

Planning Committee

26 June 2018



Time and venue

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillors Jim Murray (Chair); Councillors Janet Coles (Deputy-Chair) Sammy Choudhury, Paul Metcalfe MBE, Md. Harun Miah, Colin Murdoch, Margaret Robinson and Barry Taylor

Quorum: 2

Published: Monday, 18 June 2018

Agenda

- 1 **Minutes of the meeting held on 29 June 2018.** (Pages 1 - 6)
- 2 **Apologies for absence.**
- 3 **Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 **Urgent items of business.**
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 **Right to address the meeting/order of business.**
The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 **2 Burrow Down. Application ID: 180360.** (Pages 7 - 12)
- 7 **Albany Lions Hotel, 41-43 Grand Parade. Application ID: 180476.** (Pages 13 - 24)
- 8 **Land off Biddenden Close, Biddenden Close. Application ID: 180437.** (Pages 25 - 34)
- 9 **Lanark Court/Lanark Close 1, Hamsey Close. Application ID: 180439.** (Pages 35 - 44)

- 10 **Lanark Close 2/Lanark Court, Hamsey Close. Application ID: 180440.**
(Pages 45 - 54)
- 11 **Land opposite Eastbourne Skate Park, seafront. Application ID: 180461.**
(Pages 55 - 62)
- 12 **South Downs National Park Authority Planning Applications.**
- 13 **Appeal decision - 90, 91, 92 & 93 Dominica Court.** (Pages 63 - 66)
Report of Planning Inspectorate.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

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.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

Councillor right of address: Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Eastbourne Borough Council Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 29 May 2018 at 6.00 pm

Present:-

Councillor Jim Murray (Chair) Councillors Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch, Margaret Robinson, Barry Taylor and Pat Hearn (Reserve) (as substitute for Janet Coles)

Officers in Attendance:

Leigh Palmer (Senior Specialist Advisor, Planning)
Joanne Stone (Lawyer)

Also in attendance:

Katie Maxwell (Committee Officer)

1 Minutes of the meeting held on 24 April 2018.

The minutes of the meeting held on 24 April 2018 were submitted and approved, subject to the inclusion of the word 'prejudicial' under minute 126; Councillor Murray's declaration regarding 2 Clifford Avenue, and the Chair was authorised to sign them as an accurate record.

2 Apologies for absence.

An apology for absence was reported from Councillor Coles.

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.

Councillor Metcalfe MBE, declared a personal interest in minute 6 as he knew the objector in so far as he was the former owner of the objectors property. Councillor Metcalfe MBE was of the opinion that he did not have a prejudicial interest in the matter and remained in the room and voted thereon.

4 16 Woodland Avenue. Application ID: 180355.

Application for extensions to side, rear, conversion of garage, internal alterations. Along with provision of temporary elevation to South-West of the

property. Alterations to the terrace/patio area to South-East (rear) of the property – **RATTON**.

Following submission of the officer report, the committee was updated by way of the addendum report, that that the applicant had proposed amended plans to re-instate a front boundary wall and as such it was considered that there were now no longer highway or pedestrian safety issues and the street scene would not be affected by the scheme. In addition amended details had been received amending the proposed rear patio area. The scheme now pulled the patio away from the existing common boundary and graduated the garden down to the existing level.

This should not increase the overlooking above that which and therefore the application was recommend to be approved subject to conditions.

The committee discussed the proposal and were in support of the amendments, subject to the front boundary wall being re-instated to its original height.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions:

1. Time Limit
2. Subject to Approved plans
3. Obscurity of the privacy screen serving the balcony must be a minimum of level 4 obscurity
4. Details of and timing of construction of front boundary wall.

5 35 Clarence Road. Application ID: 180330 (PPP).

Proposed Single storey extension to front elevation – **DEVONSHIRE**.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Matching
4. Flat roof not to be an amenity space
5. Water run-off from roof
6. Extension shall not to be used as independent residential unit of accommodation.

6 Langney Shopping Centre, 64 Kingfisher Drive. Application ID: 180257.

Proposed installation of an office, maintenance bays, car washing canopy and car cleaning facilities within the car park area of Langney Shopping Centre for use by P1 Pit Stop. Services to include tyre replacement, vehicle valeting and detailing – **LANGNEY**.

Mr Kifford addressed the committee in objection stating that the proposals would result in noise pollution, increased traffic and that the building was not suitable for this location. Mr Kifford also suggested that the facility should not be open on a Sunday.

The committee discussed the application and felt that whilst the car wash would be acceptable, the tyre replacement would be better suited to a more 'industrial' location. Members discussed the perception of increased noise and were advised due to its surroundings and proximity to a busy road network, the proposed building and associated usage would not be a supportable reason for refusal. The Committee agreed that the design of the building in both size and design was out of keeping with the surrounding area.

RESOLVED: (By 5 votes to 2 with 1 abstention) That permission be refused on the grounds that:

1.The proposed development by reason of its design, layout and appearance would result in a form of development that would incongruous and discordant with the prevailing pattern of development in the area and as such fails to maintain local distinctiveness. The scheme is found to be discordant with Policies Policy D10a of the Councils Core Strategy.

2.The proposed development would be considered to introduce an ' industrial activity' within this prime retail location and such may have an adverse impact upon the retail function , supporting car parking and thereby have the potential to impact upon the long term viability of this District Centre. The scheme is found to be discordant with Policy C8 and D4 of the Eastbourne Borough Plan.

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

7 Savoy Court Hotel, 11-15 Cavendish Place. Application ID: 180352 (PPP), 180353 (LBC).

At its meeting on 22 May 2018 the Group welcomed this application, which it is felt will enhance the specific buildings involved and the broader conservation area setting. The group wish to retain the candy-striped canopies and would hope the external decoration scheme became an exemplar for future restoration projects in the immediate area.

The committee was advised that amended plans had been received and now confirmed that all new windows and doors were to be timber framed and painted white and that the striped canopy decoration would be retained.

An East Sussex County Council Highways consultation response had been received with no objection subject to the imposition of conditions. The committee was updated by way of the addendum report as follows:

Trip Generation

The applicant had not provided trip generation analysis in their application. Having undertaken my own analysis using the TRICS database, the estimated number of trips for the existing hotel use is 60 trips per day, whilst the estimated trips for the proposed 15 flats is 27 trips per day. As such, it was considered that there would not be an increase in trips in the local area due to this development.

Car Parking

The applicant was not providing on-street parking, nor does there appear to be scope to provide this. The trip generation analysis suggests that the existing hotel usage would have a higher on-street parking demand than the proposed usage.

The 'Transport Statement' submitted stated that two loading bays would be removed following the development and that the removal of these bays would provide an additional six parking spaces on-street. The applicant should provide detail on these bays and the removal of these loading bays should be secured by condition.

Cycle Provision

ESCC welcomed the provision of cycle parking at the development. Cycle parking was shown to be provided to the rear of the development in wooden sheds. It should be demonstrated that 15 cycle spaces would be provided as a minimum, in line with ESCC standards (1 space per flat). Considering the development was proposed to be car-free, the cycle parking provision should be higher than the minimum set out in the guidance.

The spaces provided should be shown on a plan submitted to the Local Planning Authority for approval. The plans should clearly show how many cycles could be accommodated and show the spaces could be easily accessed. This should be secured by condition.

Refuse Collection

The applicant was proposing to retain the existing servicing arrangements, presumably via the back alley adjoining Cavendish Place. The applicant should provide a Servicing Management Plan, which should be secured by condition. The Council's waste management team should satisfy themselves that the agreed approach within that Servicing Management Plan is acceptable. The plan should be in line with the ESCC 'Good Practice Guide for Property Developers: Refuse and Recycling storage at new residential development within the Eastbourne, Hastings Wealden and Rother Council Areas' where possible.

Construction

Given the town centre location of the site, and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, with details to be agreed.

Affordable Housing

The applicant had submitted an Affordable Housing Statement in support of their application. This advised they had discussions with registered social landlords in terms of the on-site delivery of affordable housing but no interest was made.

The site was situated within a low value area, therefore in terms of ESCC Affordable Housing Policy, 30% of units should be 'affordable'. This equated to 4.5 units. The proposal was for each building to comprise of 5 flats. Therefore a whole building would not be made available for on-site affordable housing. As such, as given the constraints of the site, being listed, it was not considered that on site affordable housing was achievable. Therefore in accordance with the Affordable Housing Policy if the outcome was that on site affordable housing was not achievable an order of preference was provided within the Affordable Housing Supplementary Planning Guidance 2017 the last of which was a commuted sum in lieu of on-site provision. However, as the development provided 1 and 2 bed flats within a low value area, the Affordable Housing SPD provided no liability on the basis that the site would not be viable.

Therefore it was considered that the Affordable Housing Policy had been met by the submission of the Affordable Housing Statement and as such the recommendation contained within the report could be amended to remove the requirement for a S106 agreement to secure the Affordable Housing.

It was also considered that the Local Labour obligations could adequately be dealt with by condition.

RESOLVED (A) 180352: (By 5 votes to 3) That permission be refused on the grounds that by virtue of the small size, the proposed flats would provide substandard accommodation for future occupiers; and given the number of flats proposed (no. bedroom/occupation) the development would constitute an overdevelopment of the site detrimental to the amenity of the future occupiers and existing surrounding occupiers contrary to the core principles of the National Planning Policy Framework 2012, and Policy B2 of the Core Strategy Local Plan 2013.

RESOLVED (B) 180353 (LB): (By 5 votes to 3) That Listed Building consent be refused on the grounds that By virtue of the amount of flats proposed, and the internal alterations required to provide such number (bedroom/occupancy) the development would harm the character and appearance of the Listed Building contrary to section 12 of the National Planning Policy Framework 2012, D10 of the Core Strategy Local Plan 2013, and Saved Policy UHT17 of the Borough Plan 2007.

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.

8 South Downs National Park Authority Planning Applications.

There were none.

The meeting ended at 7.25 pm

Councillor Jim Murray (Chair)

Agenda Item 6

App.No: 180360	Decision Due Date: 7 June 2018	Ward: Old Town
Officer: Danielle Durham		Type: Householder
Site Notice(s) Expiry date: 5 June 2018 Neighbour Con Expiry: 5 June 2018 Press Notice(s): NA		
Over 8/13 week reason: To enable the case to go to planning committee		
Location: 2 Burrow Down, Eastbourne		
Proposal: Proposed first floor extension		
Applicant: Mr Hoxha		
Recommendation: Approved Conditionally		

Executive Summary:

This application has been referred to planning committee due to the number of objections and that the previous application debated by the Planning Committee members.

Following the previously approved first floor extension the applicants noted that the internal roof height and window height on the approved plans was not sufficient to provide standing space in the first floor. This application varies from the previous application in that the internal ceiling height is higher, the window cill height is increased and the windows are partially dormer windows to allow for sufficient ceiling height internally without an overall increase in height of the building.

The proposed extension is considered to be an appropriate extension that respects the character, size and scale of those properties within the immediate vicinity of the site. It is considered therefore that the extension would not impact significantly on the character of the site and surrounding area.

Given the significant changes of levels across the site, no off street parking is proposed as part of this application, as this results in no change from the existing arrangement it is considered the reliance of street parking in area of limited parking stress would be acceptable.

As part of this application the applicant has provided details of the proposed external materials.

This application is recommended for approval.

Relevant Planning Policies:

National Planning Policy Framework 2012

7. Requiring good design

Core Strategy Local Plan 2013 Policies

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C4 Old Town Neighbourhood Policy

D5 Housing

D10a Design

Eastbourne Borough Plan Saved Policies 2007

US1 Hazardous Installations

HO2 Predominantly Residential Areas

NE14 Source Protection Zone

HO20 Residential Amenity

UHT1 Design of New Development

UHT4 Visual Amenity

Site Description:

The site consists of a bungalow on a corner plot. The property is close to the edge of the boundary with the South Downs National Park. This area is on a steep incline and the site itself is on a much higher ground level than the road. The site does not currently have vehicular access or off street parking. There is a variety of types of properties in this area, ranging from two storey houses on Burrow Down to a bungalow set back from the road with access from Priory Heights behind 2 Burrow Down.

The front garden to the property currently bordered with large and established hedging.

Relevant Planning History:

170902

Proposed two storey extension: First floor extension to cover entire ground floor and second floor comprised of rooms in roof with roof lights. Proposed garage to side elevation along with the provision of a new vehicle cross over, new porch and associated alterations. (amended plans submitted)

Householder

Refused

10/10/2017

171388

Proposed in-fill ground floor extension and porch to front elevation and first floor extension to cover the entire ground floor footprint along with associated alterations and new proposed driveway. (Revised application following refusal of PC 170902)

Householder

Approved conditionally

24/01/2018

180287

Application for approval of materials reserved by condition no.8. (PC/171388)

Approval of Condition

Proposed development:

The proposed development is identical to that approved under 171388 (above) save for changes to the external materials and window/cill location to facilitate sufficient internal headroom at first floor level

The building is proposed to be clad in smooth white render with charcoal grey roof tiles, grey UPVC windows and black plastic guttering.

Consultations:

External:

Southern Gas Networks

Southern Gas Networks

There is a high pressure pipeline in the vicinity of the works. The proposals would require the exact location of the pipeline and other SGN assets to be located before any works commences, either by electronic detection or by hand excavated trial holes as specified in document SW/2. The works must be supervised by a SGN representative.

Vehicle crossings over the pipeline must be kept to a minimum and must cross at 90 degrees. The crossing will require agreement with SGN and may require design and calculations, as evidence to prove there is minimal added stress to the pipeline. Method statements must be agreed before works commence.

Neighbour representations:

There has been six neighbour objections covering the following issues:

- Loss of privacy and being overlooked
- Loss of light to habitable rooms
- Highway safety and parking
- In sufficient parking provisions for a 4 bed property
- Impact on the environment and plants on The Downs
- Too many bedrooms for this area

- Too large and out of character with the size of other properties in this area
- The property is for commercial gains and not residential
- Proposed materials are plain and grey, without hung tiles it is unsympathetic to the area.
- The post rail fence around the property will prevent a line of sight for drivers
- The plans have no architectural merit
- The increase in height of the windows increases overlooking
- Dormers are out of keeping with this area.
- A fourth bedroom would allow for over occupancy of the site
- The proposed parking spaces is unsuitable due to the steep slope of the property and the high pressure gas main.
- If approved there should be a limitation to the operation house and building materials should be safely stored on site.

One neighbour has supported the proposal.

Appraisal:

Principle of development:

There is a presumption in favour of sustainable development and as such there is no objection in principle to the extension of the property and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The principle of extending the property to this extent has previously been accepted (see history above) and as such the merits of the bulk and mass of the scheme have been supported/accepted.

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

This proposal raises the height of the first floor windows; it is considered that these changes would not give rise to any material loss of residential amenity over and above that which would have been assessed as part of the previous scheme.

Design issues:

It is acknowledged that the proposed external materials do not follow those used in the prevailing pattern of development in the area. However whilst being different in colour, form and texture they are not objectionable in principle and a

refusal based on the visual impacts of the building upon the and surrounding area could not be justified.

Similarly it is considered that the proposal includes roof windows/dormers; this architectural form is not common in the immediate vicinity however in the Borough wide context they are a common form of householder development and in this wider context a refusal of planning permission could not be substantiated.

Other matters:

An objector has requested restricting building hours; this issue was assessed as part of the previous approval and given the scale of the development (essentially a householder extension) it is considered unreasonable to restrict the hours of operation by way of condition.

Human Rights Implications:

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

Conclusion:

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

Recommendation:

Approve Conditionally

Conditions:

- Time
- Approved plan
- For the avoidance of doubt this application promotes extensions to the existing property and does not sanction the demolition of the existing property and rebuild, this should for the content of a further application.
- No permitted development rights to loft space
- Obscure glazing to all rear first floor windows
- Removal of permitted development rights for windows on first floor rear elevation
- The location of the High pressure gas main must be located prior to commencement of works by electronic detection or hand excavation supervised by an SGN representative
- No mechanical excavations are permitted within 3m of the SGN's pipework at any time

Appeal:

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

Agenda Item 7

App.No: 180476	Decision Due Date: 14 August 2018	Ward: Meads
Officer: James McLean Smith	Site visit date: 07/06/2018	Type: Planning Permission
Site Notice(s) Expiry date: 7 June 2018 Neighbour Con Expiry: 7 June 2018 Press Notice(s):		
Over 8/13 week reason: Within time		
Location: Albany Lions Hotel, 41-43 Grand Parade, Eastbourne		
Proposal: Proposed change of use of the function suite/reception rooms, ancillary storage/offices of The Albany Hotel from C1 to C3 to form 10N° one bedroom dwellings. To include roof and side extension to create a first floor and external alterations to the front and side elevation.		
Applicant: Mr Sheikh Abid Gulzar		
Recommendation: Approve conditionally		

Executive Summary:

The proposed development involves the conversion of the existing building, which houses a function room and other ancillary uses, to a total of 10 x one bedroom dwellings, with roof extensions / modifications and a three-storey side extension used to provide additional volume required for unit floor space and access.

The proposal would not result in the loss of any hotel rooms nor would it impact upon the overall viability of the hotel use. Extensions have been designed to minimise impact on visual and residential amenity.

Zero car parking provision is acceptable due to the sustainable location of the site, the expected tenure and the demand for parking not significantly increasing from that of the existing use.

Relevant Planning Policies:

National Planning Policy Framework 2012

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

- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution Sustainable Centre
- C1 Town Centre Neighbourhood Policy
- D1 Sustainable Development
- D3 Tourism
- D5 Housing
- D10 Historic Environment (Conservation Area)
- D10A Design

Eastbourne Borough Plan Saved Policies 2007

- HO1 Residential Development Within the Existing Built-up Area
- HO6 Infill Development
- HO9 Conversions and Change of Use
- HO11 Residential Densities
- HO20 Residential Amenity
- TO1 Tourist Accommodation Area
- TO2 Retention of Tourist Accommodation
- TO5 New Tourist Accommodation
- TO7 Preferred Area for Tourist Attractions
- TO9 Commercial Uses on the Seafront
- TO8 New Tourist Attractions and Facilities
- UHT1 Design of New Development
- UHT15 Conservation Area
- NE14 Source Protection Zone

Site Description:

The site is occupied by a two-storey building (lower ground and ground floor) which is attached to the main hotel building at 41-43 Grand Parade, currently known as the Albany Lions Hotel. The building is currently used for purposes ancillary to the operation of the hotel, providing space for a ballroom/function room as well as office and storage rooms.

The building faces on to Burlington Place, where pedestrian access is also obtained. The lower ground floor is set below street level, accessible through the use of a stairway. The frontage has distinctive full height bay windows, with two provided on each floor. Walls are finished in painted render. The roof to the front of the building is hipped with shallow slope. An extension has been added to the rear, with a larger footprint than the frontage building. This extension currently also provides two floors and has a shallow pitched crown roof, flanked on either side by a parapet wall. Directly behind the building is a hard surfaced yard area which is used for parking and servicing, accessed from Compton Street.

The Town Centre & Seafront Conservation Area covers this stretch of Burlington Place, as well as the majority of surrounding streets. Terraces of mid to late 19th century Italianate

buildings with stuccoed walls and prominent bay windows are a defining presence. The majority of these buildings are 3-4 storeys in height, with many also being served by basements. Buildings are occupied by a mix of residential flats and hotels.

There are no other special designations attached to the site.

Relevant Planning History:

EB/1960/0554

Use of premises, now used as a club, as part of the ' Sandhurst Hotel'.

Granted, subject to condition.

1960-10-06

EB/1961/0606

Change of use of club premises to 'Sandhurst Hotel' extension.

Granted.

1961-11-16

EB/1962/0221

Erection of a block of 12 flats in five storeys and a penthouse, with 9 domestic garages at the rear.

Granted, subject to conditions.

1962-04-26

EB/1962/0082

Erection of a block of 12 flats in five storeys and a penthouse, with 8 domestic garages.

Granted, subject to conditions.

1962-02-22

EB/1966/0298

Removal of one bay window on front elevation and provision of a covered balcony with balustrade.

Refused, one reason.

1966-06-09

EB/1969/0504

Change of use from casino to hotel accommodation, and formation of opening to 'Sandhurst Hotel'.

Granted (Five years)

1969-10-23

EB/1977/0436

Erection of a single-storey extension at front, to form a sun lounge.

Granted, subject to conditions.

1977-12-13

EB/1978/0411

Erection of a single-storey extension at front, to form a sun lounge.

Granted (Five years).
1978-10-17

970632

Rear extension to enclosed yard at basement level to provide hotel leisure facilities.
Planning Permission
Approved conditionally
16/04/1997

040615

Retrospective application for the retention of four ornamental lions, two either side of the Burlington Place entrance, one at the corner of Burlington Place and Grand Parade and one on the Grand Parade elevation at the boundary with the West Rocks Hotel (subject to revisions), and the retention of PVC-U windows to the fourth floor on both the Grand Parade and Burlington Place elevations.
Planning Permission
Approved conditionally
10/12/2004

040617

Retrospective application for the retention of two ornamental lions, either side of the main entrance in Grand Parade (subject to revisions), and the retention of PVC-U windows to the third floor (subject to revisions) and basement on both Grand Parade and Burlington Place elevations together with the proposed replacement of existing timber windows to first and second floors to both Grand Parade and Burlington Place elevations and to ground floor to Burlington Place elevation.
Planning Permission
Approved conditionally
10/12/2004

070791

Erection of carport over rear car parking area to include kitchen and side door
Planning Permission
Approved unconditionally
05/02/2008

080759

Rear extension to ballroom at back of hotel, with undercroft car parking below
Planning Permission
Refused:
1.) Extension would be overbearing towards neighbours, cause overshadowing, loss of privacy and would lead to increased activity.
2.) Detrimental to the setting of the Conservation Area and nearby Listed Buildings.
12/03/2009

100179

Replacement doors to front entrance
Planning Permission
Approved conditionally

16/07/2010

100728

Upper ground floor and basement extension to ballroom at rear with storage below.

Planning Permission

Not determined

26/12/2010

110024

Upper ground floor and basement extension to ballroom at rear with storage below.

Planning Permission

Refused

1.) Extension would be overbearing towards neighbours, cause overshadowing and would lead to increased activity.

11/03/2011

Proposed development:

The proposal involves the modification of the roof of the existing rear extension to the building, which is currently used as an ancillary element of the adjoining hotel, by way of removing the current crown roof and replacement with a flat roof, allowing for additional space for first floor accommodation. The roof top of the new flat roof would match that of the flat roof element of the crown roof whilst the parapet walls at either side of the roof would be retained, with a modest extension at either end where the parapet wall currently slopes down in alignment with the roof slope.

A three-storey (lower ground floor to first floor) flat roof extension would be added to the side of the existing building to provide additional space, including for access. The roof top height of this extension would match that of the roof extension to the attached building.

The rear fascia of the building would be altered to provide two bay windows at each level of the extended building.

The extended building would be subdivided in order to provide a total of 10 x one bedroom flats to be distributed between the lower ground floor (4 units), ground floor (4 units) and first floor (2 units). The ground level to the rear of the building would be lowered by approximately 1.1 metres in order to provide full height windows to lower ground floor flats.

The proposal is for a car-free development.

Consultations:

Internal:

Conservation Area Advisory Committee

The item appeared before Conservation Area Advisory Group on 22 May 2018; The group felt that the proposals had a limited impact on the conservation area and applauded the replacement of UPVC windows with timber sash to the front elevation. The group requested that the SA conservation discuss the replacement of the front door with the applicant and also wished to confirm that the decorative parapet would be retained.

Conservation Officer

This application seeks permission to redevelop the ballroom at the side of this prominently positioned hotel located within a conservation area setting as residential accommodation. The intention is to create 10 one-bedroom apartments using existing basement and ground floor levels and by creating a new additional level to the rear. Development work is heavily concentrated at the back of the building in a service area characterised by limited public visibility and overlook, with only limited impact on the front elevation. Indeed, this most visible area will demonstrate benefit in heritage terms through the proposed replacement of fenestration at lower ground level, with new timber windows replacing existing uPVC products. The overall impact on the character and impact of the conservation area is marginal, and I do not wish to register an objection.

The owner's representative confirmed on 23 May 2018 that the parapet will remain and that the applicant is happy to install a replacement door. Plans have been amended accordingly.

Specialist Advisor (Planning Policy):

The application site is located within the Town Centre neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006 – 2027 (adopted 2013). It is located within the Tourist Accommodation Area as defined by the Eastbourne Borough Plan 2001 – 2011 Saved Policies and the Core Strategy. It is also within the Town Centre and Seafront Conservation Area.

The Town Centre has been identified as both a Sustainable Centre and a Sustainable Neighbourhood. Core Strategy Policy C1: Town Centre Neighbourhood Policy supports the delivery of new housing through conversions, infill development and redevelopment. The policy also aims to protect tourist accommodation from losses and inappropriate development.

Although the proposal is within the tourist accommodation area and the premises are used as tourist accommodation, it does not involve the loss of bedspaces and, as such, it is not considered that Borough Policy Plan TO2: Retention of Tourist Accommodation applies in this instance.

The Planning Statement supporting the application indicates that the ballroom has limited use and is surplus to requirements, and therefore the loss of such a space would not have an adverse impact on the viability of the tourist accommodation as a whole.

In terms of the supply of housing, para. 49 of the National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Currently, Eastbourne can only demonstrate a 3.16 years supply of housing land, which means that the presumption in favour of sustainable development applies. The lack of a five-year supply is also a material consideration in the determination of the application.

The NPPF supports sustainable residential development and is supported in order to meet local and national housing needs. The site has not been identified in the Strategic Housing & Employment Land Availability Assessment (SHELAA) (2017) and, as such, would be

considered to be a windfall site. Residential development on windfall sites is required in order to meet the Core Strategy's Spatial Development Strategy (Policy B1 of the Core Strategy). As such, the principle of residential development in this location is supported.

As the application involves the creation of 10 residential units, it is under the threshold for affordable housing and, therefore, no affordable housing contribution is required.

Due to the lack of a five-year housing land supply, the application should be judged against the presumption in favour of sustainable development contained within the NPPF. It is not considered that the adverse impacts of this application outweigh the benefits of the creation of new housing units, and it is not contrary to any specific policies within the NPPF.

Regeneration Officer:

Request a Local Labour Agreement.

Specialist Advisor (Conservation):

This application seeks permission to redevelop the ballroom at the side of this prominently positioned hotel located within a conservation area setting as residential accommodation. The intention is to create 10 one-bedroom apartments using existing basement and ground floor levels and by creating a new additional level to the rear. Development work is heavily concentrated at the back of the building in a service area characterised by limited public visibility and overlook, with only limited impact on the front elevation. Indeed, this most visible area will demonstrate benefit in heritage terms through the proposed replacement of fenestration at lower ground level, with new timber windows replacing existing uPVC products. The overall impact on the character and impact of the conservation area is marginal, and I do not wish to register an objection.

The item also appeared before Conservation Area Advisory Group on 22 May 2018, where it was well-received. Members requested that officers follow up on a couple of detail points on the retention of an attractive decorative parapet to the front, and their preference for a new front door for the development. The owner's representative confirmed on 23 May 2018 that the parapet will remain and that the applicant is happy to install a replacement door. Plans have been amended accordingly.

CIL:

The proposed development involves the provision of flats and, as such, is not CIL liable.

External:

Southern Water: Consent is required if any additional connections are made and that no development including planting shall be within 3m of the existing sewers

SUDS:

In terms of flood risk, we acknowledge that this application is for a change of use and that the development mostly consists of internal changes. Whilst there is a first floor extension, this is unlikely to result in an increase in the impermeable area of the development site.

The planning proposal includes four basement dwellings, these are considered to be 'highly vulnerable' in the NPPG. However, British Geological Survey data shows that the site is at risk of groundwater flooding occurring at the surface and that groundwater on site is less than 3m below ground level. From the information submitted, there is no indication as to whether the applicant has taken groundwater flood risk into consideration.

The applicant intends to discharge surface water from the site into a public sewer. This is acceptable in principle as the existing connection can be utilised.

If the planning authority is minded to grant permission, we request that the following conditions are added to manage flood risk at the site:

1. Due to high groundwater levels, the applicant will need to provide evidence that the basement dwellings are resilient against the ingress of groundwater.
2. The condition of the combined drainage system should be investigated and improvements should be implemented if required. This should take place prior to occupation.

Neighbour Representations:

Two letters of objection have been received and cover the following points:

- Would result in loss of light to neighbouring properties;
- Insufficient parking and would result in loss of staff parking to the rear;
- Underground parking should be considered instead of basement flats.

Appraisal:

Principle of development:

Para. 17 of the National Planning Policy Framework (NPPF) lists the reuse of existing resources, including conversion of existing buildings within the 12 core land use planning principles that underpin decision taking.

Policy D3 of the Core Strategy states that the Council will resist the loss of visitor accommodation through the retention of a tourist accommodation area and protection policy and support the appropriate upgrading of existing hotels.

Although the proposed development involves the change of use from C1 (hotel) use to residential, it would not impact on the quantum or size of hotel rooms provided as the building that is to be converted contains only ancillary uses rather than hotel accommodation itself.

The current ballroom / function room is currently underused and not seen as essential to the ongoing viability of the main hotel use. It is therefore considered that the proposal represents the efficient use of the building that would not compromise the provision of tourist accommodation. Furthermore, by disposing of the underused ancillary building, the viability of the hotel use is likely to improve, should the development be approved.

Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Currently, Eastbourne is only able to demonstrate a 3.26 year supply of land. This proposal, for 10 additional units, would make a contribution towards increasing the number of year's supply of housing land.

The density of the development is high on account of the number of storeys and the modest size of the plot. However, the site is located within the Town Centre which is recognised as a sustainable neighbourhood and a high density area, with Policies B1 and C1 of the Core Strategy encouraging development of up to 180 dwellings per hectare in this location. The proposed development represents the upper end of this spectrum and is therefore considered to represent an optimal use of the site.

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

Policy HO20 requires development proposals and extensions to existing buildings to respect residential amenity.

The proposal involves the modification of the roof of the rear portion of the existing building, which adjoins 23 Burlington Place (Alban Court), projecting approximately 7.7 metres beyond the rear wall of that property. Alban Court is occupied by flats (one per floor) all of which have rear facing windows. It is not considered that the proposed works would adversely impact upon the occupants of these properties as the height of the roof would not be increased. The modest extension of the parapet wall required by the replacement of the pitched roof with a flat roof would not significantly alter the relationship of the building towards Alban Court, whilst the side extension would be screened entirely by the existing building. As such, it is not considered that the proposed modifications would bring about any undue increase in levels of overshadowing towards neighbouring properties or appear overly dominant or overbearing.

All new windows would face to the rear and, as such, would not allow for invasive views towards windows of flats at Alban Court and the associated amenity space. The windows would face towards the rear of 1-3 Howard Square, which is in hotel use. Whilst the windows would be, at some points, within approximately 15 metres of rear facing windows at 1-3 Howard Square, this sort of relationship is common within the surrounding area due to the density of buildings and, in any case, hotel uses are not afforded the same amenity protections as residential dwellings within planning policy. This position also applies to the relationship between the proposed three-storey side extension and the neighbouring building to the east, which is occupied by hotel rooms at the Albany Lions Hotel.

Design issues:

Policy UHT1 requires that new development harmonises with the appearance and character of the local environment, is appropriate in scale and form, and that it makes the most effective use of the site with the highest density appropriate to the locality.

The proposed works would not impact upon the attractive appearance of the existing building frontage as the main works are concentrated to the rear, where they would be almost entirely screened by the front of the building. The proposed modifications are considered to improve the appearance of the rear of the building as they would involve the removal of an existing unsightly crown roof, with more attractive features such as the parapet wall and chimney being retained, and the provision of full height bay windows that would complement the existing characteristics of the main building as well as the wider surrounding Conservation Area.

The proposed side extension would match that height of the extended building be of a similar flat roof design with parapet roof, thereby ensuring visual integration and preventing a cluttered appearance from arising to the rear of the site.

The proposed flats would utilise the existing access from Burlington Parade, ensuring the building continues to engage within the street scene and also benefits from an easily identifiable access point which enjoys good levels of natural surveillance from surrounding buildings as well as defensible space in the form of boundary walling and railings. The area adjacent to ground floor windows to the rear of the building are shown as amenity space. It is considered that a condition should be added to ensure that this space is defensible, particularly given that the adjacent yard is used as a parking and servicing area for the hotel.

Living conditions for future occupants:

All units would exceed the minimum standards for Gross Internal Area (GIA) set out in the Technical housing standards – nationally described space standard (2015), with single occupancy units providing over 39 m² GIA and 2 person units providing over 50 m² GIA.

All communal living space within each flat would be served by bay windows, providing a good level of natural light to these rooms. Other than Flat 3 (lower ground floor) and Flat 7 (ground floor) all bedrooms will be served by windows. The bedrooms at Flats 3 and 7 would be served by windows within a lightwell. Whilst the level of natural light may be reduced as a result of this, the main living space would have better access to natural light. The presence of lightwell windows would also ensure that the bedrooms are adequately ventilated.

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

Policy UHT15 requires development to preserve or enhance the character or appearance of the area.

The modest scale of the proposed development combined with its discrete positioning and amount of separation from nearby Listed Buildings will combine to ensure that it does not negatively impact upon their setting.

The design attributes of the development have been supported by the Council's Conservation Officer as well as the Conservation Area Advisory Group (CAAG), following minor revisions that were made to the frontage as per a request.

Impacts on trees:

No trees or any other landscaping would be affected by the proposed development.

Impacts on highway network or access:

The proposal is a car free development and, as such, no car parking spaces would be provided. Borough Plan Policy TR11 states that Planning applications for new development, changes of use and extensions to existing premises must comply with approved maximum car parking standards. The Policy then goes on to qualify that Permitted parking provision will reflect local public transport, cycle and pedestrian accessibility, and economic conditions and other local circumstances, including, environmental impact and traffic conditions, and availability of public parking elsewhere and take account of operational needs and local parking strategies.

Whilst no parking spaces are provided, it is noted that the development consists exclusively of one-bedroom units and that the tenure of small units such as this does not include a high demand for car parking spaces. Furthermore, it is considered that the parking demand generated for the existing use, if operating at its full potential, would be likely to be greater than that of the proposed scheme.

The site is recognised by the Core Strategy is being in a highly sustainable location with good levels of access to public transport, shops and other services, further reducing the need for future occupants to own a car.

The site is located in a Controlled Parking Area and, as such, on-street parking would not be possible in any case, although any future occupants that did have a car would have the opportunity to apply for a parking permit for on-street parking.

Cycle storage, along with bin storage, would be provided adjacent to the development, The provision of cycle storage would encourage the use of the bicycle as a means of transport. Bins would be accessible from the rear access road and, as such, the site could be serviced in a similar way to the existing arrangement for neighbouring properties on Burlington Place. The facilities are only indicatively shown on the accompanying plans and, as such, a condition would be attached to any approval to require further details to be provided confirming the capacity of the facilities and that they would be secure and covered.

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:

It is considered that the proposal represents sustainable development by making efficient use of an existing building without any unacceptable impact upon the viability and vitality of tourism in the town or upon visual and residential amenity.

Recommendation:

It is recommended that the application is approved, subject to the attached conditions.

Conditions:

1. 3 year time limit;
2. Approved Plans;
3. Flood resilience measures;
4. Drainage survey;
5. Materials
6. Details of defensible space;
7. Construction Hours;
8. Construction Method Statement;
9. Cycle Storage details;
10. Bin Storage details;
11. Local Labour Agreement;

Appeal:

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

Agenda Item 8

App.No: 180437	Decision Due Date: 25 June 2018	Ward: Langney
Officer: Anna Clare	Site visit date: 24 May 2018	Type: Planning Permission
Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 31 May 2018 Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Land off Biddenden Close, Biddenden Close, Eastbourne		
Proposal: Demolition of existing garages, and construction of 5no 2 bed 4 person houses; including associated parking, access, & landscaping		
Applicant: Eastbourne Homes Ltd		
Recommendation: Grant planning permission subject to conditions		

Executive Summary:

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport

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

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- HO8: Redevelopment of Garage Courts
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The site refers to an existing garage court of 24 garages, with existing access from Biddenden Road to the South. The whole site is hard surfacing with no landscaping or trees.

The site is surrounded on three sides by two storey single family dwellings. The surrounding dwellings are all of a similar height, character and appearance in terms of materials.

Opposite the site on Biddenden Road are blocks of flats four storey's in height and a nearer purpose built block of flats four storeys in height on the corner of Pembury and Faversham Road.

There is also a nearer development within Appledore Close to the north of the site which is of a modern design/character with rendered panels, black cladding and grey roofs in contrast to the older residential properties.

The site is not situated within a conservation area.

Relevant Planning History:

None specifically relevant to this application.

Proposed development:

The application proposes the demolition of the existing garages and erection of 5 two storey dwellings on the site.

The proposed layout is for three dwellings facing Biddenden Close, two to the western side of the existing access one to the eastern side; and a further two dwellings to the north of the site adjacent to No.12 Appledore Close. 5 off street parking spaces are proposed, 1 for each residential property.

Consultations:

Specialist Advisor (Planning Policy) No objections for the reasons outlined below:

The site is located in Langney Neighbourhood as defined by the Core Strategy (adopted 2013). The vision for Langney Neighbourhood is to make a significant contribution to the delivery of additional housing in a sustainable location. The vision will be promoted by providing new housing through the redevelopment of underutilised sites.

The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.

The site was assessed (ref:LA22) for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.

Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 178 dwellings in Langney Neighbourhood.

Policy D5 focusses on delivering housing within sustainable neighbourhoods. Old Town Neighbourhood is defined as a sustainable neighbourhood, it is ranked number one in section B2 of the Core Strategy.

Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the

NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of five dwellings.

HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes five car parking spaces.

Policy US4 of the Eastbourne Borough Plan states that 'All development should make adequate provision for floodplain protection and surface water drainage.' On site remediation through Sustainable Drainage Systems (SuDS) would be required to deal with surface water run-off and drainage into the Eastbourne Park Flood Storage area.

In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

CIL

The application is CIL liable, however as the dwellings are proposed to be Social Housing no payment will be liable.

Southern Water

Require a formal application for a connection to the public sewer to be made by the Applicant or Developer. Informative to this affect requested.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Southern Water seeks to ensure that appropriate means of surface water disposal are proposed for each development. It is important that

discharge to sewer occurs only where this is necessary and where adequate capacity existing to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The planning application form makes reference to drainage using sustainable urban drainage systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

Highways ESCC

No objections raised, refer to standing advice.

Neighbour Representations:

8 objections have been received and cover the following points:

- Impact on privacy of surrounding properties
 - Overlooking of rear gardens
 - Loss of light
 - Loss of the alley way
- Loss of garage spaces
- Impact on on-street parking
- Impact from the construction
- Lack of lighting to the development
- No specific plans of how surface water will be dealt with

Appraisal:

Principle of development:

The principle of the redevelopment of the garage court for residential development is acceptable in principle.

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.

The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important community facility.

Therefore the principle of the development is acceptable.

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

The three properties to the southern boundary of the site (Plots 1, 2 and 3) facing onto Biddenden Close will have limited impacts on the surrounding residential properties. These properties would form part of the existing street scene and whilst additional overlooking would occur to the neighbouring properties this is a normal form of overlooking of rear gardens of a terrace of dwellings in an urban area.

The two properties to the north of the site (Plots 4 and 5) adjacent to No.12 Appledore Close would have a normal overlooking impact on the properties to the rear of Faversham Close with a separation distance elevation to elevation of 20m.

These two properties are proposed with windows to the front elevation at first floor level fixed shut and obscurely glazed, these serve the master bedroom. A second window is proposed to each properties side elevation for outlook/natural light. The obscuring and fixing shut of these windows removes any overlooking that would otherwise occur to the rear elevation/garden of the adjacent property no.14 Appledore Close which would otherwise impact on the occupiers of this properties amenity given the dwelling is set back only 6m from the boundary. This can be controlled by condition.

The side elevation window to the north facing no.12 Appledore Close is proposed as a projecting bay with window facing east and west to remove any potential overlooking towards the adjacent properties front elevation.

Therefore the impacts on the existing surrounding residential properties is considered acceptable.

Impact of proposed development on amenity of future occupiers:

The proposed internal floor area of the dwellings is in excess of the recommended minimum (79m²) for a two storey, two bedroom house (approximately 81-82m²), as contained in the DCLG's Technical Housing Standards. All properties will also have access to a private rear amenity space.

Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'.

The properties by virtue of their size and layout within the site will provide good quality accommodation for future occupiers.

Therefore the proposal is in accordance with policy B2 of the Core Strategy and para 9 of the NPPF aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the choice of high quality homes.

Design issues:

The materials proposed are a yellow stock brick to the ground floor of the elevations off set with a grey fibre cement board fixed vertically at first floor level and to either gable end, with a grey artificial slate tiled roof.

The development is two storeys in height which is as per the pattern of the wider development of the area. The existing surrounding properties are red brick with brown tile roofs. The proposed design is considered acceptable and whilst in contrast to the existing properties will represent a modern addition to the street scene. There is evidence of such in the wider area with the large development of flats on Pembury Road, and the housing development on Appledore which is similar to that proposed under this application.

Given the location/context this design response is considered appropriate as are the materials.

Impacts on trees:

There are no trees on or adjacent the site to be impacted by the development. A small section of landscaping is proposed at the access to the site from Appledore close which will soften the appearance of the development/hardstanding.

Impacts on highway network or access:

The provision of five additional residential properties in this residential area would have limited impacts on the highway network in terms of increased car movements when considering the existing 24 garages on the site.

The development is proposed with one car parking space per dwelling. The ESCC Car Ownership Parking Demand Calculator advises a development of this nature would create a demand for 7 car parking spaces. The calculator takes into account Census data by ward and by housing tenure.

The ESCC Minor Planning Application Guidance for proposed development comprising of 5 dwellings or less 2017 states that car parking should generally be provided at 1 space per 2 bed dwelling. The proposed development will not allow for visitor parking which is proposed to be accommodated on street.

The applicant has submitted a document setting out the current occupancy of the garages. Of the 24 garages 3 are unoccupied, and 13 of those occupied are rented by residents in the immediately surrounding area; officers have assumed for the purpose of evaluating the impacts of the scheme that they house a vehicle that would otherwise need to be accommodated on street.

The garage court should not provide for indiscriminate car parking. The loss of parking available at the site would be limited to the garages themselves.

A parking/access statement has been submitted in support of the application. This states survey's carried out identified that the local road network could accommodate the displaced garage site users and additional development parking.

Objections have been received in relation to the impact on demand for on street parking.

The above guidance also recommends that parking spaces are increased in width to 3m (normally 2.5m) when adjacent to fences/walls to allow easier access. Where necessary a condition is recommended to ensure this space is delivered.

Cycle parking would be provided by means of a shed within each private rear garden.

Whilst it is accepted that the area is heavily parked, there is a large amount of on street parking provided in the area, with unallocated parking bays provided at the end of Biddenden Close and surrounding the blocks of flats.

On balance and considering the surveys submitted by the applicant it is considered that the displaced parking from the loss of the garages, and the additional parking created by the development above that provided on site can be accommodated on street in the wider area. Therefore it is not considered that in accordance with Paragraph 32 of the NPPF the development would result in severe impacts on the local highway network to justify the refusal of the application on this ground.

Human Rights Implications:

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

Conclusion:

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Recommendation: Grant planning permission subject to the following conditions;

Conditions:

1. Time for commencement
2. Approved drawings
3. Materials to be as stated on the approved drawings unless agreed otherwise
4. Car parking to be laid out as approved prior to first occupation
5. Removal of permitted development rights for outbuildings, extensions, alterations to roofs and no windows within the side elevations of the dwelling houses.
6. Windows in the front (east) elevation at first floor level of properties 4 and 5 shall be obscurely glazed and fixed shut unless over 1.7m above the floor of the floor.
7. Notwithstanding the approved drawings, the car parking space for plot 2 shall be increased in width to 3m.
8. Details of surface water disposal details
9. Prior to commencement details of finished floor levels shall be submitted.
10. Submission of evidence of completion of surface water details
11. Prior to demolition and/or construction submission of a construction management plan
12. Standard hours of working condition

Informatives:

Southern water informative

Appeal:

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

Agenda Item 9

App.No: 180439	Decision Due Date: 25 June 2018	Ward: Ratton
Officer: Anna Clare	Site visit date: 24 May 2018	Type: Planning Permission
Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 31 May 2018 Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Lanark Court/Lanark Close 1, Hamsey Close, Eastbourne		
Proposal: Demolition of existing garages, and construction of 4no 1 bed 2 persons flats; including associated parking, access, & landscaping		
Applicant: Eastbourne Homes Ltd		
Recommendation: Grant planning permission subject to conditions		

Executive Summary:

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport

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

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C4: Old Town Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- HO8: Redevelopment of Garage Courts
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The site refers to an existing garages court of 10 garages and a row of smaller storage units facing onto a drying area housing washing lines for the surrounding flats. The site is to the south of Hamsey Close, at the end of the Close.

The upper level of existing smaller storage units with drying space is to be retained and falls outside of the application site.

The site is sloped upwards to the south.

To the east of the site are the rear gardens of properties of Greenway and to the south Downs Avenue. The properties of Greenway are lower than the site.

Relevant Planning History:

None relevant to this application.

Proposed development:

The application proposes the demolition of the two rows of garages, 10 in total, and a row of the smaller storage units to provide 4 self contained 1 bedroom flats. Two flats are proposed to the ground floor, two to the first floor.

The proposal also includes the provision of 5 parking spaces, and a covered bicycle storage area.

Consultations:Specialist Advisor (Arboriculture)

The site is reasonably well contained within the urban environment sitting at the end of a residential cul-de-sac. There are a number of trees on site but the applicants have submitted a detailed tree survey, tree protection plan and method statement to preserve these trees during development operations. This includes specified pruning interventions and special root protection measures.

Specialist Advisor (Planning Policy) No objections for the reasons outlined below:

The site is located in Old Town Neighbourhood as defined by the Core Strategy (adopted 2013). The vision for Old Town Neighbourhood is to maintain its position as the most sustainable neighbourhood in town. It is considered that there will generally be little development due to the limited availability of sites. However some housing will be delivered through infill and redevelopment of commercial premises.

The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.

The site was assessed for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.

Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 101 dwellings in Old Town Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. Old Town Neighbourhood is defined as a sustainable neighbourhood, it is ranked number one in section B2 of the Core Strategy. Policy B1 states that priority will be given to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land. Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of four dwellings.

HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes five car parking spaces.

In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

CIL

The application is CIL liable, however as the dwellings are proposed to be Social Housing no payment will be liable.

Southern Water

Require a formal application for a connection to the public sewer to be made by the Applicant or Developer. Informative to this affect requested.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Southern Water seeks to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Highways ESCC

Standing advice for developments under 5 units.

Neighbour Representations:

11 Objections have been received and cover the following points:

- Loss of privacy to surrounding properties
- Loss of garages
- Impact on on-street parking demand
- Over development
- Loss of access to rear of properties of greenway
- Access is insufficient

Appraisal:Principle of development:

The principle of the redevelopment of the garage court for residential development is acceptable in principle.

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.

The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important community facility.

Therefore the principle of the development is acceptable.

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

The impacts on the existing residential properties will be limited. The properties to the east on Greenway are a sufficient distance and given the orientation it is not considered there would be significant impacts on loss of light or outlook. There are no windows proposed within the side elevation of the development to cause issues of overlooking towards Greenway.

The properties would be at a 90 degree angle with the existing flats with some additional overlooking. This would not be considered significant given this elevation is already overlooked from street level and as such this is considered acceptable given the context of the development.

Some objections have been received from the neighbouring properties of Greenway and Downs Avenue regarding access to their rear gardens. The existing access is retained as the proposed development is set away from their rear boundaries. However we would have no control over the retention of access, this is a civil issue for the Applicant and the developer in relation to the right of access.

Impact of proposed development on amenity of future occupiers:

The total proposed internal floorspace for four one-bedroom dwellings falls within the accepted minimum as recommended by the DCLG's Technical Housing Standards (50m²) for a one storey, one bedroom flat (approximately 51-53m²).

Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'.

A condition is recommended to control/limit the impacts of the development of nearby trees and vice versa. Notwithstanding this the properties are positioned to address Hamsey Close and as such have been designed to provide good light and outlook from the living area of the proposed units. Therefore any issues relating to the impacts from/upon the existing trees are not considered reasons to refuse permission.

The proposed units are considered to provide a good standard of accommodation for future occupiers in accordance with policy B2 of the Core Strategy and the NPPF of which (para 9) aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the choice of high quality homes. Policy D1 considers sustainable development and the proposal is demonstrating efficient use of land and infrastructure, in line with policy.

Design issues:

The materials proposed are a yellow stock brick to the ground floor of the elevations off set with a grey fibre cement board fixed vertically at first floor level and to either gable end, with a grey artificial slate tiled roof.

The development is two storeys in height therefore lower than the adjacent purpose built blocks of flats.

The existing area is a mix of two storey single family dwellings which are predominantly red brick with tiled roofs, and blocks of purpose built flats. The blocks within Hamsey Close are all matching with a lighter brickwork and part white cladding all with flat roofs.

The proposal is a more modern design on the purpose built flat block and will contrast with the other development, whilst being in keeping with the proposal at the other end of Hamsey Close. This development will appear as a more modern addition to the street scene. Given the location/context this design response is considered appropriate as are the materials.

Impacts on highway network or access:

The area is densely populated with a number of blocks of purpose built flats in Hamsey Close. This results in a large number of vehicles vying for on street parking spaces which are limited. This also results in anti-social and indiscriminate parking on corners and grass verges resulting in further issues. A number of objections have been received on these points.

Given the close proximity of this and the proposed development of another garage court in Hamsey Close (reported elsewhere on this agenda) is considered prudent to consider the highways implications of the applications together and in isolation.

The applicant has provided a list of occupancy which states that of the 20 garages across both sites in total, 5 are unoccupied, and of the 15 occupied 6 are rented by residents in the immediately surrounding area, where it could be assumed that the garage is used to park a car that would otherwise need to be accommodated on street.

The ESCC Parking Demand Calculator anticipates that the proposed developments would result in the following parking demands. The calculator takes into account Census data by ward and by housing tenure.

180440 – 3 x 1bed flats, 1 x 2bed flat 1.7 spaces if affordable and 4.3 spaces if private.

180439 – 4 x 1bed flats - creates a demand of 1.7 spaces if affordable and 4.3 spaces if private. The application is proposing 7 off street parking spaces, in excess of the demand created by the development itself

In total 3.4 parking spaces when considering as affordable, 8.6 when considering as private housing. The application is proposing 5 additional on street spaces, in excess of the demand created by the development itself.

The total number of spaces provided, 12, is therefore considered to meet the demands created by the two developments, in isolation and when considered

collectively. It is also considered that the 12 spaces could accommodate the majority of the displacement from the existing garages providing the spaces remain available for general use

It would not be considered that the development of the 8 flats in total would create additional traffic generation on the highway network when compared with the existing 20 garages to warrant a refusal of the application on the grounds of additional vehicle movements.

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 has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Recommendation: Grant planning permission subject to conditions

Conditions:

1. Time for commencement
2. Approved drawings
3. Materials to be as specified unless agreed otherwise
4. The internal layout of the flats shall be as approved unless agreed otherwise in writing by the Local Planning Authority.
5. Tree protection condition
6. Details of Landscaping condition

7. Cycle storage to be provided prior to first occupation and retained as such thereafter
8. Car parking to be laid out as approved prior to first occupation
9. Car parking to be unallocated.
10. Details to be provided to prevent the discharge of surface water onto the highway
11. Refuse storage area to be provided to first occupation and retained as such thereafter
12. Details of surface water disposal.
13. Submission of evidence of surface water details
14. Prior to demolition and/or construction submission of a construction management plan
15. Standard hours of working condition

Informatives:

Southern water informative

Appeal:

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

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Agenda Item 10

App.No: 180440	Decision Due Date: 25 June 2018	Ward: Ratton
Officer: Anna Clare	Site visit date: 24 May 2018	Type: Planning Permission
Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 31 May 2018 Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Lanark Close 2/Lanark Court, Hamsey Close, Eastbourne		
Proposal: Demolition of existing garages, and construction of 3no 1 bed 2 persons flats and 1no 2 bed 4 persons maisonette; including associated parking, access, & landscaping		
Applicant: Eastbourne Homes Ltd		
Recommendation: Grant planning permission subject to conditions		

Executive Summary:

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C4: Old Town Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- HO8: Redevelopment of Garage Courts
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The site refers to an existing garage court of 10 garages situated at the northern end of Hamsey Close. The garage court has a single dropped curb for access from the highway.

The surrounding area is a mix of residential properties consisting of flats and dwellings of a similar size/character and facing materials.

Relevant Planning History:

No relevant.

Proposed development:

The application proposes the demolition of the existing garages and the erection of a purpose built block of 4 self contained dwellings, three one bedroom flats and one two bedroom maisonette.

The proposal is for a part two; part three storey 'L' shaped building to the northern part of the site. 7 off street parking spaces are proposed to the front of the building with access from Hamsey Close.

Consultations:

Specialist Advisor (Arboriculture)

The site backs onto a large open space and golf course. The group of trees between the two helps separate the built up area from the open space and they provide visual relief in an otherwise dense urban environment. The majority of the group of trees are considered to both merit and quality for inclusion within a TPO. It is considered that the loss of the trees would have a significant adverse visual impact on the character of the area.

The applicants have submitted a detailed tree survey tree protection plan and method statement to try and preserve these important trees during development operations.

Conditions are requested to ensure compliance with the Arboricultural Method Statements and landscaping to the site.

Specialist Advisor (Planning Policy)

The site is located in Old Town Neighbourhood as defined by the Core Strategy (adopted 2013). The vision for Old Town Neighbourhood is to maintain its position as the most sustainable neighbourhood in town. It is considered that there will generally be little development due to the limited availability of sites. However some housing will be delivered through infill and redevelopment of commercial premises.

The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.

The site was assessed for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.

Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 101 dwellings in Old Town Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. Old Town Neighbourhood is defined as a sustainable neighbourhood, it is ranked number one in section B2 of the Core Strategy. Policy B1 states that priority will be given to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on

brownfield land. Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development.

As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of four dwellings.

HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes five car parking spaces.

In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

CIL:

The application is CIL liable, however as the dwellings are proposed to be Social Housing no payment will be liable.

Southern Water

Require a formal application for a connection to the public sewer to be made by the Applicant or Developer. Informative to this affect requested.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Southern Water seeks to ensure that appropriate means of surface water disposal are proposed for each development. It is important that

discharge to sewer occurs only where this is necessary and where adequate capacity existing to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The planning application form makes reference to drainage using sustainable urban drainage systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

SUDS

Neighbour Representations:

11 Objections have been received and cover the following points:

- Impacts on parking
- Loss of the garages
- Loss of on street parking spaces
- The parking spaces should be for existing residents, or unallocated for all to park in
- No loss of amenity space should occur
- Suitability of the road to increased traffic
- Height of the building in comparison with the existing
- Road is narrow for construction vehicles
- Overcrowding of Hamsey Close
- Loss of light to surrounding properties

Appraisal:

Principle of development:

The principle of the redevelopment of the garage court for residential development is acceptable in principle.

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.

The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important community facility.

Therefore the principle of the development is acceptable.

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

The site is situated western side of Hamsey Close, situated to the east are the properties of Greenway. These properties have small rear gardens and are on significantly lower ground level, the first floor of the properties is more or less pavement level of Hamsey Close. The rear elevation and gardens are overlooked from Hamsey Close given the low level boundary treatments and as such are afforded little privacy at present.

Therefore the positioning of the proposed development is not considered to significantly increase overlooking or have privacy impacts on these opposite properties to warrant the refusal of the application on this ground. The development will also have limited impacts in terms of loss of light given the orientation to the north-west and separation distance of some 17m elevation to elevation. Also given this separation distance it is not considered the development would be overbearing on or cause of a loss of outlook to these properties.

The development will have limited impacts on no.1-4 Hamsey Close to the north. There will be some limited loss of light and overshadowing to the rear garden given the orientation however it is not considered this would be significant to warrant a refusal of the application on this ground.

Impact of proposed development on amenity of future occupiers:

The total proposed floorspace for three one-bedroom dwellings fall within the accepted minimum as recommended by the DCLG's Technical Housing Standards (50m²) for a one storey, one bedroom flat (approximately 51-52m²). Additionally the total proposed floorspace for the two-bedroom dwelling falls within the accepted minimum (79m²) for a two storey, two-bedroom dwelling (approximately 85m²).

Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'. In designing the proposed floor layout the proximity of the tree screen to the rear was acknowledged resulting in the principle habitable rooms sited with the front facing aspect and only secondary windows to the rear. Therefore the limited outlook is not considered a major concern. Therefore the concerns raised are not considered reasons to refuse permission.

Overall the proposed units are considered to provide a good standard of accommodation for future occupiers in accordance with policy B2 of the Core Strategy. The NPPF (para 9) aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the choice of high quality homes.

Design issues:

The materials proposed are a yellow stock brick to the elevations off set with a grey fibre cement board fixed vertically with a grey artificial slate tiled roof.

The building is proposed in two blocks, with a central linking stair core. The roofs of each element of the proposal are different to provide some character.

The existing area is a mix of two storey single family dwellings which are predominantly red brick with tiled roofs, and blocks of purpose built flats. The blocks within Hamsey Close are all matching with lighter brickwork and part white cladding all with flat roofs.

The proposal is a more modern design on the purpose built flat block and will contrast with the other development, appearing as a more modern addition to the street scene. Given the location/context this design response is considered appropriate as are the materials.

Impacts on highway network or access:

The area is densely populated with a number of blocks of purpose built flats in Hamsey Close. This results in a large number of vehicles vying for on street parking spaces which are limited. This also results in anti-social and indiscriminate parking on corners and grass verges resulting in further issues. A number of objections have been received on these points.

Given the close proximity of this and the proposed development of another garage court in Hamsey Close (reported elsewhere on this agenda) is considered prudent to consider the highways implications of the applications together and in isolation.

The applicant has provided a list of occupancy which states that of the 20 garages across both sites in total, 5 are unoccupied, and of the 15 occupied 6 are rented by residents in the immediately surrounding area, where it could be assumed that the garage is used to park a car that would otherwise need to be accommodated on street.

The ESCC Parking Demand Calculator anticipates that the proposed developments would result in the following parking demands. The calculator takes into account Census data by ward and by housing tenure.

180440 – 3 x 1bed flats, 1 x 2bed flat 1.7 spaces if affordable and 4.3 spaces if private.

180439 – 4 x 1bed flats - creates a demand of 1.7 spaces if affordable and 4.3 spaces if private. The application is proposing 7 off street parking spaces, in excess of the demand created by the development itself

In total 3.4 parking spaces when considering as affordable, 8.6 when considering as private housing. The application is proposing 5 additional on street spaces, in excess of the demand created by the development itself.

The total number of spaces provided, 12, is therefore considered to meet the demands created by the two developments, in isolation and when considered collectively. It is also considered that the 12 spaces could accommodate the majority of the displacement from the existing garages providing the spaces remain available for general use

It would not be considered that the development of the 8 flats in total would create additional traffic generation on the highway network when compared with the existing 20 garages to warrant a refusal of the application on the grounds of additional vehicle movements

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 has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and

impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

Recommendation: Grant planning permission subject to conditions

Conditions:

1. Time for commencement
2. Approved drawings
3. Materials to be as specified unless agreed otherwise
4. The internal layout of the flats shall be as approved unless agreed otherwise in writing by the Local Planning Authority.
5. Tree protection condition
6. Details of Landscaping condition
7. Submission of details of cycle storage, to be provided prior to first occupation and retained as such thereafter
8. Car parking to be laid out as approved prior to first occupation
9. Car parking to be unallocated.
10. Details to be provided to prevent the discharge of surface water onto the highway
11. Refuse storage area to be laid out prior to first occupation and retained as such thereafter
12. Details of surface water disposal
13. Submission of evidence of surface water disposal
14. Prior to demolition and/or construction submission of a construction management plan
15. Standard hours of working condition

Informatives:

Southern water informative

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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App.No: 180461	Decision Due Date: 29 June 2018	Ward: Devonshire
Officer: Anna Clare	Site visit date: 08 June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 31 May 2018		
Neighbour Con Expiry: 31 May 2018		
Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Land opposite Eastbourne Skate Park, Seafront, Eastbourne		
Proposal: Installation of a temporary metal storage container for use as storage for jet skis and ancillary equipment for a Jet Ski Hire service.		
Applicant: Mr Rupert Ashford		
Recommendation: Grant Temporary Planning Permission		

Executive Summary:

For the reasons set out in this report the development of the site is in principle is inappropriate given the location outside of the Developed Coast Zone and there are other areas within the Developed Zone which could accommodate the use but do not appear to have been considered.

The visual appearance of the proposed shipping container even when considered a temporary structure would be detrimental to the appearance of the area and would create an unattractive environment and is therefore contrary to policy.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

- B1 (Spatial Development Strategy and Distribution)
- B2 (Creating Sustainable Neighbourhoods)

C3 (Seaside Neighbourhood Policy)
D10a (Design)

Eastbourne Borough Plan Saved Policies 2007

NE16 (Development within 250m of former landfill site)

NE20 (Sites of Nature Conservation Importance)

NE27 (Developed/Partly Developed Coast)

NE28 (Environmental Amenity)

T09 (Commercial Uses of Seafront)

UHT1 (Design of new development)

UHT4 (Visual Amenity)

Site Description:

The site refers to an existing concrete plinth on the seafront to the south of the existing Sovereign Centre Skate Park site.

The site is situated on the seafront shingle. The only authorised access to the site would be on foot along the pedestrian promenade.

The nearest residential properties to the site is Monarch House which is situated to the west.

Relevant Planning History:

No record of planning history for the site. The applicant states there was a previous application for a kiosk on this plinth but no record of this can be found.

Proposed development:

The applicant proposes to install a storage container on the existing concrete plinth 12m in length, 2.9m in height, and 2.5m wide to be painted a pale sea blue colour.

A business plan has been submitted with the application which outlines the idea behind the proposal.

The storage unit would be used to house 4 jet skis of which 3 are for hire on a Safari Basis, therefore customers would only be allowed to go out with an instructor guide. A winch would be provided for the jet skis to access the water. The applicant wishes to operate the business between the hours of 10am and 6pm on any day but would be limited to the summer season generally May to September.

The applicant states that the longer term idea would be to create a permanent building to house a jet ski 'club' with amenities and where members who currently use their own jet skis off Eastbourne would be encouraged to meet and

launch from this one beach. The idea being that this would be more control over the use of jet skis.

The applicant stipulates though that this is only when the permanent 'club' is operational this proposal is for the temporary storage unit for the hire business only.

Consultations:

EBC Estates Team

We have no objections in principle to the proposed location of a hut on an existing empty concrete base as proposed to us.

I do have some health and safety concerns about the proposal in terms of separation of bathers, swimmers and other users of the beach and sea whilst jet skis are in the water and/or being transported to and from the water. We have already had issues raised further down the beach at Fisherman's Green about these issues with existing boats coming back and forth. Although we could agree with the proposer where they could jet ski, we can't monitor all the comings and goings in the sea and on the beach.

That said, I do think that jet skis would be a good tourism draw - I just don't feel that the existing shore line is set up for much more additional sea activity until further thoughts are given to development of the eastern beach and properly designating non-bathing areas.

Specialist Advisor (Planning Policy)

This application proposes to install a temporary metal storage container on the beach front, for use of storing jet skis and ancillary equipment for a Jet Ski Hire service. It also proposes to install an electric winch. The site is located in the 'Seaside Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C3 of the Core Strategy explains that the vision for the 'Seaside Neighbourhood' is; "*Seaside will experience reduced levels of deprivation and enhance its level of sustainability, whilst reversing the decline in commercial and business activity, playing an important role in the delivery of housing, expanding its contribution to tourism and conserving its historic areas*". This will be promoted by a number of things including improving the quality of the public realm.

The Borough Plan identified three coastline zones; undeveloped coast, developed coast and part developed coast. It states that in order to reconcile development requirements with other considerations it is appropriate to resist development outside the developed coast zone. This site location sits within the 'part developed coastline'.

Saved Policy NE27 of the Borough Plan (Developed/Partly Developed Coast) states that development will not be permitted in 'part developed coastline' unless there are overriding factors which overcome countryside, landscape and nature conservation policies in these areas. It is considered that if the proposal was granted, it would have a detrimental impact on the environmental factors outlined in Policy NE28 (Environmental Amenity), in this area. Therefore, this application does not comply with policy and is recommended for refusal.

CIL

Given the proposed use for storage and the size of the unit the proposal would not be liable for a CIL contribution.

Neighbour Representations:

8 Objections have been received, including 6 from residents of Monarch House, and cover the following points:

- Increased noise pollution, noise travels long distances unimpeded across water
- This is a quiet, informal area
- Smell impacts from fumes
- Impact on environment
- Impact on the vegetative shingle
- Danger to the public/swimmers
- The harbour has existing berthing for jet skies
- This would be another blot on the seafront
- Increased parking of vehicles
- Impact of cars on the promenade to reach the site
- Evening use is excessive
- Even on 'safari' the instructors have little control.
- The appearance of the shipping container
- Impact on wildlife
- Over commercialisation of previously unspoilt beach

One comment in support of the application has been received stating the following:

The town needs this to revitalize it and bring something exciting to this end of the seafront, more activities are needed along the seafront including places to eat and drink

Appraisal:

Principle of development:

Saved policy NE27 of the Borough Plan 2007 states that proposals for development which require a coastal location will be directed towards the Developed Coast Zone. Proposals for development within the Partly Developed Coast Zone will not be permitted unless there are overriding factors which

overcome countryside, landscape and nature conservation policies in these areas, although some minor developments ancillary to recreational uses may be permitted.

The site is situated within the designated Partly Developed Coast Zone. The Developed Coast Zone runs up to Fort Fun; with the Partially Developed Coast Zone running between Fort Fun and Langney Point. It is accepted there are other small buildings along the seafront in close proximity to this site which have been in situ for some time, however I can find no consent having been granted for these.

In addition it is acknowledged that given the nature of the use other locations within the developed seafront zone may have an impact upon other beach users/bathers.

It is acknowledged that there may well be development potential on the Sovereign Centre Sports Centre/car park site and until such time that this potential has been explored it is considered that the use of this site for a permanent basis may be premature and may have adverse impacts.

A temporary use/development could be acceptable whilst the plan for the re-development of the Sovereign centre is finalised subject to all other concerns being overcome.

It is acknowledged that there remains a desire to support initiatives that help foster the wider tourist economy and the proposed location/use would encourage footfall within this part of the seafront which in turn may help to sustain other business in the locality.

Principle of the use is considered appropriate on a temporary basis.

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

The nearest residential properties to the site are those of Monarch House a purpose built block of flats. Objections have been received from residents of Monarch House on the impacts on their amenity from the proposals.

Whilst the structure itself will have limited impacts on surrounding residential properties the use will have additional noise impacts and impacts from the increased activity. The skate park was removed over a year ago but is planned to be replaced. Fort Fun is also situated in close proximity to Monarch House but generally this is a quiet and peaceful area of the beachfront.

It is considered that the general proposed use will be detrimental to occupiers of Monarch House from increased activity and noise impacts from the Jet Skis themselves.

Core Strategy Policy B2 states that proposed development will be required to protect the residential and environmental amenity of existing and future residents. One of the Core Principles of the NPPF 2012 is to always seek a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In this regard a temporary use would allow for the business to be tested and the full impacts of the scheme in terms of visual impacts to be assessed.

Whilst access is restricted on the promenade there is actually no barrier stopping vehicular access. Whilst it is appreciated that the current application is for the storage of the 4 jet skis this will likely encourage other users to use this beach area for the same purpose, the location is totally inappropriate in terms of access and will result in unauthorised access by vehicles on the promenade to the detriment of pedestrians and cyclists. This issue/activity can be controlled by condition.

Design issues:

Whilst there are a number of small units dotted along the seafront including metal and brick structures, the location of the proposed shipping contained in considered less than satisfactory. The visual appearance of such, even painted will have an impact upon the short and long range views.

Saved policy UHT1 new development should harmonise with the appearance and character of the local environment respecting the local distinctiveness, and shall be appropriate in scale, form and materials.

Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Core Strategy Policy B2 states that development will be required to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy D10a states that development will be expected to make a positive contribution to the overall appearance of the area.

It is considered that a suite of conditions including a temporary consent would help to mitigate these impacts

Impacts on highway network or access:

The applicant states users will be encouraged to park on street, no surveys have been carried out to suggest that the on street parking could accommodate the proposed use. The site is fairly inaccessible and without excessive signage, which would be inappropriate, it is likely that users who were not local would struggle to find the site. However it is not considered that based on the proposed use, storage of 4 jet skis, so 3 additional uses at any one time would actually

cause a severe impact on the highway network to warrant a refusal of the application.

No information has been submitted in relation to how the container would be delivered; other than it would be craned into position has been submitted. The access is limited and a large vehicle may struggle to access the site and would likely cause significant disruption to beach users albeit for a limited period.

Other matters:

Advertisement consent would be required for the display of advertisements (other than those temporary placed such as A boards) at the site. No details of advertisements have been provided and therefore these are not considered under this application. The display of temporary banners or other advertisements would like be considered detrimental to the visual amenity of the area given this is not a commercial area, and unlikely to be considered acceptable.

The site is situated within a Site of Natural Conservation Importance. However given the proposal is to place a storage unit on an existing concrete plinth for a temporary period for a limited use, it has not been considered necessary to request a fully Ecology Impact Assessment. If an application for a permanent build was proposed and the use intensified there would be concerns regarding the impact on the environment.

The applicant has submitted a statement in support of their application stating that the Jet Ski's they propose to use are the 'lightest, most compact and fuel efficient in the industry'. Therefore pollution is not a reason to refuse the application. The planning system would have no control over the use of jet skis in the water generally and therefore it is considered unreasonable that we would refuse permission for a storage unit on the basis of pollution caused.

The applicant also submits that they have carried out their own noise assessment which shows the noise generation is negligible. This cannot be considered as part of the application given it is not carried out by a professional or with any details such as the time of day, background noise levels etc.

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:

For the reasons set out in this report the development of the site is in proposed within are area of the seafront outside of the Developed Coast Zone. The site has limited access and given no buildings on site at the moment will have visual

impacts upon the long and short range views of the site, it is considered that a temporary permission would allow for further consideration/evaluation of the issues after the business viability has been tested.

Recommendation: Grant temporary planning permission for the following reasons:

1. Commence within 12 month and removed within the 12months of first being brought to the site
2. No amplified music
3. Open 10:00 -20:00
4. No more than 4 jet skis at any one time
5. Shall only be used for the storage of jet skis connected with the business applied for and for no other storage purpose.
6. No retail from the site
7. Proposed colour as specified on the proposed drawings
8. No external lighting
9. No awnings external paraphernalia including decking, BBQ's

Appeal:

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



Appeal Decision

Site visit made on 15 May 2018

by Nicola Davies BA DipTP MRTPI

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

Decision date: Monday, 04 June 2018

Appeal Ref: APP/T1410/W/17/3191171

90, 91, 92 & 93 Dominica Court, Eastbourne BN23 5TR

- 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 Paul Vine against the decision of Eastbourne Borough Council.
 - The application Ref PC/170970, dated 28 July 2017, was refused by notice dated 25 September 2017.
 - The development proposed is removal of Juliet screens and installation of balconies at first floor level to 90, 91, 92 and 93 Dominica Court.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address provided on the planning application form has been replaced by a fuller version in subsequent documents. I consider this to be usefully more accurate and have thus employed it here.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) The character and appearance of Dominica Court; and
 - (b) The living conditions of adjoining occupiers.

Reasons

Character and appearance

4. Dominica Court is a residential development that surrounds a central courtyard. Dominica Court by design has taller corner blocks with lower links between. There are three different design styles integrated within the elevations that face the courtyard. These include elements of render and brick. At ground floor the elevations host garages and entrance doors to which some change has taken place. Above, the elevations comprise windows and openings with Juliet screens. There is uniformity to the rhythm of the windows and Juliet screens. The pattern of openings and Juliet screens gives the elevations facing the courtyard, including that of the corner tower features, a cohesive unified appearance. This is a distinctive element of Dominica Court's character and appearance and formed a key part of its original design.

5. The proposal is to install a balcony to the front of four of the six first floor units at the eastern side of the courtyard. This would project forward of the building and would be supported by stilts. The balcony would disrupt the existing uniformity of the elevations and the rhythm of the openings and Juliet screens. Consequently, it would be a visually discordant feature that would harm the established character and appearance of the courtyard elevations of this development. The elevated balcony would be clearly visible in views from the courtyard and to residential occupiers of Dominica Court. The visual harm would, therefore, be apparent to all those residing and visiting Dominica Court and would not be justified by any changes that have taken place to the elevations at ground floor.
6. I accept that there are many differing design styles across the South Harbour developments and that other balconies in the wider area may be of similar size and design to that proposed here. I have been directed to other examples at Barbuda Quay and Bermuda Place where frontage balconies have been created. However, in those cases they did not involve balconies fronting onto a courtyard, which is the case here. The proposal can and should be considered on its own merits.
7. The balconies would create carports underneath. This would offer some protection to cars parked below in relation to seagull related problems. However, this benefit of the scheme would not overcome the harm that I have identified above or justify the proposed development.
8. For the above reasons, the proposed development would have a harmful effect upon the character and appearance of Dominica Court. The proposal would therefore conflict with Policy D10a of the Eastbourne Core Strategy Local Plan 2013 and Policy UHT1 of the Eastbourne Borough Plan 2007 that seek, amongst other matters, new development to make a positive contribution to the appearance of the townscape and to harmonise with the appearance and character of the local environment respecting local distinctiveness.

Living conditions of adjoining occupiers

9. The proposed balcony would create extended outdoor living space for the occupiers of 90, 91, 92 and 93 Dominica Court. The balcony at No 90 would be positioned in close proximity to the Juliet openings within the first floor of the north easterly tower. Although the end of the proposed balcony would be tapered, the close relationship of the balcony would enable those using it to observe the internal private living space of neighbouring residential property within the tower. This would diminish the occupier's privacy and would be harmful to the living conditions of existing occupiers.
10. Whilst there is a degree of ambient noise generated by residents and visitors using the internal courtyard, the creation of elevated dedicated outdoor living space appended to the side of the building would create a new noise source. This living space would be extremely close to the windows of adjoining residential properties. Occupiers using the balconies would have a notable noise impact on neighbouring occupiers. This would be particularly so during clement weather when the adjoining occupiers are more likely to have windows open. I consider this would be harmful to the enjoyment of the adjoining occupiers' living environments. The tapered design of the end of the balconies would not reduce this impact.

11. I note that balconies are a common feature within the wider developments at South Harbour and that some may, to some degree, allow observation toward neighbouring residential properties. However, whilst this may be the case this does not justify the harm that I have identified in this particular case.
12. For the above reasons, the proposed development would have a harmful effect upon the living conditions of adjoining occupiers. The proposal would therefore conflict with Policies HO20, UHT1 and UHT4 of the Eastbourne Borough Plan 2007 that seek, amongst other matters, to respect residential amenity.

Conclusion

13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR

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