

Some objections refer to the design of the building appearing out of place and the scale of the building inappropriate. However, as an unrestricted area, insofar as it is not within a Conservation Area, there are no specific constraints on the appearance of the development aside from compliance with design-based policies. The ridge height of the proposed building is higher than the existing terrace, but as the new building will be a greater distance away from the closest neighbouring property and will subsequently appear more detached, the increased height is likely to be less noticeable in the wider streetscene.

Although the proposal is essentially a low rise block of flats, the design provides visual interest in the use of dormer windows and variegation of the principal elevation and return elevation, which are most visible from the public realm. Further to this, continuity with the existing built form is provided by the eaves level, which closely matches the eaves level of the adjacent dwellings. The overall height to ridge level of the proposed building is to be approximately 1.5m higher than the existing terrace

A number of the characteristics of the proposed development pick up on/echo the surrounding built environment, especially with regard to the roof style. The proposed roof will provide the impression of a hip-to-pitch roof, but there will be an element of flat roof to ensure the height of the building is kept as low as possible, so as not to appear out of scale with the nearby dwellings.

The established building line is to be brought forward slightly. This is not considered to disrupt the rhythm of the existing properties as the slight protrusion is not considered significant enough to affect the character of the area.

The proposed design is considered to harmonise with the area and the proposed flats are considered to blend into their setting.

Impacts on trees:

No impacts to trees are likely to occur as a result of the development.

Impacts on highway network or access:

One theme of the submitted objections was concerned with regards to highway safety. An application for a development of this type would not necessarily be required to be accompanied by a travel/road survey. It is accepted that as a road connecting industrial estates (Britland and Finmere) to the wider area, Northbourne Road is likely to be busy most of the time. Whereas, in principally residential areas, there would likely be marked busier periods on the roads. However, following consultation with ESCC Highways and no associated concerns conveyed in their formal response, it is considered that there is no reason to refuse the scheme on the basis of highway safety. It is therefore considered that the matter of highway safety has been given sufficient weighting in the assessment of the scheme and that subsequently, no further information is required.

Some objectors felt that the cars coming and going from the new development would contribute towards pollution, as would the construction vehicles used during building works. Given the scale of the development and its location it is not considered that a refusal of planning based solely on the potential for increase pollution could be sustained through to a refusal/appeal.

The impacts on the highway resulting from the development are considered acceptable in this instance. In addition, the principle of the new vehicular access is considered appropriate in serving such a development.

Parking provision and opportunities for non-car travel

It is noted that a number of the objections received related to concerns about parking provision. Objectors stated that although Northbourne Road currently has unrestricted on-street parking, at peak times the available parking spaces were in high demand and that if the development were to be supported, this situation would only worsen. Many were concerned that there was no provision for visitor parking or additional cars used by the household.

When comparing the scheme to the existing situation then provision of 12 spaces (100%) would be acceptable and this view is endorsed and supported by ESCC.

As the on-street parking is currently unrestricted and potentially used by Northbourne Road residents, it is not considered inappropriate that a number of the residents of the new development, should use unrestricted parking if the off-street parking is not available to them. This is because it is considered that the off-street parking provided by the scheme would likely absorb the vast majority of cars associated with the new dwellings and would provide better parking provision than many of the existing dwellings on Northbourne Road.

As the flats are to have either one or two bedrooms, it is not anticipated that growing families would be typical occupiers. It is anticipated that the flats would likely be occupied by small households who would not necessarily depend on the private car for transport. Further to this, cycle parking is to be provided to encourage the use of bicycles for transport and the application site is well located in terms of bus connections into town and for onward travel via Eastbourne Railway Station in the Town Centre.

Overall it is considered that the development has potential to promote sustainable transport, which is in-line with the requirements of adopted policies and the NPPF.

Planning obligations:

The number of dwellings proposed as part of the development exceeds the threshold specified in the Local Employment and Training SPD and as such, should be subject to a Section 106 Agreement in relation to devising a Local Labour Agreement.

The net gain in the number of dwellings provided falls below the requirement for an Affordable Housing contribution. As such, there is no requirement for Affordable Housing in this instance.

Other matters:

Five year housing land supply:

The Council accept that it cannot identify a five year supply of housing sites and as the proposals are for housing paragraphs 14 and 49 of the NPPF are engaged. This means that relevant policies for the supply of housing are not to be considered up-to-date and therefore bullet point two for decision making in paragraph 14 requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Against this background the scheme is considered to be an acceptable and appropriate form of sustainable development.

Flood risk:

Although the application site does not stand within a Flood Zone, the development should mitigate flood risk caused by surface water accumulation. Further details on this issue have been requested and will be controlled by planning condition. This information will be important with regards to dealing with water attenuation on the site in order to mitigate localised flooding and ensuring that an appropriate methods are employed.

Archaeology:

Following consultation with ESCC Archaeology, the development is not considered likely to negatively affect any significant archaeological remains. Therefore no action with regard to archaeology will be required.

**Human Rights Implications:**

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

**Conclusion:**

The proposed scheme is considered to be in-line with adopted policies, will harmonise with the wider built environment and will contribute towards the need for achieving a five year housing land supply, which Eastbourne currently does not have. The benefits of the scheme are considered to outweigh any adverse effects and as such, should be granted approval to ensure compliance with the NPPF.

**Recommendation:**

Approve conditionally and subject to a S106 Agreement for a Local Labour Agreement

**Conditions:**

1. Time
2. Drawings
3. Samples
4. Construction method statement
5. Hours of demolition and construction
6. New access to be constructed in accordance with plan
7. Existing vehicular access to be closed
8. Details of surface water drainage – highway
9. Vehicle turning space, in accordance with plan
10. Car parking to be constructed in accordance with plan
11. Cycle parking to be constructed in accordance with plan
12. Visibility splays
13. Ground levels – surface water drainage
14. Infiltration testing
15. Detailed drainage strategy
16. Hydraulic calculations
17. SuDS maintenance and management plan
18. Landscaping/planting scheme
19. No bonfires – proximity to residents
20. Refuse and recycling collection and storage, in accordance with plan

**Informatics:**

- 1) S106 for Local Labour Agreement
- 2) Southern Water - connection
- 3) Highways – Licence

**Appeal:**

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

# Agenda Item 10

<b>App.No:</b> 170162	<b>Decision Due Date:</b> 19 April 2017	<b>Ward:</b> Sovereign
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 23 February 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 19 March 2017		
<b>Neighbour Con Expiry:</b> 6 April 2017		
<b>Press Notice(s):</b> 10 March 2017		
<b>Over 8/13 week reason:</b> n/a		
<b>Location:</b> South-West Corner of Site 6 Sovereign Harbour Easter Island Place, Pacific Drive, Eastbourne		
<b>Proposal:</b> The erection of a single storey building (Community Centre)		
<b>Applicant:</b> Sea Change Sussex		
<b>Recommendation:</b> Grant planning permission subject to conditions and a deed of variation to the original S106 legal agreement		

## Executive Summary:

This application is being reported to planning committee at the discretion of the Senior Specialist Advisor given the district wide implications of the proposal.

It has long been recognised that the completion of the Sovereign Harbour development is long overdue and that the area is missing the social and economic infrastructure that is required for it to become a sustainable location.

The community centre, funding for which will be secured through a deed of variation to the S.106 agreement of the 2013 permission to develop sites 1, 7 and 8 for residential dwellings (Ref: 131002), will provide the social infrastructure required to enable Sovereign Harbour to become a sustainable community.

Therefore the proposed community centre is considered acceptable in principle and subject to conditions, the detailed design, layout and appearance is considered appropriate for the site and surrounding area.

## Relevant Planning Policies:

### National Planning Policy Framework 2012

4. Promoting sustainable transport

7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

- B2 Creating Sustainable Neighbourhoods  
C14 Sovereign Harbour Neighbourhood Policy  
D10A Design

Supplementary Planning Documents

The Sovereign Harbour Supplementary Planning Document (SPD) (adopted 2013)

Eastbourne Borough Plan Saved Policies 2007

- NE16 Dev within 250m of former landfill site  
SH7 District Local and Neighbourhood Centres  
UHT8 Protection of Amenity Space  
US5 Tidal Flood Risk

**Site Description:**

The site refers to the south-western corner of land known as Site 6 Sovereign Harbour, which is a currently undeveloped shingle and in parts shrub covered area to the south of Pevensey Bay and to the north of the Harbour Retail Park.

The site currently has no means of access. To the north-eastern end of Site 6 part of the site has been developed for the Harbour Innovation Park currently constituting Pacific House an office building comprising of a variety of sized offices with communal servicing.

To the south of the site is an existing shingle ‘mound’ which covers a historic land fill site. There are a variety of trees and scrubs to the edge of site 6 with Pevensey Bay Road and the access to the Harbour Retail Park. The land is lower than the road and pavements and therefore drops down behind the vegetation.

**Relevant Planning History:**

There has been significant planning history for Sovereign Harbour with the most relevant application being:-

131002

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

Site 1 - up to 72 dwellings and access s

Site 4 - Commercial and employment uses (A1-A5 3, 200sqm) (B1, C1 and D13,600sqm)

Site 5 - Community use (800sqm)

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

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

Granted Outline Permission December 2014

150352

Reserved matters in relation to community centre Site 5 Granted 14 July 15.

**Proposed development:**

The application proposes the erection of a single storey building for use as a community centre.

The building provides 714m<sup>2</sup> gross internal floorspace, which includes two 'halls' one larger 277m<sup>2</sup> with vaulted ceiling, and a smaller 92m<sup>2</sup> hall. Other facilities include a meeting room, office and a kitchen/café area with indoor seating and external terrace area. A landscaped secure garden is to be provided to the side with access from the main hall. Car parking is provided by way of 3 disabled spaces only which will have access through site 6 adjacent to Pacific House onto Pacific Drive. Emergency vehicles and service vehicles can access the site via a new access road running to the south of Pacific House

The building is 9m at its highest roof ridge, reducing to 3.4m in height to the western eaves height.

A pedestrian path is proposed running south-west from the site to the existing Waterfront Car Park which is proposed to be utilised by visitors by car for parking.

It is suggested within the application documents that parking provision within the existing Sovereign Harbour Retail Park and Waterfront Car Parks will be utilised by the public when visiting the community centre by car. A new access path is proposed to be created from the Waterfront Car Park to the Community Centre along with an access from the existing path on the road from Pevensey Bay Road to the Waterfront.

**Consultations:**

Specialist Advisor (Arboriculture)

The application has not been supported by an Arboricultural Impact Assessment; therefore it is not evident what the resultant impact on existing trees/planting there will be from the proposed building, access paths or roads.

Therefore conditions are required to request further information in relation to the loss of trees and the resultant landscaping of the site.

Specialist Advisor (Planning Policy)

The provision of a community centre at Sovereign Harbour is strongly supported by Planning Policy. No objection in principle to the location of the community centre on this part of Site 6. Their detailed response is reported below:

*Core Strategy Policy B1: Spatial Development Strategy and Distribution identifies Sovereign Harbour as a ‘Sustainable Centre’, which means that it is a priority location for balanced housing growth alongside delivering significant improvements to the provision of community facilities and services and improving linkages. Policy B1 also states that the delivery of new employment land and community facilities alongside new residential development in the two centres will be required to cater for increased growth and improve their sustainability as neighbourhoods.*

*The vision for Sovereign Harbour as set out in the Core Strategy is Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development, ensuring that a holistic view is taken of development across the remaining sites.*

*The principle of the provision of a community centre at Sovereign Harbour is supported by Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy, which states that the vision for Sovereign Harbour neighbourhood will be promoted by a number of measures including developing community facilities in order to meet the needs of local residents.*

*The Sovereign Harbour Supplementary Planning Document (SPD) (2013) identifies also that Sovereign Harbour lacks a dedicated community centre. There are facilities in the neighbourhood that can provide a facility for community events, including the Haven School and the Sovereign Harbour Yacht Club, but these do not meet all the needs of local residents. Consultation on the Sovereign Harbour SPD indicated a consensus that any plans must include, as an absolute priority, a Community Centre of an appropriate size.*

*The SPD identified the Site 5 would be the ideal location for a community centre to serve the neighbourhood, due to its central location and close proximity to the retail park. Permission for a community centre on Site 5 was granted (ref: 150352), however site the site was not pursued for detailed design and construction issues.*

*Core Strategy Policy D7: Community, Sport and Health seeks additional community facility provision in neighbourhoods where there are identified deficiencies. The Core Strategy, particularly the supporting text to Policy C14, recognises that there is a deficiency in provision of community facilities within Sovereign Harbour. It is clear, therefore, that the provision of a community centre at Sovereign Harbour is strongly supported by Local Plan policy.*

*However, the current application site is part of an allocation in the Employment Land Local Plan (ELLP) known as Site 6. ELLP Policy EL4: Sovereign Harbour requires that a total of 23,125 Sqm (GEA) of B1 floorspace shall be provided at Sovereign Harbour, predominantly on Site 6 and Site 7a. It also states that ‘Other employment generating uses that are compatible with the residential area (with the exception of class A1, A3 and A5 uses) will be acceptable on any remaining land on Sites 6 and 7 following the delivery of the 23,125 Sqm (GEA) of B1 floorspace’.*

*The Section 106 agreement pertaining to the outline permission for the Sovereign Harbour sites (ref: 131002) identifies the requirement for a minimum of 11,100 Sqm (NIA) of B1 floorspace to be provided on Site 6. A plan submitted with the application demonstrates that this quantum of B1 floorspace can still be provided alongside the community centre.*

*In addition, ELLP Policy EL4 identifies that Site 7a includes an area of at least 1,500 Sqm in order to accommodate a community centre, which reflects the Section 106 agreement for the outline permission (ref: 131002). The proposal for the community centre is not located on this site.*

*The current application site is located on Site 6, adjacent to the Sovereign Harbour District Shopping Centre as identified in the Core Strategy. This site is consistent with Core Strategy Policy D7, which states that development of new community provision should be located close to neighbourhood or local centres or where this is not practicable in locations that are easily accessible by walking, cycling or the use public transport.*

*Plans submitted with the application shows that an additional 10,548 Sqm GIA provision of B1 can be provided on Site 6, which when converted to NIA using a ratio of 85% and added to the existing NIA provision at Pacific House, would meet the requirement for 11,100sqm NIA to be provided on Site 6 by ELLP Policy EL4.*

#### Southern Water

Require a formal application for a connection to the public foul sewer to be made by the developer. Where a SuDs scheme is proposed further information

regarding the responsibilities for the implementation and the maintenance and management of that scheme are required.

Environment Agency

Have raised an objection to the application as submitted as insufficient information has been provided to demonstrate that the risks posed to groundwater and landfill gas can be satisfactorily managed. Further information is required to demonstrate that all potential risks to groundwater can be mitigated.

The main development lies on the former landfill site, the proposals have the potential to cause contamination of the groundwater and there are potential human health effects associated with the development. In addition to this, the landfill site has the benefit of an Environmental Permit. Any proposed development will potentially have an effect on the engineered containment and environmental monitoring infrastructure and could require the relocation and or re-engineering of the site infrastructure.

County Ecologist No response received

South East Water No response received

Highways ESCC – No objection raised subject to conditions and a legal agreement being in place to secure pedestrian improvements. Response reported below;

*Pedestrian/Vehicular Access*

*It is suggested within the Transport Statement the parking provision within the Sovereign Harbour Retail Park and Waterfront Car Park will be utilised by the public when visiting the community centre. Whilst this is acceptable it is reliant on safe, suitable pedestrian access being provided and maintained. The Design and Access Statement and additional plan indicate that a pedestrian link can be provided however design details have not been included. The Information submitted by the applicant suggests that the link will be 1.4m in width; this is not sufficient given the proximity to the carriageway and the pedestrian flows that are likely. A minimum of 2m (ideally 3m) footway should be provided.*

*The proposed pedestrian link from the site to Pevensey Bay Road is likely to encourage drop off and collection between the Harbour Roundabout (A259) and the access to the retail park. Taking into consideration the limited on-site parking provision proposed, the distance from the off-site parking and lack of parking restrictions in place where the pedestrian access meets the entrance to the Crumbles retail park, parking and drop off is likely to have an adverse effect on the free flow of traffic along Pevensey Bay Road (A259). In order to ensure that highway safety is not*

*compromised parking restrictions would need to be provided between Pevensey Bay Roundabout and the existing parking restrictions located within the Crumbles retail park access. A contribution of £5000 would be required to allow TRO's to be consulted on. As any TRO is open to public objection and ultimately decided upon by ESCC Planning Committee the implementation of any restrictions cannot be guaranteed. If parking restrictions cannot be achieved then the pedestrian access arrangements linking the site would need to be reconsidered.*

*The pedestrian facilities at this point are also limited to dropped kerbs. An increased level of pedestrians wishing to cross at this point will require the facilities to be enhanced for example with the introduction of a pedestrian island.*

*A scheme will need to be submitted to ensure the safety of pedestrians to and from the site this would necessitate the applicant entering into a s278 legal agreement with East Sussex County Council prior to commencement of development which would need to be secured through a 106 legal agreement prior to planning permission being given. The off-site works will need to be subject to the standard road safety audit procedure and my comments are subject to a satisfactory outcome.*

*Access to the site for the refuse collection and deliveries is suggested via Pacific Drive and the Harbour Innovation Park Site entrance adjacent to Pacific House; however, it is noted there is currently no footway or cycle provision along the proposed access. In order to facilitate connectivity a shared footway/cycle link should be provided.*

#### *Traffic Impact*

*A Transport Statement has been submitted to consider the impact of the proposal on the surrounding highway network. The TRICS database has been used to consider the number of trips that would be associated with proposed use of the site. Having looked at these figures and carrying out my own analysis using the same selection criteria (2013-2016 data included) it is evident that the proposal is likely to generate approximately 174 trips daily with 18 trips in the AM Peak and 14 in the PM Peak, with the maximum trip generation occurring outside peak hours between 15:00 and 16:00 which will lessen the impact on the surrounding network. In addition to this analysis, work has been carried out as part of similar outline applications on traffic impacts of the remaining sites in Sovereign Harbour, which includes this site. This work has demonstrated that the roundabouts at Pevensey Bay Road/Pacific Drive and Pacific Drive/Harbour Quay will continue to operate successfully with this additional level of traffic created.*

#### *Parking*

*A Community Centre, in accordance with the ESCC Parking Standards should provide 1 space per 5 seats, plus 1 l/t space per 200m<sup>2</sup> gfa. It is unclear on the exact seating capacity however, taking into account the proximity of the site to the Crumbles Retail Park and proposed Harbour Innovation Park the lack of parking provided by the community centre it is not a major concern. The two previously consented community centres within the Sovereign harbour area were approved with a similar level of parking due to the proximity of local residents and extensive parking facilities. Parking provided has now been increased to 4 spaces and is therefore in accordance with the ESCC parking standards. Cycle parking has been provided in excess of the East Sussex Parking at Development Standards requirement, this should be secure and conveniently located for users.*

#### **Accessibility**

*The nature of this development will attract people predominantly from the local area and therefore it is likely that a proportion of users will walk/cycle. Access to the site on foot is generally good as the area is flat with a good network of footways linking the site to Sovereign Harbour and beyond. The site is also accessible by bus with a number of stops within 100m-300m on Pevensey Bay Road and Pacific Drive. These stops are served by buses on several routes which link the site to large parts of the town, including the town centre.*

*Subject to the completion of a legal agreement to secure the TRO contribution and securing the off-site pedestrian improvements I do not wish to restrict grant of consent and recommend the inclusion of conditions.*

#### **SGN Plant Protection Team**

Should the authority be minded to approve the proposed development scheme, the company respectfully requests an 'Informative Note' regarding the positioning of the high pressure gas main. This demonstrates due diligence on part of the both the authority and company in safeguarding both the land user and wider public from the implications of damage to gas pipelines resulting from the decision to approve the development by the authority.

#### **Health and Safety Executive**

The online consultation service was used, this advised that the development does not cross any consultation zones in relation to the nearby major hazard pipeline, and as such the HSE does not need to be consulted on the development.

#### **Neighbour Representations:**

No comments from residents/members of the public have been received to the consultation.

## **Appraisal:**

### Principle of development:

The application site is located within the Sovereign Harbour neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It is also within an area allocated for employment development (known as Site 6) through the Eastbourne Employment Land Local Plan, which was adopted on 16 November 2016.

Although the provision of a community centre on Site 6 instead of Site 7a would be contrary to the ELLP, the Core Strategy is supportive of the principle of a community centre in Sovereign Harbour and the inability of other sites in Sovereign Harbour to accommodate a community centre and the close proximity of the application site to the Sovereign Harbour District Centre means that Site 6 could be considered an acceptable location.

The site plan submitted with the application show that the 11,100 Sqm Nett Internal Area of B1 floorspace could be provided on Site 6 in addition to the community centre, and therefore this application would not compromise the ability of Site 6 to accommodate the necessary quantum of B1 space as identified in the ELLP.

Although this proposal is a departure from the most recently approved plan (the Employment Land Local Plan), it is considered that there may be policy reasons why the development of a community centre would be acceptable in this location.

It is considered therefore that the proposal is acceptable in principle.

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

The proposed community centre is situated within Site 6 which is currently undeveloped and therefore will have no impact on surrounding properties or buildings in terms of the structure/building, loss of light/outlook or privacy.

The site has outline planning permission to be developed for office uses, which if occurs, the proposed use, and the structure being only single storey would have limited impact upon.

The site is away from any residential properties and therefore the proposed operating times of 7am to 11pm on any day will have little impact on residential amenity and are therefore considered acceptable.

### Design issues:

The building is proposed single storey, with a massing that consists of two volumes. The larger area will have a pitched roof and the smaller volume a

sloped roof leaning on the West side of the building this design accommodates the height requirements of the two halls within the centre. This design will also mean that the lower roof height is adjacent to the road minimising the visual bulk and appearance from Pevensey Bay Road and the access through to the Marina or Retail Park. This however will result in a building of little visual prominence or presence within its site. For the most part only the roof will be visible which will therefore not afford passing pedestrians or visitors knowledge of the buildings meaning or importance as a community asset.

The appearance of the larger volume of the south facing elevation is screened by implementing a green wall. This elevation houses the entrance to the centre which is proposed to be opened up with large panes of glazing to allow internal visibility.

On the South West and West elevations, the proposed material is sweet chestnut cladding. This helps to break the overall massing of the building.

Along the west elevation tall thin splayed windows to the hall provide natural light. This is also considered in the main hall with two banks of floor to ceiling height windows. The main entrance is glazed to allow for visual connection between the inside and the outside. On the west two windows project outwards giving glimpses of the outside from the meeting room.

The materials and design of the proposed building are considered acceptable within their context.

#### Impacts on trees:

The application has not been supported by an Arboricultural Impact Assessment; therefore it is not evident what the resultant impact on existing trees/planting there will be from the proposed building, access paths or roads. Therefore conditions are required to request further information in relation to the potential impact on the existing trees and shrubs the resultant landscaping of the site.

#### Impacts on highway network, access and parking:

A Transport Statement has been submitted to consider the impact of the proposal on the surrounding highway network; it concludes that the use of the site should not impact upon the local highway network in terms of vehicle movements or highway safety.

The nature of this development will attract people predominantly from the local area and therefore it is likely that a proportion of users will walk/cycle. Access in general to site 6 on foot is generally good as the area is flat with a good network of footways linking the site to Sovereign Harbour and beyond. The site is also accessible by bus with a number of stops within 100m-300m on Pevensey Bay Road and Pacific Drive. These stops are served by buses on several routes which link the site to large parts of the town, including the town centre.

It is considered that in access, highway capacity and safety terms the proposal is considered acceptable subject to conditions in relation to the creation of the pedestrian footway.

Planning obligations:

The community centre, funding for which will be secured through a deed of variation to the S.106 agreement of the 2013 permission to develop sites 1, 7 and 8 for residential dwellings (Ref: 131002), will provide the social infrastructure required to enable Sovereign Harbour to become a sustainable community.

A deed of variation to the original S106 of the 2013 Outline Planning Permission is required to secure funding as the alternative site from site 5 for the community centre was stated in the agreement as Site 7a. Site 6 has been chosen as a preference over site 7a and therefore the agreement requires amendment.

The requirements of ESCC in terms of the provision of pedestrian improvements and the TRO will also be included in this deed of variation.

Other Matters:

**Foundation Design:**

The application does not promote a design solution for the proposed foundation, however it is known from the recent residential development at sites 1 & 7 that piled foundations required close scrutiny from The Environment Agency. Given the lack of detailing at this stage it is recommended that this condition is controlled via planning condition.

**Flood Risk:**

The proposal includes hard surfacing and impermeable structure on a parcel of land where there are none currently, it is considered that this change may have implications upon localised flooding with regard to the increasing the speed of surface water run-off.

It is known that the existing water table in this and neighbouring sites is relatively high (near the existing ground surface) and given this it is considered that the design solution for mitigating the flow of surface water discharge should be controlled via planning conditions.

**Ecology:**

The Ecology report submitted with the application states that the site supports a 'good' population of reptiles. All reptiles are protected, whilst the site has a 'good' population this specific part of site 6 offers limited reptile habitat in the form of grassland and scrub. A Reptile Mitigation Strategy has been submitted which will be controlled by condition.

The site also supports vegetation which has the potential to support nesting birds. Therefore if vegetation is removed to facilitate development then clearance should be undertaken outside of the bird-nesting season (March to August) so to avoid potential disturbing a nest or clearance works need to be undertaken with an ecologist present to check for nesting birds.

### **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 delivery of the community centre is strongly supported in planning policy terms to ensure that the Sovereign Harbour neighbourhood is sustainable. The site is considered appropriate as it is within walking distance of neighbourhood and local centres. The provision of a path from the Waterfront car park and the new road within Site 6 to provide vehicular access for servicing and disabled will result in an accessible centre for community uses.

The design is also considered appropriate for its use and for its site and wider context.

### **Recommendation**

**1.** Grant planning permission subject conditions and subject to a deed of variation to the S106 of the 2013 planning permission to develop sites 1, 5, 6, 7, and 8 of Sovereign Harbour being signed within a reasonable timeframe in relation to:-

- amendments to the location of the Community Centre (previously proposed on site 5 or 7a)
- to include a financial contribution towards pedestrian improvements, footpath provision and assistance with changes to other highway infrastructure via Traffic Regulation Order
- The applicant shall be required to submit a planning application for the provision of a new access road connecting Pacific House with this application site
- Details of reptile translocation site ensuring fit for purpose retained in perpetuity

Should the deed of variation to the S106 agreement not be signed within a reasonable time period 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 legal mechanism in place to secure the improvements to pedestrian access to the site.

**Conditions:**

1. Time for commencement of development
2. Approved drawings
3. Materials to be as stated
4. Details of proposed vehicular linking Pacific House and the site and pedestrian access linking The Waterfront carpark to the site and that these to be implemented in full prior to the first beneficial use of the building and retained as such thereafter.
5. Submission of detailed landscaping plan showing position of any trees
6. Details of hard and soft landscaping
7. Retention of existing trees and tree protection measures
8. Before commencement the submission of a survey of the site showing the location and species of trees
9. Submission of details of the design of the building foundations and services in so far as they may affect trees and hedgerows
10. Soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.
11. Development to be undertaken in strict accordance with the Reptile Mitigation Strategy.
12. Submission of a surface water drainage scheme
13. No part of the development shall be occupied until the car parking spaces have been provided
14. No part of the development shall be occupied until a surface water drainage scheme preventing water draining onto the public highway or adjacent sites has been submitted
15. Submission of a construction traffic management plan
16. No part of the development shall be occupied until a vehicle turning space has been provided.
17. No part of the development shall be occupied until cycle parking has been provided in accordance with approved details
18. Prior to the commencement of development a foundation design, and a risk assessment taking into account the adjacent mound and any of its infrastructure shall be submitted.
19. No fill material shall be imported to the site unless agreed in writing by the Local Planning Authority. Any fill material shall be clean and inert.
20. Site clearance shall be implemented outside of the bird nesting season

**Informatives:**

1. Pre commencement conditions information
2. Information in relation to requirements of the Surface water drainage system conditions.
3. SGN Informative
4. Southern water informative in relation to connection to the sewer

5. Southern Water informative in relation to wastewater grease trap.

**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**.



# Appeal Decision

Site visit made on 20 March 2017

**by Kenneth Stone BSc Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 March 2017**

**Appeal Ref: APP/T1410/W/16/3165819**

**9 Farady Close, Eastbourne BN22 9BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cosmarida 2010 Ltd against the decision of Eastbourne Borough Council.
- The application Ref PC/160487, dated 22 April 2016, was refused by notice dated 11 July 2016.
- The development proposed is described as the 'erection of a temporary warehouse to the rear of 9 Faraday Road'.

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The description of development refers to the building as a temporary warehouse however full planning permission is sought and there is no suggestion that a temporary permission is being sought. The reference to temporary is in the context of the nature of the construction of the building. The appellant has referred to its renegotiation of a 9 year lease and that the building would be easily demountable at the end of that period. However, there is no suggestion in the papers that the applicant seeks a temporary planning permission for a building that would only be required for a temporary period. I have considered the appeal on this basis.

### **Main Issues**

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the effect on existing trees within the site.

### **Reasons**

4. The appeal site presently accommodates a single storey industrial building with a two storey office block attached to the front. The building sits in a wider site which includes a grassed open space to the rear, contained within a metal palisade fence. Beyond the site boundary to the rear is Lottbridge Drove a main arterial route through Eastbourne.
5. The area is characterised by large industrial scale buildings incorporating warehousing, industrial and retail uses. There is a mix of building styles, sizes, designs and ages including a number of modern and refurbished buildings close

- by, including a B&Q and a Lidl, flanking the site on both sides and a Morrison's superstore opposite.
6. The proposed building would be sited to the rear of the existing building and take up the majority of the open space area to the rear of the building within the palisade fence. The proposed building would project substantially beyond the flank wall of the adjacent B&Q building and significantly in front of the next door Lidl building. The space into which it would intrude is readily apparent as an open undeveloped space, albeit within the palisade fencing, within the street. In association with the open grassed space adjacent to the B&Q building and the car park of the Lidl Store the existing site creates an element of space and a pattern of development with buildings set back from the main arterial route. The proposed building would appear as a particularly intrusive and prominent building in this context.
  7. The proposed materials, form and construction of the building would ensure that its 'temporary' nature was readily apparent and given the prominent position this would not be an exemplary standard of design and architecture and would not create a high quality environment as is required by policy D10a of the Eastbourne Core Strategy Local Plan 2013 (Core Strategy) nor fulfil the requirements of the National Planning Policy Framework (the Framework) with regards to the quality of design.
  8. The proposed temporary method of construction would not require foundations and significant ground works and may therefore have only a limited impact on the existing trees. The Horse chestnut tree is identified as in poor condition and appropriate to remove in the Tree report and I see no reason to disagree with those conclusions. Whilst the Council raise concerns about the potential impact on the remaining trees they provide no robust evidence to demonstrate the significant effect that they suggest. The appellant's tree report however does identify that the building will be in close proximity to the trees and would require significant pruning to facilitate the building. In any case the trees are not protected and could be removed and they do not appear as a part of a wider planted scheme, rather they are isolated elements within the street. Whilst there loss would reduce the green canopy and contribution that makes to the street there loss would not be so harmful as to warrant the refusal of permission given the limited contribution they make to the wider character of the area. There would therefore be no conflict with policy UHT5 which requires the retention of landscaping that contributes to the character of the area.
  9. In conclusion whilst I have found that the loss of the trees would not be so harmful as to warrant dismissal of the appeal I am satisfied that given the prominent location and nature form and design (including materials) that the proposed building would have a materially harmful impact on the character and appearance of the area. The proposal would therefore conflict with policy D10a of the Core Strategy which seeks to encourage high quality development.

### **Other matters**

10. The appellant has suggested that the economic benefits associated with the development would outweigh any harm that may arise. They have identified the level of employment expenditure in the local economy and other factors that have an economic benefit. I accept that the securing of jobs and the potential for future job creation are potential benefits of the scheme but these do not outweigh the harm that I have identified.

11. The appellants have also suggested that the additional storage space would reduce travel of vehicles between various sites and therefore reduce the carbon footprint of the business through the reduction in travel between other sites. There is a potential benefit arising from consolidation but this has not been quantified and I am not satisfied that this would outweigh the harm that I have identified.
12. Other examples of development in the locality as referred to by the appellant do not in my mind compare with the temporary form and nature of this proposal or its prominent siting.

### **Overall conclusions**

13. For the reasons given above I am satisfied that the proposed development would result in material harm to the character and appearance of the area and that this would not be outweighed by the benefits that may derive from the scheme.
14. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR

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# Appeal Decision

Site visit made on 20 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2017

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**Appeal Ref: APP/T1410/W/16/3162220**

**Suite 2, 22 Church Street, Eastbourne BN21 1HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Eduardo Corro against the decision of Eastbourne Borough Council.
  - The application Ref PC/160892, dated 27 July 2016, was refused by notice dated 12 October 2016.
  - The development proposed is an extension and alterations to provide 1 no. 1 person 1 bedroom Flat.
- 

## Decision

1. The appeal is dismissed.

## Background and procedural matters

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
3. The Council accept that they cannot identify a five year supply of housing sites and as the proposals are for housing paragraphs 14 and 49 of the Framework are engaged. This means that relevant policies for the supply of housing are not to be considered up-to-date and therefore bullet point two for decision making in paragraph 14 requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have considered the appeal in this context.

## Main Issues

4. The main issues are:
  - the effect of the prosed development on the character and appearance of the surrounding area; and
  - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal space, private amenity space, outlook and daylight.

## **Reasons**

### *Character and appearance*

5. 22 Church Street is located at the corner of Church Street and New Place. The building is two storeys with a third floor created in a mansard roof. The building is part of a terrace that fronts Church Street with the return elevation fronting onto New Place being well detailed with a double height bay window feature towards the rear. New Place is a short street linking Church Street with Bradford Street and is characterised by the small terraced properties of two storeys facing each other on either side of the street.
6. The appeal proposal would result in the conversion of the rear part of the ground floor of 22 Church Street and its extension to create a one bed roomed flat. The extension would be single storey and appear cramped and awkwardly located in relation to 22 and the adjoining terrace. The limited space between the buildings would be virtually filled by the extension and its projection forward of the main wall of 22 and the front wall of the adjoining terrace would add to its intrusion into the street scene.
7. The large front facing gable feature forward projection and limited separation from the surrounding built form would give the appearance of a building that was excessively large for the space. The form and pattern of development in the street with the short terraces separated from the buildings fronting Church Street would be compromised and would appear as an unwelcome addition into the street scene, disrupting the order and simple lines of the street and the relationship between the built forms.
8. Although the use of materials and some architectural detailing may reflect some of the materials surrounding this would not overcome the concerns I have identified. The forward location of the bin store area would also be highly visible in the street scene and further detract from it.
9. For the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area. Consequently it would conflict with policy D10a of the Eastbourne Core Strategy Local Plan Feb 2013 (Core Strategy) and policies UHT1 and UHT4 of the saved policies from the Eastbourne Borough Plan 2001 – 2011 (September 2003) (Borough Plan). Collectively these seek high quality development that respects the character and appearance of the surrounding environment and the local distinctiveness of the area. These policies are consistent with the Framework and in particular the core planning principles at paragraph 17 and paragraphs 56 and 60 which require good design and promote local distinctiveness. I therefore afford these policies the full weight of the development plan.

### *Living conditions of future occupiers*

10. The proposed flat would according to the appeal form have a floor area of 41 square metres. The Council's officer report suggests the floor area would be approximately 39 square metres. The Appellant contends that the flat would meet the nationally described space standards for a one bedroom flat and the Officer report also appears to accept this is the case. The national standard for a one bedroom flat is 39 square metres and the proposal is therefore very close to this minimum standard. The bedroom is significantly larger than a one

person bedroom and only marginally below that for a double bedroom in these standards. Indeed if the additional storage space in the bedroom is added to the stated size of the bedroom the bedroom would exceed the two person bedroom size and the flat would then be judged against a 1 bedroom 2 person flat which would require 50 square metres. The amount of built in storage is not additional to the gross floor area as is noted in the footnotes.

11. The proposed flat would have a single aspect, with only the front elevation having windows. Whilst there would be a large bay feature window in the bedroom there would only be a small double sash window feature in the front elevation providing light to the main living space, albeit this would be supplemented by a sky light. Given the depth of the room and the layout of the flat I am of the opinion this would provide an excessively restricted outlook for future occupiers and an overly heavy reliance on those windows for the light into the main living accommodation.
12. The site is small and the built form would take up the majority of the space there would therefore be no external amenity space available for future residents. The proposed unit is already tight for internal space and at the cusp of acceptability, in such circumstances external space has an important role to play. Even in flatted developments there is normally communal space for residents to sit out, or in higher density developments balconies. This is not the case here. I have not been directed to other open spaces or amenity areas in the vicinity that may compensate for such a shortfall and in the absence of any mitigating factors I find the shortfall in amenity space unacceptable.
13. For the reasons given above I conclude that the proposed development would not provide for acceptable living conditions for future residents with regard to internal space, private amenity space, outlook and daylight. Consequently the proposals would conflict with policy HO20 of the Borough Plan which seeks to ensure new development respects residential amenity. It would also not therefore be high quality development which would conflict with policy D10a of the Core Strategy. These policies are consistent with the Framework and in particular paragraph 17, bullet point 4, which advises planning should seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I therefore accord these policies full weight.

### **Other matters**

14. The lack of a five year housing land supply is a significant issue. However, one small residential unit would not significantly address the issue and would not outweigh the harm that I have identified. The site is not in my view vacant land but serves a purpose ancillary to the existing building and in the context of the street scene. There is therefore not any additional benefit derived from the redevelopment of the site that needs to be added to the balance.

### **Overall conclusions**

15. For the reasons given above I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Moreover the proposal clearly conflicts with the development plan with regard to policies which are still consistent with the Framework and can be afforded full weight. On this basis the development would not be sustainable

development and would not satisfy the environmental role required to make it so.

16. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR



# Appeal Decision

Site visit made on 21 March 2017

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24/03/2017

**Appeal Ref: APP/T1410/W/16/3160567**

**26 Jevington Gardens, Eastbourne, East Sussex BN21 4HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Danuta Blunden against the decision of Eastbourne Borough Council.
- The application Ref PC/160846, dated 20 June 2016, was refused by notice dated 9 September 2016.
- The development proposed is to form a parking bay at the front for 1 car.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of adjoining occupier(s).

## Reasons

### *Character and appearance of the area*

3. The development to the northern side of Jevington Gardens comprises mainly four-storey semi-detached and terraced properties. The lower ground floor accommodation of these properties is positioned below the level of the adjoining highway. I observed that many properties in the area have a refuse area immediately behind the front boundary wall positioned at the same level as the adjacent highway, although the remaining front garden areas descend to match that of the lower ground floor level. Whilst some properties to the west of the appeal site have had their front boundary walls removed and parking created within their frontages, in the main, most properties retain their front walled boundaries and pedestrian gate posted entrances. The frontage walls and enclosed front gardens contribute to the character of this area which the Council has designated 'high townscape value'.
4. The proposed development would demolish 3 metres of the front red brick boundary wall. The continuity of the walls along this street frontage contributes to the character of this area. A further interruption of a wide opening would be out of keeping with the existing rhythm of these frontage

walls. This would significantly diminish the visual contribution the front boundaries make to this particular street scape.

5. Furthermore, the proposal would create an enlarged raised platform within the frontage at street level to provide an area of hardstanding. This, along with a vehicle parked upon it, would be clearly visible in the streetscene and would further detract from the appearance of the area and would compound the harm that would be created by the proposal.
6. I acknowledge that the proposed development is a reduced scheme to that previously proposed and part of the boundary wall would be rebuilt. Nonetheless, this does not overcome the harm that I have identified above.
7. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be in conflict with Policies B2 and C11 of the Eastbourne Core Strategy Local Plan (the Local Plan) and saved Policies UHT5 and UHT16 of the Eastbourne Borough Plan (the Borough Plan) which seek to retain both boundary walls that are typical of the surrounding area and amenity spaces where they form part of the established character of the area, amongst other matters. These policies are consistent with the aims of Paragraph 58 of the National Planning Policy Framework (the Framework) which seeks to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

#### *Living conditions of adjoining occupiers*

8. The Council indicate that the proposed vertical support walls of the parking area would be 1.8 metres high. The high retaining wall topped by safety railings and a vehicle parked upon the hardstanding area would be in close proximity to the front bay window of the lower ground floor flat. The proposal would significantly reduce the light to, and outlook from, this residential property. It would also have an enclosing effect upon the living environment of its occupiers. I acknowledge the appellant has sought to reduce the size of the proposed parking bay from that of the previous scheme. However, despite the occupier of the ground floor flat being the appellant and indicating that the proposed raised garden would not, in her opinion, affect her, in my judgement, the proposed development would substantially harm the living conditions of this adjoining occupier.
9. I therefore conclude that the proposed development would have a harmful effect on the living conditions of the adjoining occupier(s) of the lower ground floor flat. It would be in conflict with Policy B2 of the Local Plan and saved Policy HO20 of the Borough Plan, which seek to protect the residential and environmental amenity of exiting residents, amongst other matters. The proposal would also conflict with the aims of paragraph 17 of the Framework that aims to secure a good standard of amenity for all existing occupants of land and buildings.

#### **Conclusions**

10. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Davies*

**INSPECTOR**

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## Appeal Decision

Site visit made on 20 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2017

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**Appeal Ref: APP/T1410/W/16/3161201**

**Land west of Larkspur Drive, Eastbourne.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Clinton Development Company Ltd against the decision of Eastbourne Borough Council.
  - The application Ref 160908, dated 4 August 2016, was refused by notice dated 21 September 2016.
  - The development proposed is the erection of up to 9 no. dwellings including potential for hard and soft landscaping and car parking.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was submitted in outline with approval being sought for the matters of access, appearance, layout and scale. Only landscaping is to be treated as a reserved matter for future consideration.
3. The Council accept that it cannot identify a five year supply of housing sites and as the proposals are for housing paragraphs 14 and 49 of the Framework are engaged. This means that relevant policies for the supply of housing are not to be considered up-to-date and therefore bullet point two for decision making in paragraph 14 requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have considered the appeal in this context.

### Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including Eastbourne Park (the Park).

### Reasons

#### *Character and appearance*

5. Eastbourne Park is described, in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted Feb 2013) (Core Strategy), as an important ecological, archaeological and leisure resource that also fulfils an essential flood storage mitigation role. Paragraph 2.4.2 of the Eastbourne Landscape Character Assessment (ELCA) identifies Eastbourne Park as containing an ancient

landscape formerly marshland interconnected with Pevensey levels to the east. Most of the former marshland has been converted into grassland but remnants persist along the drainage ditch system and the lowest lying area of the Park. The ELCA identifies the park within the Levels Character type and the site is within the Shinewater Lakes Marshes character area, the key characteristics of which include an open flat landscape with a semi-rural character with the urban edge to Langley highly visible and well contained by Larkspur Drive.

6. Policy D11 in the Core Strategy seeks to conserve and enhance the existing environmental and ecological characteristics of Eastbourne Park in part by restricting development other than specifically identified development unless it contributes to the enhancement of the park as an area of importance for ecology, archaeology or leisure/recreation. The policy would therefore restrict the supply of housing and would be out of date given the lack of a five year housing supply. However given the principle purpose of the policy is in relation to other matters which are consistent with the National Planning Policy Framework's advice to conserve and enhance the natural environment and the importance of the ecological and flood mitigation aspects of the Park I still afford the policy significant weight.
7. Added to this given the nature of the designation the ecological value and leisure value of the Park I accept the Council's position that it is a valued landscape in the terms of paragraph 109 of the Framework.
8. The appeal site is now identified within the boundary of the Eastbourne Park policy area. This changed with the adoption of the Core Strategy in February 2013 when before the site was not within that boundary. The change in the policy context for the site is significant and differentiates the considerations in this appeal from those at play when the site was considered for development in the previous appeal, APP/T1410/A/12/2179055. That decision was taken in January 2013 and at that time there was no objection raised to the principle of development and the Inspector did not consider the matter further and accepted that position, based on the fact the Council did not raise it as an issue and that the site lay outside Eastbourne Park at that time.
9. The proposals would introduce significant built form onto the site in an area of relatively undeveloped land. The development of the site would restrict views into the open flat landscape and restrict views out from the Park. The development would bring housing as an intrusive feature into the landscape and on the Park side of Larkspur Drive, which well contains the urban area at this point. Whilst I accept that there is some limited development adjacent these are discreet separate buildings in close proximity to the elevated junction and were approved under a different policy context. They do intrude on the landscape and are harmful and their existence is not of sufficient effect to justify further harmful development.
10. Paragraph 109 of the Framework identifies that the planning system should protect and enhance valued landscapes policy D11 restricts development such that housing would conflict with the policy. On this basis the proposal would conflict with the development plan and the Framework and would result in material harm to the character and appearance of the area.
11. The design of the proposed houses does not relate to the surrounding development of the housing estate opposite and the appellant has sought to justify why such an approach would not lead to high quality housing. I do not

disagree with this assessment. However the proposal would introduce built form to the open landscape and the bulk, mass, height and arrangement of those buildings would intrude into the general appearance of the semi rural character of this side of the road. These are matters that are for consideration at this time.

12. The Council contend that the proposed development is not of such high quality as to be described as exceptional quality or of an innovative nature such that would gain support under paragraph 55 of the Framework in order to support sustainable development in the rural area. The appellant contends this misapplies the policy and that the site is not in the rural area and is contiguous with the built development of Eastbourne. Paragraph 55 provides for an exceptionally high design quality or innovative proposal to come forward as an exception to generally restrictive policies in the rural area. I note the built up area boundary and associated policy is out of date and therefore I attach only limited weight to it due to the lack of a five year housing land supply. Paragraph 55 is however not being applied in the context of assessing whether the proposal is of poor quality and therefore justification for refusal, which the appellant contends does not stand up to scrutiny. But rather that the scheme is not of sufficient quality to positively add to the balance of the scheme such that might outweigh any harm. These are different arguments.
13. I am of the view that the scheme is harmful to the character of the area due to its bulk, mass, height and location and there is an in principle objection, I do not see that there is anything exceptional in the design or innovative in its nature such that paragraph 55 would lend it support, if it were applied.
14. On the basis of the above I conclude that the proposed development would result in material harm to the character and appearance of the area, including Eastbourne Park and that it conflict with the development plan, in particular policy D11 of the Core Strategy.

### **Other matters**

15. The appellant has contended that the latest Council information confirms that it can only identify a 3.41 years supply of housing land with a supply of 881 units against a requirement of 1,291 units (including a 5% buffer). This is not disputed by the Council. In the context of this application, for up to 9 units, the proposal would only make provision for a small number of units and would not make a significant contribution to the existing shortfall. On this basis I afford this positive benefit only moderate weight in the planning balance.
16. The question as to whether the site should or should not form part of Eastbourne Park is not for this appeal; that was a matter for the Core Strategy and the associated proposals map. As this is formally adopted it is now part of the development plan and legislation requires that I determine the application in accordance with the development plan unless material considerations indicate otherwise.
17. Other matters related to sustainability, flood risk, the historic environment and natural environment seek to demonstrate that the proposals would comply with the development plan and general policies on these matters. However, these are not benefits of the proposals, as such, and therefore do not add to the positive side of the balance.

18. The minor economic benefits associated with New Homes Bonus and Council Tax receipts would be limited and any locational sustainability that may be adduced in relation to the scheme is not a benefit of the scheme.

### **Overall conclusions**

19. I have concluded that the proposed development would result in material harm to the character and appearance of the area, including Eastbourne Park, and that this would conflict with the development plan. I have also concluded that the site is part of a valued landscape and therefore the proposal would also conflict with the advice in para 109 of the Framework. The relevant policies for the supply of housing in the development plan are however out of date, given the lack of a five year housing land supply, which has affected the weight that I have given them. The advice in the Framework and the lack of a five year supply are material considerations I have taken into account. However, I have still considered that policy D11 should be afforded significant weight and that these material considerations do not in my view outweigh that policy conflict. Furthermore, undertaking the tilted balance exercise in the Framework, at paragraph 14, the small positive benefits that would arise from the additional housing in the absence of a five year supply and associated economic benefits would be significantly and demonstrably outweighed by the harm that I have identified above.
20. For the reasons given above I conclude that the proposals would not amount to sustainable development and the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR