



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 15 November 2016.** (Pages 1 - 4)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

4 Urgent items of business.

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

5 Right to address the meeting/order of business.

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

6 2 Fort Lane. Application ID: 160794. (Pages 5 - 16)**7 Victoria Drive Bowling Club, 153 Victoria Drive. Application ID: 160788. (Pages 17 - 34)****8 South Downs National Park Authority Planning Applications.****9 Appeal Decisions. (Pages 35 - 48)**

- 1) 2 Upland Road.
- 2) 4 Nuthatch Road.
- 3) 15 Hartfield Road.

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

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

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

Members must declare the existence and nature of any interest.

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

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

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

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

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

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

Further Information

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

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

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Tuesday, 15 November 2016
at 6.00 pm



Planning Committee

Present:-

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

75 Minutes of the meeting held on 18 October 2016.

The minutes of the meeting held on 18 October 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

76 Apologies for absence.

Councillor Murdoch.

77 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.

78 2-4 Moy Avenue. Application ID: 160929.

Proposed refurbishment and extension to existing telephone exchange building and the construction of two part three, part four storey buildings to the rear to provide a total of 95 one and two bedroom flats, with 91 on site car parking spaces – **ST ANTHONYS**. 36 objections and one letter of support had been received.

South East Water raised no objection to the application in principle. They had requested, by way of additional conditions, further information regarding the impact on surface and ground water quality with a hydrogeological risk assessment for the site, and phase 2 site investigations to identify historic contamination details of piling methods on the site.

The lead local flood authority raised no objection in principle and requested by way of condition, information relating to the SUD system.

An additional condition relating to access to the flat roofs on the blocks of flats for emergency and maintenance only was also suggested.

Ms Clarke addressed the committee in objection stating that there were too many units proposed for the site and that the development was out of keeping with the surrounding area. The increased traffic would increase the

danger for pedestrians and the access/egress had a restricted view. Ms Clarke also stated that the proposed extension would be too high, resulting in overlooking and a loss of light and privacy to the surrounding properties.

Ms Mason addressed the committee in objection stating that the development was excessive in size and number of units proposed. There would be an increase in parking and other traffic issues, with the access being too close to a 'blind' corner. Ms Mason also stated that the scheme would result in overlooking and loss of light for neighbouring properties.

Councillor Tutt, Ward Councillor, addressed the committee in objection stating that the scheme would be an overdevelopment. The increased traffic would exacerbate the existing parking and pedestrian safety issues. Councillor Tutt stated that the residents were in support of the redevelopment of the site, with a scheme sympathetic to the neighbouring residents and current issues as stated.

Mr Mohsin, Architect, addressed the committee in response stating that the scheme had been designed in consultation with the Council's Planning department with the aim of regenerating a dilapidated area. Mr Mohsin also advised that a consultation exercise had been carried out with residents to address their concerns with regarding to overlooking and loss of light. Amenity space had been provided within the site, and the redevelopment of the existing building reduced the impact of demolition activities.

The committee discussed the application, and whilst they agreed with the redevelopment of the site in principle, it was felt that the proposed scheme was an overdevelopment and out of keeping with the surrounding properties.

NB: Councillor Taylor requested a named vote.

RESOLVED: (By 5 votes to 1 with 2 abstentions. For: Councillors Choudhury, Miah, Murray, Robinson and Sabri. Against: Councillor Taylor. Abstentions: Councillors Ballard and Jenkins). That permission be refused on the grounds that 1) By virtue of the scale of development, the number of units, the height, bulk and mass of the proposed buildings on the site (blocks 2 and 3) the proposal is considered an unneighbourly over development of the site with an overbearing relationship, detrimental to the amenity of the occupiers of surrounding residential properties by way of loss of light, outlook, privacy from overlooking to properties and their rear gardens contrary to saved policy HO20 of the Borough Plan 2007, Policy B2 of the Core Strategy Local Plan 2013 and paragraph 17 of the National Planning Policy Framework 2012. 2) By virtue of the height, scale, bulk and mass of the proposed buildings the development is out of character with the prevailing pattern of development in the surrounding area contrary to saved policies UHT1 and UHT2 of the Borough Plan 2007, policy D10a of the Core Strategy Local Plan 2013 and paragraph 58 of the National Planning Policy Framework 2012.

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.

79 Update on Housing Delivery.

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

Members noted that the Core Strategy planned for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the second quarter 2016/2017 (30 September 2016), a total of 2,451 units had been delivered. This left 2,571 units to be delivered until the end of the plan period, at an annual average of 245 units per year.

In the second quarter of 2016/17, a total of **38** new dwellings were completed. Of those 38 completed units, 27 units were at the Meadows View development on Kings Drive. The remaining 11 new dwellings were provided across five other development sites. Housing completions over the quarter had been low, with a total of 78 units for the first half of 2016/17.

Since the adoption of the Core Strategy 2013/14 and the target of 240 units per year, a trend of under-delivery had been identified over the last two years. The delivery target was only exceeded three times in 14 quarters, with the average annual target only exceeded once.

At the end of quarter two of 2016/17, there were **689** net additional dwellings with permission that had yet to commence across **93** sites and included:

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

At the end of the second quarter of 2016/17, there were **160** units under construction across **35** development sites and included:

- 30 remaining units at Meadows View, Kings Drive
- 16 units at 27 St Leonards Road
- 9 units at Koala on King Edwards Parade

The committee was advised that the annual requirement over the remaining plan period was 245 units per year, and therefore the five year requirement

was 1,225 units. The additional 5% buffer equated to an additional 61 units, making the Five Year Housing Land Supply requirement for Eastbourne **1,286** units.

The current assessment of the Five Year Housing Land Supply identified that as of 30 September 2016, Eastbourne had a supply of housing land equivalent to 849 units. This meant that Eastbourne currently had a **3.47 year** supply of housing land (or 66% of the Five Year Housing Land Supply requirement).

Members were advised that as a Five Year Housing Land Supply could not be demonstrated, current policies could not be relied on to justify reasons for refusal. This would therefore mean there was a significant risk that future planning refusals for residential developments would be overturned at appeal.

As the under delivery of housing continued, and with the low rate of sites being granted permission, it would mean it would be very difficult for a Five Year Housing Land Supply to be identified in the near future.

All sites built were removed from the Five Year Housing Land Supply and additional sites needed to be granted permission to replace them. Evidence suggested that only 78% of units granted were eventually built.

Housing delivery could be boosted through the identification of new sites with housing potential, which may in turn encourage landowners to submit applications, and address wider issues that may have prevented sites coming forward. The process for identifying sites was underway through the Strategic Housing and Employment Land Availability Assessment due to be completed in April 2017.

RESOLVED: That the report be noted.

80 Appeal Decisions.

1. 48 Rockhurst Drive. The appeal was allowed by the Inspector.
2. 55 Friday Street. The appeal was dismissed by the Inspector.
3. 182 – 184 Seaside. The appeal was allowed by the Inspector.

81 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 7.17 pm

Councillor Murray (Chairman)

Agenda Item 6

App.No: 160794	Decision Due Date: 6 September 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: Various	Type: Planning Permission
<p>Site Notice(s) Expiry date: 24th November 2016 (reconsultation on revised scheme)</p> <p>Neighbour Con Expiry: 21st November 2016 (reconsultation on revised scheme)</p> <p>Press Notice(s): N/A</p>		
<p>Over 8/13 week reason: Extension of time agreed to facilitate amendments to scheme and re-consultation prior to reporting case to planning committee.</p>		
<p>Location: Unit 2, Fort Lane, Eastbourne</p>		
<p>Proposal: Development of 7 no residential units and 16 no car parking spaces, located on 2 adjacent sites in Fort Lane: SITE A - Unit 2, located on East side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, West side of Fort Lane, comprising: 4no x 2bed terraced houses, 1x 3 bed house (Site B) 1no x 2bed houses (Site A). (REVISED SCHEME WITH AMENDMENTS TO ORIGINAL PROPOSAL)</p>		
<p>Applicant: Mr M Ward/Eastbourne Homes</p>		
<p>Recommendation: Approve conditionally</p>		

Executive Summary:

This application was previously reported to planning committee on 18th October 2016, where 9 new residential units were proposed with eleven parking spaces. Members resolved to refuse that scheme on the grounds that it was an overbearing and unneighbourly form of development, and due to concerns that there was insufficient parking provided which could give rise to highway and pedestrian safety issues. The officers report for the previous proposal is copied out below.

The applicant has subsequently revised the proposal to reduce the number of units being provided to seven, and an increase in available parking with two parking spaces being provided for each unit, along with two additional parking spaces for visitors to the development.

The additional parking area has been created by the removal of two of the seven units which formed part of the terrace of site B.

The proposal now comprises

- Two freestanding two bedroom houses with two linear parking spaces per unit (Site A)
- A terrace of five units (4x2 bedroom house and 1x 3 bedroom house), with two linear parking spaces per unit accessed from Fort Lane.
- Two additional visitor parking spaces.

<i>Type</i>	<i>Size Proposed</i>	<i>Minimum national standard</i>
<i>6 x 2 bedroom houses 2p, 2bed 2 storey</i>	<i>90 Sqm</i>	<i>79 Sqm</i>
<i>1 x 3 bedroom house 5p 2 storey</i>	<i>125Sqm</i>	<i>93 Sqm</i>

The Highway Authority support the proposal, and officers consider that these amendments provide sufficient parking to avoid any risk of additional parking stress in the surrounding area.

In residential amenity terms officers consider that, as previously, there is an acceptable relationship between the proposed development site and surrounding properties along Myrtle Road and Allfrey Road. The bay windows closest to the properties in Myrtle Road will be partially made of obscure glass, the arrangement proposed will avoid direct overlooking whilst retaining the amenity of future residents by providing some outlook and sufficient levels of light to the proposed rooms.

The neighbouring residents have been re-consulted. One objection has been received on the grounds of unacceptable impact on parking and amenity grounds. One letter of support for the application has been received, drawing attention to the benefits of the proposed housing.

Officers consider that the proposal remains acceptable in planning terms, and the amendments proposed address the concerns expressed by planning committee. The proposed development is recommended for approval subject to the same conditions as previously recommended.

Conditions:

1. Development within 3 years
2. Development in accordance with approved plans
3. Areas of waste storage to set out on approved plans prior to occupation.
4. Parking and turning areas provided prior to occupation.
5. Details of cycle parking approved and occupied prior to occupation.
6. Details of a) site investigation and b) remedial works provided prior to commencement of development.
7. Details of a verification report demonstrating implementation of remediation prior to occupation

8. Development to be monitored and maintained in accordance with remediation measures approved.
9. Contamination to be reported to Local Planning Authority.
10. Obscure Glass to be retained permanently
11. Parking to be retained permanently for residents and users
12. Working Hours – Monday to Friday 8-6, Saturday 8-1.
13. PD rights removed: Rear extensions.
14. PD rights removed: Windows.

Previous report attached in full below:-

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

Executive Summary:

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

Planning permission is sought for the demolition of a light industrial complex and its replacement with a development comprising seven new residential

dwelling and two flats. Eleven car parking spaces are to be provided as part of the development.

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

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

The application is recommended for conditional approval.

Planning Status:

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

Relevant Planning Policies:

National Planning Policy Framework 2012

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

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE17: Contaminated Land

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO1: Residential Development Within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO20: Residential Amenity

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

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

Site Description:

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

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

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

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

Relevant Planning History:

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

Planning Permission

Withdrawn

12/01/2015

Proposed development:

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

showing the construction of gardens and access routes through the development.

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

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

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

Consultations:

Internal:

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

External:

Highways ESCC:

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

Neighbour Representations:

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

Design

- *Concern that proposal represents an overdevelopment of the site.*

Residential Amenity

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

Highways and Parking

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

Other issues

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

Amended scheme (re-consulted 9th September)

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

Appraisal:

Principle of development:

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

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

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

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

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

<i>1x1 bedroom flat 1 storey</i>	<i>50 Sqm</i>	<i>50 Sqm</i>
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Impact of proposed development on amenity of adjoining occupiers and surrounding area:

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

Site B is occupied by an unrestricted light industrial unit which backs on to the gardens of the properties thereby resulting in an existing sense of enclosure and perception of overlooking. This is a material consideration in assessing the impact of the replacement buildings. The proposed building is smaller than the existing building and located 10 metres from the closest rear windows on the Myrtle Road buildings, and 13 metres from the Allfrey Road windows. The applicant has agreed that the glass on the main upper floor panel windows facing the Myrtle Road properties are to be made from obscure glass and therefore avoids direct overlooking of the closest neighbouring gardens. This is reflected in a condition on the decision notice.

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

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

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

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

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

Design issues:

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

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

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

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

Impacts on highway network or access:

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

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

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

Regarding the potential for additional highway movements, the existing use is broadly estimated to create around 90 trips per day. In terms of expected vehicular activity for residential use, family dwellings typically generate 5-7

daily trips and flats 2-3. For this proposal between 39 and 55 daily trips would be likely which would be lower than the existing use. In light of this, there are not considered to be sustainable grounds to resist the application on the grounds of increased vehicular movements on the site.

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

The proposal is considered to be acceptable in highways terms.

Impacts on trees:

There are no trees within the vicinity of the site.

Planning obligations:

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

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

Sustainable development implications:

None relevant.

Other matters:

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

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

Human Rights Implications:

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

Conclusion:

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

Recommendation:

Grant conditional approval.

Conditions:

- 15. Development within 3 years*
- 16. Development in accordance with approved plans*
- 17. Areas of waste storage to set out on approved plans prior to occupation.*
- 18. Parking and turning areas provided prior to occupation.*
- 19. Details of cycle parking approved and occupied prior to occupation.*
- 20. Details of a) site investigation and b) remedial works provided prior to commencement of development.*
- 21. Details of a verification report demonstrating implementation of remediation prior to occupation*
- 22. Development to be monitored and maintained in accordance with remediation measures approved.*
- 23. Contamination to be reported to Local Planning Authority.*
- 24. Obscure Glass to be retained permanently*
- 25. Parking to be retained permanently for residents and users*
- 26. Working Hours – Monday to Friday 8-6, Saturday 8-1.*
- 27. PD rights removed: Rear extensions.*
- 28. PD rights removed: Windows.*

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 7

App.No: 160788	Decision Due Date: 26 th January 2017	Ward: Old Town
Officer: Thea Petts	Site visit date: 19 th August 2016	Type: Outline (some reserved)
Site Notice(s) Expiry date: 27 th November 2016 Neighbour Con Expiry: 27 th November 2016 Press Notice(s): 18 th November 2016		
Over 8/13 week reason: N/A		
Location: Victoria Drive Bowling Club, The Drive, 153 Victoria Drive, Eastbourne		
Proposal: Outline application for the development of a medical centre with all matters reserved except access (revised scheme)		
Applicant: Row Properties		
Recommendation: Approve conditionally with S106 agreement covering Highway Issues and Local Labour Initiatives and a CIL contribution if retail floorspace is sustained in the development.		

Executive Summary:

The current scheme proposes a new Medical Centre on the site of the Victoria Drive Bowling Green and car park. The application is in outline form and is for 'access' only, with all other matters to be decided later at the reserved matter stage.

The applicants supporting information suggests that the site is of sufficient size to provide accommodation sufficient for the creation of two GP practices, rooms for third party practitioners, specialised outpatient clinic(s), a pharmacy and some car parking for patients.

The site is to be accessed via the existing vehicular access point on Victoria Gardens with an ancillary pedestrian access running alongside it. Initially, a second pedestrian access was to be provided from Victoria Drive, but this has been removed from the scheme due to tree impacts.

The bowling green does provide a facility for private members and does host County based events/tournaments. As such - and as is reflected in the public response to the scheme from local residents and further afield - the bowling green does undoubtedly play a significant role for some members of the community. However, the potential improvements to a frontline healthcare

provision in this part of the town are considered significant enough to outweigh the benefits of retaining the bowling green and car park.

Given the wider public benefit of the proposal the application is recommended for approval subject to legal agreement and conditions and a CIL contribution if new retail floor space is proposed at the reserved matter stage.

Planning Status:

Outdoor bowling green and ancillary car park

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

Para 74. *States:-*

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- o *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*

10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B2: Creating Sustainable Neighbourhoods
- C4: Old Town Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D4: Shopping
- D7: Community, Sport and Health
- D8: Sustainable Travel
- D10: Historic Environment

Eastbourne Borough Plan Saved Policies 2007

- LCF2: Resisting Loss of Playing Fields
- NE4: Sustainable Drainage Systems
- NE14: Source Protection Zone
- UHT1: Design of New Development

UHT5: Protecting Walls/Landscape Features
UHT7: Landscaping
TR1: Locations for Major Development Proposals
TR2: Travel Demands
TR3: Travel Plans
TR7: Provision for Pedestrians
TR8: Contributions to the Pedestrian Network

Site Description:

This planning application includes the extent of the Bowling Green on Victoria Drive and the ancillary car park. The site, which is roughly rectangular in shape, covers an approximate area of 3000m². The scheme does not include the Victoria Drive and Ladies Bowling Club clubhouse which stands outside but adjacent to the western boundary of the application site.

Victoria Drive itself runs on a north to south axis along the eastern boundary of the site. Victoria Gardens runs along the southern boundary and currently provides all access (both vehicular and pedestrian access) into the site. In addition to the clubhouse, the western boundary is shared by gardens of residential properties in Victoria Gardens (nos. 2, 4, 6, 8 and 10).

The site is relatively flat and open. There is a significant cluster of mature trees which run along the eastern boundary of the site (adjacent to Victoria Drive) and are highly visible from the wider area as well as nearly entirely obscuring views of the site when the trees are in leaf. Some smaller trees are dotted along the southern boundary (adjacent to Victoria Gardens). The car park is hard surfaced and is located to the south of the site, approximately this makes up about a third of the site's area.

Relevant Planning History:

EB/1988/0112

ERECTION OF BOWLS PAVILION & ANCILLARY FACILITIES REAR OF 8 & 10 VICTORIA GARDENS

Approved Conditionally

1988-04-27

950070

Erection of single-storey extension to clubhouse.

Planning Permission

Approved conditionally

23/03/1995

Proposed development:

The applicant seeks outline permission (access only) to remove the bowling facility and construct a new Community Medical Centre on the site.

The principal purpose of the Community Medical Centre is to provide accommodation for up to two GP surgeries. Whilst in no way a certainty and

cannot bind this application but the scheme has been scoped with the potential relocation of The Green Street and Grove Road GP surgeries (combined current patient list size stated to be 17,500 people). The new facility could provide accommodation for improved accommodation and better access, for all those needing/wanting to access the facility.

In addition to potentially housing two surgeries, another intention is to allow space for some specialised outpatient clinics, rooms for third party medical-related practitioners and potentially a fully functioning pharmacy. Some car parking will also be provided as part of the scheme.

The proposed vehicular access into the site is to remain in the same position as the existing access – on the north side of Victoria Gardens. A delineated pedestrian path is then to run alongside it.

Initially, the applicant proposed a pedestrian access from Victoria Drive. However, this has been removed from the scheme due to the negative impact this would have on the cluster of trees along the Victoria Drive boundary, so this access point was removed.

OTHER MATERS:-

The applicant has confirmed full ownership of the site, not the bowls club' and that they have granted the club use of the green until the end of this season (by extending their S25 notice to quit). Furthermore, the applicants have confirmed that if the application for outline planning permission is successful, the club will be granted a licence to use the green throughout the 2017 season whilst Reserved Matters are dealt with and settled.

Consultations:

Internal:

Estates – no comments received

Specialist Advisor (Arboriculture) –The group of mixed species trees on the east boundary of the site running parallel with Victoria Drive are an important part of the street scene, and improve the visual amenity of the area significantly. This group must be considered a constraint to the proposed development when dealing with future reserved matters including footprint, building design, service locations, parking and footpaths, with consideration given at the time of submitting future applications to the root protection area of these trees.

This group of trees meet the criteria for a Tree Preservation Order.,

Specialist Advisor (Economic Development) –Supports the proposal for the reasons summarised below:

- Proposal outlines the extension and development of patient services. Development of these services will improve employment prospects in general practice, particularly in hard to recruit medical specialist areas

- Construction and additional operational employment would be of economic benefit
- Requests the inclusion of a Local Labour Agreement in the event of planning permission being granted

Specialist Advisor (Planning Policy) – Supports the proposal for the reasons summarised below:

- The vision for Old Town neighbourhood includes enhancing its important local services and facilities. The provision of an enhanced medical facility would service the local community.
- The objectives for Policy B2 (Sustainable Neighbourhoods) and Policy D7 (Community, Sport and Health) states that the Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs. The proposed development would be in accordance with these policies
- The proposed development would result in the loss of green space. However it would provide an enhancement to an existing facility, a new larger medical centre
- A detailed local assessment regarding loss of green space was undertaken, which is in accordance with policy. The assessment demonstrates that Eastbourne offers good bowling green provision. Furthermore, out of the eight comparable Local Authorities, Eastbourne offers the second highest provision for every 1,000 of the population. Eastbourne would remain the second highest provision post development.
- The assessment indicated that as the club at the Victoria Drive bowling green is private, that the proposal would not have an impact on the general public
- The local provision of bowling greens would not cause an adverse impact on the overall supply in Eastbourne Borough. This satisfies the requirements of Borough Plan Policy LCF2

External:

Environment Agency – no comments received

County Archaeologist – Response received 11th November 2016

Recommends a condition is attached to any consent granted:

- Site is situated within an Archaeological Notification Area, defining an area of prehistoric, Roman and medieval activity, including settlement and human burials
- The applicant acknowledges the archaeological interest of the area, but suggests that any archaeology has been destroyed by the construction of the bowls club. However no geotechnical or details of the depth of disturbance is provided by the applicant, so the destruction of the archaeological horizon is unsubstantiated

- The proposed development will almost certainly destroy any archaeological remains that do survive.
- In the light of the potential for loss of heritage assets, the proposals should be the subject of a 'programme of archaeological works' in accordance with a 'written scheme of investigation'

Sport England – no comments received

Southern Water –

Recommends a condition and an informative are attached to any consent granted:

- Initial investigations suggest that Southern Water can provide foul sewerage disposal to service the proposed development, but will require a formal application in order to do so (associated informative recommended)
- The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised
- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works
- No new soakaways should be located within 5 metres of a public sewer
- No groundwater or land drainage is to enter public sewers
- Further details of SuDS should be submitted specifying which parties are responsible for SuDs on site, an associated implementation timetable and a management and maintenance plan for the lifetime of the development
- Condition should be attached to any consent requiring details of proposed foul and surface water disposal to be submitted to the Council (who will consult Southern Water)

Highways ESCC –

Recommendation to refuse planning permission, but have suggested 10 conditions (plus two Informatives) and S106 agreement (covering a number of points) if the scheme is supported:

- As submitted the application attracts a recommendation for refusal for the following reasons:-
 - *The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing further interference with the free flow and safety of traffic on Victoria Drive (C695) and would therefore be contrary ESCC parking guidance.*
 - *There is an existing accident record associated with the pedestrian crossing points located along Victoria Drive. No mitigation measures have been put forward to improve*

pedestrian safety and as such this proposal is likely to have an adverse effect upon highway safety.

- The additional information details the relocation of Grove Park Surgery clarifies number of staff and patients likely to be transferring; however, there is nothing to substantiate the claim that a significant number of patients live in the vicinity of the new surgery site
- The proposed access width is inconsistent across submitted documents. Clarification on this point would be required.
- It has not been demonstrated how service and emergency vehicles will enter the site.
- The relocation of the Green Street Surgery would make the doctors parking bay fronting this site redundant. In order to remove this parking designation, removal of the existing Traffic Regulation Order (TRO) would be required.
- The trip rates put forward are lower than the results obtained by ESCC's own interrogation of the TRICS database
- Green Street Surgery is located within 250m of this facility and therefore it is acceptable to assume that roughly half the trips to and from this site will already exist within the highway network. It is also fair to assume that given the proximity to local shops and amenities that some trips will be linked further reducing this number of trips
- Submitted information demonstrates that the site access and surrounding junctions will operate within capacity during the AM and PM peak periods with little or no delay experienced by vehicles leaving the site and with very minor queues experienced by vehicles at the junction of Victoria Drive and Green Street. Using TEMPRO traffic growth data has been applied to the base year traffic counts 2016 to 2021. ESCC are therefore satisfied that the methodology provides a robust case
- Clusters of accidents surrounding the pedestrian crossing facilities located along Victoria Drive indicates that there is a highway safety issue. Considering the increased footfall likely as a result of the development a contribution would be required in order to develop a scheme to address such issues a stage 1 Road Safety Audit should also be carried out to determine if the proposal will have an adverse effect on the surrounding network.
- Pedestrian facilities connecting the site to public transport and the surrounding area are generally good; some improvements are required to the pedestrian crossing facilities given accident data and the increase in pedestrians having to cross Victoria Drive. An improvement to move/upgrade the crossing and close/realign the Green Street junction is the only realistic improvement that might affect driver/pedestrian behaviour. A contribution toward this scheme would be required A Travel Plan would need to be secured by legal agreement including a £6000 Audit fee.

SUDS –

Recommend 5 conditions are attached to any consent granted:

- Scheme is considered acceptable, subject to recommended conditions (detailed drainage design, infiltration testing, winter groundwater assessment, maintenance and management plan for drainage plan and evidence of drainage scheme implementation to be submitted following development) *first response

Bowls England –

Objects to the proposal for the reasons summarised below:

- This National Governing body for the sport objects in the strongest possible manner to the application
- Bowls has a positive impact for both individuals, groups and the wider community
- Bowls has historically been at the centre of communities
- The Victoria Drive and Eastbourne Ladies Bowling Club is a focal point of the community and valued member of Bowls England
- The club boasts one of the best six rink bowling greens in Sussex, and regularly hosts county-based events
- The enforced closure would have a negative impact on the local economy, as the club regularly welcomes touring teams from across England who stay within Eastbourne

Neighbour Representations:

There have been two rounds of consultation for this scheme; one was before all documents had been submitted to the Council for assessment and the second followed some revisions made to the scheme. The responses received by neighbours are detailed below:

Round 1 Consultation responses:

- A petition of objection signed by 485 signatures
- 15 letters of support have been received commenting in the main on the following issues:
 - New centre would be beneficial to local community
 - Existing surgery is not fit for purpose with parking and accessibility issues
 - Needs a safe place to cross
 - Having to park distant from the site and often there is inclement weather.
- 48 letters of objection have been received and cover in the main the following points:
 - Located on a narrow busy road
 - Traffic implications
 - Highways safety issues, would be made worse by the proposal
 - Loss of mature trees
 - Loss of the trees would impact on essential habitat for wildlife
 - Scheme out of character
 - Sad to lose the bowls club

- Should be in keeping with the area, not a modern looking building
- If bowls club were to be lost then there would be impact upon local economy by home and visiting players.
- The bowls club provide health and wellbeing to members
- Would look an eyesore
- Bowls club has existed since 1932, nowhere else in Old Town to play
- Site also accommodates the local Stroke centre
- Concerns over what will become of the existing surgery
- Loss of open space is contrary to National Advice
- Is the access in the most suitable position
- Loss of one of the best greens in East Sussex
- A more preferable site should be found
- The nearest bowls club is at Motcombe but without parking Bowls is a sport that anyone can enjoy regardless of age, gender or disability and can compete on equal terms. Its loss therefore would be widely felt.
- Local vernacular not being followed
- Local public transport links not that frequent or reliable
- The transport report makes unsupported judgments and comments
- The scheme requires some patrons to use public transport, how realistic is this if you are infirm, generally ill and or mother/baby.
- County highway safety audit is an indication over the highways issues that have been made worse with the opening of Sainsbury's, it will get worse with this development
- The bowls club car park has been used by local people accessing the shops and schools for a great number of years and its removal will displace on parking to indiscriminate on street parking
- Scheme does not provide enough parking to meet the likely demand
- Where are the deliveries/servicing going to be sited.
- Scheme needs to down size to meet the needs of the existing -- Green Street surgery
- Located on a source protection zone and as such this needs to be included into the design
- Contrary to Core strategy policy in relation to open spaces

Round 2 Consultation responses:

- 2 letters of support have been received commenting in the main on the following issues:
 - General support for the scheme
 - Doctors at existing surgery do a good job in cramped premises with no parking facility
 - Existing building has steep staircases

- Doctors deserve better facilities
- Area needs a purpose-built medical centre comparable with other nearby surgeries
- No letters of objection have been received following the second consultation

Appraisal:

Principle of development:

Application seeks approval for the principle of the redevelopment of the site to provide a new community medical centre. In this regard the development is only acceptable where the loss of green space is assessed in particular, against the remaining supply locally and across the Borough as a whole and a more significant need is identified in the proposed use. The assessment provided in support of the application confirms that this is the case and the proposed use will provide a wider range of benefits to the community than currently exists with a private bowling club.

In NPPF terms the development is considered to be 'sustainable development' and as this application has been submitted in outline form for the means of access only, an in-principle objection based solely on the loss of the Bowls Club could not be substantiated and or sustained through to an appeal.

In principle, the existing access from Victoria Gardens into the site is believed to serve the bowling green and ancillary car park without issue. Therefore, the principle of a vehicle access in this location is considered acceptable. However, it is accepted that the Medical Centre use may intensify the use of the access due to an increase in the numbers of visitors and staff.

The documentation in support of this application highlights that the Medical Centre would need to provide services for at least the existing patient lists with the ambition to build in capacity for an additional 8,000 patients, the applicant's scope therefore is that the building could/should accommodate between 20-25,000 patients. Members should note that matters of scale, mass, landscaping and design have been reserved, so whilst the supporting information has been supplied it is only for indicative and illustrative purposes. Members should not therefore conflate in their judgement, the principle of development on this sustainable site within the development boundary of Eastbourne with perceived likely impacts of the scale of the building and the intensity of the use. This area of concern, if it exists, should be attributed/applied at the reserved mater stage. The issue at hand therefore is the access to the site and this is the principle determinative consideration in this application.

It is accepted considered, therefore, that the demand on the access would increase beyond the existing demand and as a result the development would only be acceptable if relevant agreements are made between the applicant

and the County Highway authority relating to the wider highway network, and to reaffirm this should be done at the reserved matter stage and also controlled via the S106 Legal Agreement.

Officers have scoped the capacity of the site and are satisfied that a new Community Medical Centre could be satisfactorily accommodated. The ultimate size, scale and mass of the building will be determined at the reserved matter stage and officers will report all 'reserved matter' applications to future Planning Committee for debate and determination.

For the reasons outlined above there is no objection in principle to the site being redeveloped.

Impacts on highway network or access:

It is accepted that the comments from ESCC Highways have focused on the potential full impact if the proposal is developed out in the manner suggested in the supporting statements. Whilst acknowledging this concern, in planning terms and as outlined above, we are only considering the principle of redevelopment of the site using the access proposed and all other matters are reserved.

It is acknowledged that the vehicle movements and activity resulting from the proposal are likely to be significantly greater than that associated with the existing formal use as a Bowls Club and the informal use of the space as additional informal/incidental car parking for the wider community. For ESCC Highways and without evidence to the contrary the perceived level of activity with the end use has attracted a recommendation for refusal from ESCC Highways. However they go onto comment that if the Council are minded to support the scheme given the wider community benefits that may ensue from the proposal then, a Legal Agreement would be required as well as a number of Highway related conditions.

It is considered that the transport connections to the application site are sustainable and could potentially serve a wider demographic with the facilities contained in the proposal. The application site can be accessed on foot by a great number of residents and is located on frequent and well-used bus routes. It is noted that the Grove Road surgery would move out of the Town Centre (a sustainable location), however the adjacent District Shopping Centre forms a local centre within itself. As such, it is considered appropriate that the Medical Centre could contribute towards the further sustainability of the immediate area with the potential for linked trips. As such, the scheme would in principle be compliant with Policy D8 of the Core Strategy.

Impacts on trees:

The originally submitted scheme proposed the removal of some of the trees along the Victoria Drive frontage to allow for a new pedestrian access into the site. As the contribution of these trees to the character of the street scene is considered to be significant, the applicant has withdrawn this

pedestrian access. As a result, the trees will be unaffected by this part of the application, which attends to access only.

It is noted that the provision for a new building on the site may have an impact on the trees on the site going forward, but this issue can be attended to as and when applications for reserved matters are received.

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

Access into the site is not to change significantly, however it is acknowledged that the access point is likely to be used with greater frequency and by many more individuals as a result of this proposed scheme.

This being the case, there is likely to be an effect on nearby residents in terms of noise generated by vehicles and people visiting and leaving the site. Nevertheless, in discussions with the applicant these visits are stated to be carried out during regular "office hours", so there will be a minimal impact on nearby residents during evenings and weekends. However, it must be noted that specific details such as operational hours will be dealt with formally at reserved matters stage should the scheme receive approval and issues pertaining to disturbances associated with the use can be mitigated at that point.

Loss of Bowling Green Facility

As part of the documentation submitted with the application, an assessment was included which concluded that the overall bowls facility in Eastbourne is greater than elsewhere in the area. Paragraph 74 of the NPPF states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*

The alternative bowls facilities around the town and in Old Town specifically) have been identified as part of the applicant's assessment as many and varied. Effectively, if the bowls provision were to be lost on the site, it would not negatively impact the wider availability in Eastbourne as a whole and there would still be provision for bowls playing within Old Town.

It is noted, however, that the bowling green at Victoria Drive does provide a facility for private members and for county based events. As such - and as is reflected in the public response to the scheme from local residents and further afield - the bowling green does undoubtedly play a significant role for some members of the community and in this regard is a material consideration in this application. However, the potential improvements to a frontline healthcare provision in this part of the town are considered to be an overriding material consideration sufficient to outweigh the benefits of retaining the bowling green and car park.

Notwithstanding this, the applicant, who has confirmed full ownership of the site, has granted the club use of the green until the end of this season (by extending their S25 Notice). Furthermore, if the application for planning permission is successful, the club will be granted a licence to use the green throughout the 2017 season whilst Reserved Matters are dealt with and settled.

The Medical Centre is to provide an extension and improvement to the existing healthcare provision offered by the two surgeries involved. Core Strategy Policy D7 states:

The Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs...Development for new community, sports and health 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. New facilities should be designed for flexible use to encourage the sharing of facilities by different organisations and services and be capable of being extended to meet future needs.

In this regard, it is considered that the scheme complies in terms of its location and in providing an extended healthcare provision for now and the future.

Design issues:

As the proposal is for access only, assessment of design at this point is limited. However, the applicant has made some alterations to the illustrative elements of the application following early feedback given with regards to the trees on the site.

The trees along the Victoria Drive boundary significantly contribute to the character and appearance of the site and the wider area. Part of the original submission was the inclusion of a pedestrian access from Victoria Drive. This would have interrupted the line of trees as well as the characteristic brick wall which runs along the Victoria Drive and Victoria Gardens fronting sides of the site.

Although full design impacts cannot be assessed as part of this application, it is acknowledged that the site currently provides an open space as it currently has very low level development. As such, any building constructed to meet the needs of in excess of 20,000 patients is likely to have an impact on the character and appearance of the area. Further to this, the trees on the site provide a highly valuable 'punctuation' in the built environment and a natural separation between the Victorian buildings to the south of the site and the later 1930s development further north along Victoria Drive. This being the case, the site is an important townscape feature/location in the wider street

scene and as such, details regarding design and scale will need to be handled carefully to ensure that an appropriate development results from any permission granted.

As stated earlier in this report Officers have committed to bring all reserved matter application back to planning committee for consideration and determination. It is clear therefore that Members will retain control over the size, scale and appearance of the proposed building as its design is developed at the reserved matter stage.

Planning obligations:

If the scheme receives approval, a legal agreement would be required between the applicant and East Sussex County Council in order to attend to the highway network impacts that would result from implementation of the scheme.

Due to the nature and scale of the development, a local labour agreement would be required if the development receives approval.

As a point of note, the applicants have engaged in pre-submission discussions with the Bowling Club and suggested means of making the facility function elsewhere in the town. However, no formal scheme is on the table before Members and notwithstanding this it is not considered that this should be controlled by a legal agreement given the prevalence of other existing bowls facilities throughout the town.

If a retail pharmacy is sustained through the design process and is submitted at the reserved matter stage then this will be considered to be new retail floorspace and as such will be CIL liable; the applicants are aware of this potential issue and have committed to pay the required amounts.

Sustainable development implications:

The applicants have confirmed that at the reserved matters it is their intention to building a highly energy efficient building that will deliver sustainable benefits in terms of thermal efficiency and thus reduce the burden on fossil fuels.

The intention is to also “future proof” the facility in-line with NHS future demand and in this way, the reserved matters application(s) are stated by the applicant to have capacity for growth, change and adaptation within the healthcare provision.

Other matters summarised below:-

Archaeology:

The southern end of the application site – mostly the car park - stands within an Archaeological Notification Area. In addition, archaeological implications should be assessed to comply with requirements of the NPPF.

The submitted desk-based assessment states that a find of various Roman remains were found close to the application site and that as the extent of these finds has not yet been defined, the presence of significant remains within the application site cannot be discounted. Further to this, the response from ESCC Archaeology identifies that there is a strong potential for the presence of archaeological remains within the site as works to facilitate the creation of the bowling green and car park as well as historic development may not have significantly affected below ground remains.

Nevertheless, ESCC Archaeology have advised that although development of the site would likely destroy potential remains, a programme of archaeological works and written scheme of investigation (required by planning condition) will be sufficient in investigating and recording finds on the site and thus making available important finds for the public record in perpetuity. This is also considered to be in accordance with Policy D10 of the Eastbourne Core Strategy.

SUDS

As a development with the potential to contribute towards surface water flooding in an urban area, unless an appropriate scheme is submitted, a scheme for sustainable drainage was required with the submission.

Initially, the Lead Local Flood Authority (LLFA – East Sussex County Council) considered that the scheme submitted was not appropriate and issued a holding objection on the scheme. Since that point an amended scheme for managing surface water run-off was submitted to the authority and has been assessed as being acceptable by the LLFA, who have also recommended conditions are attached to any consent granted.

Nevertheless, details pertaining to exactly what the surface water run-off will be will only become apparent upon the submission of a reserved matters application as only then will we know the extent of elements of the scheme such as hard surfacing, size and style of the building and features such as soakaways. However, at this “in principle” stage, the LLFA appear accepting of the illustrative SuDS plan.

Retail impact

As part of the scheme, it is likely that there may be the potential for an onsite pharmacy to support the Community Medical Centre services. Again, details specific to this facility are not under consideration as part of this planning application, nevertheless it is considered to be appropriate in principle.

It is not considered that this pharmacy element of the scheme will have a negative impact on the adjacent shops at Albert Parade and the north end of Green Street, which have been identified under Policy D4 as a District Shopping Centre (Green Street [Albert Parade]). It is considered that the

pharmacy service will complement the Medical Centre use and allow patients to receive a greater number of services onsite. In addition the potential for linked/shared trips should not be discounted as this may result in supporting the retail vitality/vibrancy of the District Centre as a whole.

Human Rights Implications:

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

Conclusion:

The site is suitable for redevelopment as there is considered adequate and suitable bowls provision and also open space both locally and across the wider borough.

The wider community benefit of a Community Medical Facility on the site is considered to be the overriding material planning consideration and as such should be given significant weight in the assessment of this proposal.

The concerns raised by ESCC Highways are noted but to some degree could be mitigated by highways works with the legal agreement and supplemented by planning condition.

The principle of redevelopment of this sustainable site is acceptable and considered to comply with National and Local Policy advice/guidance.

Scheme is currently recommended for approval.

Recommendation:

Subject to a Legal Agreement covering the Highway issues and Local Labour Initiatives then this scheme is recommended for conditional approval.

Conditions:

- 1) Time
- 2) Drawing
- 3) Reserved Matters
- 4) Materials
- 5) Access construction
- 6) Parking provision
- 7) Detailed surface water drainage
- 8) Foul Water Drainage
- 9) SuDS management and maintenance plan
- 10) No unauthorised infiltration of surface water
- 11) Infiltration testing
- 12) Winter groundwater measures

- 13) Development evidence submitted (drainage)
- 14) Construction Traffic Management Plan
- 15) Wheel washing
- 16) Turning Space
- 17) Cycle parking areas
- 18) Visibility splays (access)
- 19) Travel Plan (linked to S106)
- 20) Arboricultural Assessment
- 21) Tree Protection Plan
- 22) No materials, machinery or equipment onsite until authorised tree protection is in place
- 23) Hard and soft landscaping (incl. boundary treatments)
- 24) Design and details of foundations
- 25) Tree planting
- 26) No bonfires
- 27) Archaeological works
- 28) External plant or equipment
- 29) External lighting

Informatives:

- 1) S106 between applicant and ESCC (Highways)
- 2) S106 between applicant and EBC (Regeneration)
- 3) Licence (Highway access)

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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Appeal Decision

Site visit made on 4 October 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 15th November 2016

Appeal Ref: APP/T1410/W/16/3153837

Ridgelands, 2 Upland Road, Eastbourne, East Sussex BN20 8EW

- 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 Gary Ferrier of Lucas Design and Construction against the decision of Eastbourne Borough Council.
 - The application Ref PC/151314, dated 2 December 2015, was refused by notice dated 21 April 2016.
 - The development proposed is erection of two and a half storey building containing 10 no. 2 bed flats and associated external works following demolition of existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was amended prior to its determination by the Council and I have therefore had regard to the drawings that formed the basis of the Council's decision, albeit, given the appellant's submissions, I have treated the proposed street scene and section drawings¹ as being indicative. This is because amended versions of those drawings were not submitted to the Council and they therefore do not reflect the elevations shown on drawing PL004 Rev A. In referring to the application drawings the appellant has used a prefix of '15/017'. However, I have not used that prefix because it appears on the drawings as a project number rather than as being part of the drawing numbers.
3. In response to the floorspace concern identified in the Council's second reason for refusal the appellant has submitted a revised floor plan drawing, drawing PL003 Rev B, which it has requested I should treat as a substitute for the equivalent drawing (PL003 Rev A) in determining this appeal. That request being made on the basis of a dialogue between the appellant and the Council's officers prior to the appeal being submitted and the Council confirming in two emails that it would raise no objection to drawing PL003 Rev B being treated as a substitute plan. During the course of the email exchange that took place the Council also advised, given the contents of drawing PL003 Rev B, that it would not submit as part of the appeal any evidence in support of the second reason for refusal. The Council has subsequently proceeded on that basis.

¹ Respectively drawings PL005 and PL006

4. The amendments made to the development's floor plans, as shown on drawing PL003 Rev B, do not affect the scheme's external appearance nor the number of dwellings proposed. Drawing PL003 Rev B shows that three of the flats would be intended for occupation by three people, rather than the four as originally shown, resulting in them having floor areas that would accord with the national standards². Given there would be no change to the external appearance of the originally proposed building and as the Council has advised that the details shown on drawing PL003 Rev B would overcome the concern highlighted in the second reason for refusal, I am content that I can take this drawing into account without prejudice being caused to the parties' cases. The issue central to the second reason for refusal, namely the adequacy of the floor areas for the flats, has therefore become uncontested. Under these circumstances it is unnecessary for me to consider the second reason for refusal any further and I shall therefore make no further reference to it.

Main Issues

5. In the light of the above the main issues are: the effect of the development on: the character and appearance of the surrounding area; and the living conditions of the occupiers of neighbouring properties, with particular regard to whether or not the development would be overbearing.

Reasons

6. The development would involve the demolition of a two storey, detached house (No 2) and its replacement with a two and a half storey building (block) that would accommodate ten flats. As part of the development a new access in Upland Road would replace the one currently serving No 2 and an on-site parking area for 12 cars would be provided.

The approach to the decision

7. At the time of the application's determination by the Council it acknowledged that it could not demonstrate the availability of a five year supply of deliverable housing sites (an HLS). In connection with this appeal no evidence has been submitted suggesting that the HLS position has changed. Accordingly having regard to the provisions of paragraph 49 of the National Planning Policy Framework (the Framework) I shall treat the Council's policies for the supply of housing as not being up to date.
8. Having regard to the provisions of paragraph 14 of the Framework I have therefore approached this appeal on the basis 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 of the Framework, taken as a whole or specific policies within the Framework indicate that development should be restricted.

Character and Appearance

9. No 2 occupies a sizeable plot that is prominently located within the middle of the 'Y' form junction between East Dean Road (the A259) and Upland Road. The boundaries to this site are marked by a combination of walls and planting (trees, shrubs and hedging). There are also extensive areas of soft landscaping within the interior of No 2's garden area and the substantial

² 'Technical housing standards – nationally described space standard' March 2015

copper beech tree in the eastern corner is subject to a tree preservation order. The site therefore has a leafy appearance and the existing house has a quite discrete presence within its plot and the wider streetscene.

10. Although No 2's plot is a comparatively large one, the flat block would have a much greater mass than the house it would replace and its proximity to the boundary with East Dean Road would mean that the new building would be readily visible from that street, notwithstanding the retention of the boundary wall and planting along the northern boundary. The irregular floorplan of the building and the implications that has for the building's appearance would further draw attention to the block's presence in views from East Dean Road. As the block would be a comparatively large building, have an uncharacteristic form for the area and would be readily visible, I find that its scale and appearance would be harmful to the streetscene in East Dean Road.
11. The submitted block plan suggests much of the mature planting along or immediately adjoining the site's boundary with Upland Road would be removed³. That change in the site's appearance, along with the creation of the replacement access point, would mean that the block would have a much more overt presence in Upland Road than the existing house. I therefore consider that the block would fail to integrate well into Upland Road's streetscene.
12. The properties on the southern sides of Upland Road and East Dean Road share a stepped roofscape, reflecting the sloping nature of those streets. The block, however, would not share that characteristic, with the eastern and western wings having the same ridge height. I find that the absence of a step in the ridge line towards the eastern of the end of the block would mean that this building would have an unduly elongated and top heavy appearance, which would not be in keeping with the way other properties respond to the local topography. Limited contextual information accompanies the application, however, the indicative section drawing⁴ suggests that much of the block, and particularly its eastern wing, would have a ridge line exceeding that of Downside Court on the opposite side of East Dean Road. As the ridge lines of the block and Downside Court would not be in step with one another the comparison between the proposed and existing buildings is not a direct one and I therefore consider that the latter's presence does not of itself provide a justification for the development's height.
13. While the building would share some of the vernacular of the neighbouring properties, the incorporation of an extensive false/dummy pitched roof area into its design would be excessive in comparison with this roof form's use in the immediately surrounding area. I consider that the block's roof form would contribute to this building having a top heavy appearance and this is indicative of it being too large for this site.
14. It has been suggested that the development would detract from the approach into the South Downs National Park, to the setting of the national park and Eastbourne's wider skyline. However, I do not consider that would be the case because the scale of the block would mean that its visual impact would be limited to the immediate environs of No 2.

³ Given that drawing PL002 Rev B does not show retained hedging, unlike the situation for the hedge along the East Dean Road boundary

⁴ PL006

15. I therefore find that the flat block would be of a scale that would not be in keeping with the character and appearance of the surrounding area. In reaching this finding I am mindful of the proximity of Downside Court, a building that I understand was extended as part of its conversion into flats. However, the ground level of Downside Court is below the carriageway level, screening is provided by a substantial boundary wall and this building has a stepped roof. Given Downside Court's characteristics, I find that the block would not be comparable with it.
16. Reference has been made to a care home scheme at the DB Autos site, although no drawn details of that development have been put before me. However, I consider the locational characteristics of that site not to be comparable with No 2 because it occupies a mid-street position and for the most part it has a ground level significantly below the carriageway in East Dean Road. On the available evidence I therefore find that the scheme at the DB Autos site is not directly comparable with the appeal development.
17. For the reasons given above I conclude that the development would unacceptably harm the character and appearance of the area. Accordingly there would be conflict with saved Policies UHT1 and UHT2 of the Eastbourne Borough Plan 2001-2011 (the Borough Plan), which was adopted in 2003, and Policies B2 and D10A⁵ of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy) in that the development would not be respectful of its surroundings and it would be of an inappropriate mass and height. As I have found that the development would be harmful to the character and appearance of the area there would also be conflict with the Framework, insofar as it addresses design, most particularly paragraphs 17 (the fourth core planning principle) 56, 57, 58, 60, 63 and 64.

Living Conditions

18. I recognise that the block would be considerably larger than the existing house and that its siting would also be very different. However, I find because of the differences in levels, the location and height of the existing boundary walls and fencing and the orientation of the block relative to 4 Upland Road (No 4) and 53 East Dean Road (No 53) that the new building would not have an overbearing presence when viewed from Nos 4 and 53. With respect to the neighbouring properties that are further afield, I find the separation distances would be such that the block would not appear as an overbearing building for the occupiers of those properties.
19. I also consider that the siting and height of the block would be such that no unacceptable loss of privacy or adverse effect upon the receipt of natural light would be experienced by the occupiers of any of the neighbouring properties.
20. For the reasons given above I conclude that there would be no unacceptable harm to the living conditions of the occupiers of the neighbouring properties. Accordingly I find there to be no conflict with Policy HO20 of the Borough Plan and Policy B2 of the Core Strategy because the residential amenity (living conditions) of existing and future residents would be protected.

⁵ As opposed to Policy '10A' cited in error in the first reason for refusal

Other Matters

21. The appellant has given an indication of an intention to enter into an obligation under Section 106 of the Act, which would make provision for 'local employment initiatives' in response to a requirement identified in the Council's committee report. An executed deed was, however, not received by the Planning Inspectorate by the due date for its submission. However, given the subject matter of the intended obligation, its absence has had no bearing on the outcome of this appeal, given the nature of the harm that I have identified above.
22. There are concerns that the development would generate additional traffic and make inadequate provision for on-site parking and that those matters could be prejudicial to highway safety in the vicinity of the site. In this respect there was evidence⁶ of an accident on the day before my site visit, which I understand from representations involved a fatality. However, as this appeal is to be dismissed for another reason, I find it unnecessary for me to comment further on the traffic and parking concerns that have been raised.

Conclusions

23. In the absence of an HLS the provision of additional housing would amount to social and economic benefits weighing in favour of this development. However, while I have found that there would be no harm to the living conditions for the occupiers of neighbouring properties the development would be unacceptably harmful to the character and appearance of the area. That harm gives rise to conflict with the Framework and policies of the Borough Plan and Core Strategy, insofar as they address design considerations. I therefore consider that the harm that I have identified significantly and demonstrably outweighs the benefits of the development and could not be overcome by the imposition of reasonable planning conditions. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

⁶ Temporary roadside signage and damage to the wall enclosing Downside Court

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Appeal Decisions

Accompanied site visit made on 11 October 2016

by Felix Bourne BA(Hons) LARTPI Solicitor

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

Decision date: 14 November 2016

Appeal ref: APP/T1410/C/16/3144452 & 3144858

4 Nuthatch Road, Eastbourne, BN23 7RN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Eastbourne Borough Council.
- The appeals are made by Mr Pettengell (3144452) and Mrs Pettengell.
- The notice was issued on 25 January 2016.
- The breach of planning control as alleged in the notice is, without planning permission, the keeping of pigeons at the address, housed within purpose made structures within the rear garden of the property, which due to the size of the flock (up to 50 pigeons including breeding and racing stock), the size of the structures within the curtilage of the property and the location of the property within the suburban area, is considered excessive, and not incidental to the enjoyment of the dwellinghouse.
- The requirements of the notice are as follows: Reduce and maintain the number of pigeons kept at the property to a maximum of 20. Reduce the capacity of the structures as identified as A, B & C on the plan entitled 'POSITION OF PIGEON LOFTS' (to be read in conjunction with the associated 'Location Plan') attached to the Notice, or the number of structures A, B, or C, resulting in the reduction in overall capacity of the remaining identified outbuildings for the purpose of accommodating no more than 20 pigeons thereafter.
- The period for compliance with the requirements is three months.
- The appeal made by Mr Pettengell is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The appeal by Mrs Pettengell is proceeding on grounds (f) and (g).

Summary of decision: The appeals are dismissed and the Notice upheld.

Preliminary matters

1. An application for costs has been made by the appellants against the Council. This is the subject of a separate letter.

The appeal on ground (a) and the deemed application

2. Section 55(2)(d) allows for uses on a scale and of a nature incidental to the reasonable enjoyment by an occupant of the normal residential use of the buildings and land which comprise the dwellinghouse and its curtilage as such. The activity must be considered in the context of the primary residential use, having regard to the type and size of the dwellinghouse and the curtilage concerned. Indeed this is clear from the appeal decisions cited. The keynote is reasonableness.

3. Whilst on the one hand seeking to argue that the use is an "incidental" one, no appeal has been lodged on ground (c), which would suggest that the appellant has recognised that the scale of his use is one which requires planning permission. That is, in the circumstances of this appeal, a sound judgement and the main issue is, therefore, the effect of the use, as described in the enforcement notice, on the living conditions of neighbouring residents, with particular reference to noise and to the deposit of excreta.
4. I appreciate that the number of pigeons kept by the appellant is not vast in absolute terms. However, in a relatively densely developed area which is, notwithstanding the proximity of a shopping centre, primarily residential in nature, it is sufficient to cause distress to a significant number of nearby residents. That is clear from the number of representations submitted and, whilst I note that there was one letter of support at the time that the question of enforcement action was considered by Committee, this seems to have come from an address over 100 yards away from the site.
5. Were there only occasional complaints, or complaints from one or two sources, it might be possible to conclude that problems had arisen only on isolated occasions or that a particular neighbour was unusually sensitive to the use. In this case, however, and having inspected the site, I am satisfied that the use at the scale described in the Notice causes significant problems to neighbours both in terms of noise and in relation to deposits of excreta from pigeons being exercised. Indeed, the appellants seem to accept that the use has an adverse effect on immediate neighbours, as the application for costs states that it was to be anticipated that neighbours immediately to the rear, and on either side of the appeal site, would complain.
6. Whilst the pigeons individually may not be especially noisy, the numbers involved in this case have clearly disturbed nearby residents. There are also complaints about sawing, banging, and drilling and, whilst the appellants' agent claims that these are either nothing to do with the keeping of pigeons or arose during construction of the lofts, it would seem likely that at least some must be connected both with the construction and with maintenance of the pigeon lofts. As to the problem of excreta, some may arise from other birds, but the proximity of a large number of pigeons in such close vicinity is likely to exacerbate the situation. These drawbacks, therefore, bring the use at its current level into conflict with policies HO20 of the Eastbourne Local Plan, which requires new development proposals and extensions to existing buildings to respect residential amenity, and with Policy B2 of the Eastbourne Core Strategy, which seeks to create an attractive, safe and clean environment with a sense of place that is distinctive and reflects local character.
7. The use appears to be that of a hobby rather than a business but local residents have also expressed concern about mice, rats and wild wood pigeons in the area, which they take to have been attracted by the use. I have not identified these as a main issue, as it is difficult to know the precise link between one and the other: however, it seems likely that there is some relationship between them and the existence of these further problems therefore reinforces me in my conclusion on the main issues.
8. In the light of the above I conclude that the use at the level enforced against causes disturbance to nearby residents in terms of noise and excreta.

Accordingly the appeal on ground (a) must be dismissed, and planning permission must be refused, including in relation to the deemed application.

The appeals on ground (f)

9. The appellants' agent argues that the requirement to reduce the number of pigeons to 20 is not valid and is, indeed, unenforceable. That view is misconceived. The number of pigeons kept will inevitably make a difference to the impact of the use on neighbours. The Council could have required the use to cease but have, instead, chosen to "under-enforce", presumably in recognition of the terms of section 55(2)(d) and in an attempt to allow the appellant to continue his hobby at a more reasonable level. The requirement to limit the number of pigeons to 20 is therefore the equivalent of a planning condition, had a formal planning permission been granted, and is perfectly valid. The appeals on ground (f) are accordingly dismissed.

The appeals on ground (g)

10. The stated period for compliance is three months. The appellants requested an extension of the period for compliance to six months, to allow any alterations to be carried out after the end of the 2016 racing season. As it is now November 2016 such an extension is no longer necessary and the appeals on ground (g) are therefore also dismissed.

Other matters

11. The appellants argue that the position of Lofts A and C are incorrectly shown. However, the relevant plan, read in conjunction with the rest of the Notice, is sufficiently clear and no formal correction is therefore required.

Formal decisions

12. The appeal on ground (a) is dismissed and planning permission is refused, including in relation to the application deemed to have been made under section 177(5) of the 1990 Act as amended. The appeals on ground (f) are also dismissed, as are the appeals on ground (g). The enforcement notice is upheld.

Felix Bourne

Felix Bourne

INSPECTOR

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Appeal Decision

Site visit made on 20 October 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/T1410/W/16/3151320

15 Hartfield Road, Eastbourne, East Sussex BN21 2AP

- 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 St. Mary's Home Limited against the decision of Eastbourne Borough Council.
 - The application Ref PC/160259, dated 10 March 2016, was refused by notice dated 28 April 2016.
 - The development proposed is 1no. 5 bed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed development would preserve or enhance the character or appearance of the Upperton Conservation Area (the CA);
 - ii) whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy.

Reasons

Character or appearance of the CA

3. The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
 4. The site is on the edge of the CA and includes the properties fronting onto Hartfield Road and their rear gardens. It is characterised by a variety of designs and sizes of generally Victorian buildings. In the vicinity of the site they are mainly in residential use.
 5. Importantly, this part of the CA is characterised by the large similarly designed detached properties at Nos 3-15 Hartfield Road. That degree of uniformity is translated to the rear of those properties which have distinctive, aligned rear gables which are clearly visible from Eversfield Road, despite varying amounts of vegetation and structures in the rear gardens. The rear elevations are broken to some degree with fire escape stairways and various other additions. However, the open black railing design of the stairways as well as the subservient appearance of those other elements, ensure that the rear gable features retain their high degree of prominence, providing a pleasant vista.
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6. The openness to the rear of those buildings, provided by their gardens in most cases, albeit that the appeal site has now been segregated from No 15, provides an important setting for them, in light of their size and design qualities. It also provides an important break between those large properties fronting Hartfield Road and the different building forms relating to properties along Eversfield Road to the north-west.
7. The rear elevations of Nos 3-15 and their open setting therefore provides clear definition to the edge of the CA and a vista from Eversfield Road that strongly contributes to the character and appearance of the CA.
8. The introduction of the proposed dwelling, due to its height and width would largely obscure that distinctive vista and break that pleasant and characteristic visible degree of openness. It would also substantially detract from the prominence of No 15 at this corner location. In this respect it has failed to address concerns also raised by my colleagues in respect of two previous appeal schemes, Refs APP/T1410/A/13/2196643 and APP/T1410/A/14/2221638.
9. The appellant has sought to address the concerns raised about the design and scale in the appeal decision Ref APP/T1410/A/14/2221638 which was for a chalet bungalow. However, the proposed dwelling would have a noticeably less prominent roofscape than those properties either side due to the lower ridgeline. As such, despite being more substantial than that of the previous appeal scheme, it would still appear as an inharmonious and incongruous addition to the streetscene, despite the proposed use of similar materials and design features such as the front bays and window proportions. As before, it would also have a significantly lesser depth than those adjacent buildings which would emphasise the smaller scale. It would also stand out all the more due to its significantly closer proximity to the road than those nearest existing properties that front onto that street at Nos 1-7 Eversfield Road.
10. I acknowledge that the existing site is currently vacant, unused and overgrown, which is particularly evident when passing in front of the site access. This is not ideal visually and I acknowledge that the proposed development would address that situation. However, from further along the street, that existing unkempt nature of the site is less evident and in any case it is largely screened from view, whether close up or from further away, by the existing attractive front boundary wall. The current state of the site is therefore insufficient a factor to override the more substantial harmful effects that I have found would be caused by the proposed development in respect of this issue.
11. I saw some examples of other relatively modern developments in the surrounding area, including No 9 Eversfield Road, the site on the opposite corner from No 9, and a block of flats at the junction of Enys Road and St Anne's Road. However, the circumstances of those other sites, including in terms of the nature of development and relationship to the surroundings, are different to those relating to the appeal proposal. In any case, I have determined this appeal on its own merits.
12. Having regard to paragraphs 132 and 134 of the National Planning Policy Framework (the Framework), harm to the significance of the CA would be less than substantial due to the relatively small scale of development in the context of the CA as a whole. In considering any public benefits relating to the proposal there would be a small benefit in terms of the addition of a single

family dwelling to the supply of local housing in a sustainable location and in terms of tidying up the site. However, those would be insufficient to outweigh the less than substantial harm, and I have not received any substantive evidence of any other public benefits relating to the proposal that would do so.

13. For the above reasons, I conclude on this issue that the proposed development would fail to preserve the character and appearance of the CA. As such, it would be contrary to saved policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan (the Borough Plan) and policies D10 and D10A of the Eastbourne Core Strategy Local Plan (the Core Strategy) which, in respect of this issue, together require development proposals to preserve or enhance the character or appearance of CAs. It would also be contrary to sections 7 and 12 of the Framework which, respectively, relate to requiring good design and to conserving and enhancing the historic environment.
14. The Council, in its decision notice, also refers to saved policy UHT5 of the Borough Plan. However, that policy relates to the retention of boundary walls and landscaping. In this case, the front boundary wall would be retained and so this policy is not relevant to this issue. It also refers to policy UHT16 which relates to the protection of Areas of High Townscape Value (AHTV). However, I have not received any substantive evidence to demonstrate that the site is located within such an AHTV especially as it is already within the CA.

Living conditions

15. The proposed main garden area would be to the rear of the dwelling which would be directly overlooked at fairly close range from habitable room windows of the properties immediately either side. There would therefore be little or no privacy afforded to the main space and I have received no substantive evidence to indicate how this could be provided by landscaping, particularly in respect of overlooking from upper floor levels.
16. There is proposed to be a side garden adjacent to No 15 which would not have that direct overlooking from properties either side and which would be directly accessed from patio doors. However, there would be some scope for pedestrians to look over the front boundary wall into that space. That side area would also be fairly small and closely confined by the elevations of the buildings either side of it that would be likely to have an enclosing and overbearing effect. I am therefore not satisfied that the side garden would mitigate the inadequate privacy afforded to the main garden area.
17. The Council also refers to concerns about direct overlooking from the first floor side bay window of No 1 into the kitchen/dining area of the proposed dwelling via a side window. However, that proposed side window would be of a secondary nature to those at the front and rear. Any potential for overlooking could be reasonably prevented through measures such as obscure glazing, without causing unacceptable outlook from the room concerned. However, this factor does not outweigh my concerns in respect of the adequacy of the garden space.
18. For the above reasons, I conclude on this issue that the proposed development would provide unacceptable living conditions for future occupiers, with regard to privacy. As such, it would be contrary to saved policy HO20 of the Borough Plan and policy B2 of the Core Strategy which together, in respect of this issue, require new development proposals to respect and protect residential amenity.

It would also be contrary to the Framework which, in paragraph 17, states that planning should always seek to secure a good standard of amenity for all future occupants of land and buildings.

Other matter

19. The appellant highlights that no objection has ever been received from any occupiers of No 15. Notwithstanding that I have received one such objection, I have determined this appeal on its planning merits taking into account all material considerations.

Conclusion

20. The Framework sets out that there should be a presumption in favour of sustainable development and that to achieve this, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

21. I have not found there to be any benefits sufficient to outweigh my findings that the proposed development would fail to preserve the character and appearance of the CA and provide unacceptable living conditions for future occupiers, with regard to privacy. As such, it would not be a sustainable form of development.

22. Therefore, for the reasons given above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR