

Planning Committee

28 August 2018



Time and venue:

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

Membership:

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

Quorum: 2

Published: Monday, 20 August 2018

Agenda

- 1 Minutes of the meeting held on 24 July 2018. (Pages 1 - 12)**
- 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.
- 6 254 Victoria Drive. Application ID: 180582. (Pages 13 - 18)**
- 7 Land off Brede Close, Brede Close. Application ID: 180438. (Pages 19 - 34)**
- 8 Greencoat House, 32 St Leonards Road. Application ID: 180556. (Pages 35 - 46)**
- 9 Victoria Drive Bowling Club, The Drive, 153 Victoria Drive. Application ID: 180450. (Pages 47 - 66)**
- 10 Victoria Drive Bowling Club, The Drive, 153 Victoria Drive (Parking). Application ID: 180454. (Pages 67 - 72)**

- 11 **Wish Tower Cafe, King Edwards Parade. Application ID: 180642.** (Pages 73 - 96)
- 12 **South Downs National Park Authority Planning Applications.**

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.

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

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.

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

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Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 24 July 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Margaret Robinson, Barry Taylor and Penny di Cara (Reserve) (as substitute for Colin Murdoch)

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
Anna Clare, Specialist Advisor for Planning
Joanne Stone, Lawyer

Also in attendance:

Katie Maxwell, Committee Officer

22 Minutes of the meeting held on 26 June 2018.

The minutes of the meeting held on 26 June 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

23 Apologies for absence.

An apology for absence was reported from Councillor Murdoch.

24 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 Taylor declared an interest in minute 25 land off Brede close and minute 28 Land adjacent to 38 Timberley Road, as he had raised concerns at a previous Council meeting regarding Council policy for loss of parking for residents as a result of the redevelopment of Council owned garages. He felt that this had predetermined his decision of future applications of this nature. Councillor Taylor withdrew from the room whilst the applications were considered and did not vote thereon.

25 Land off Brede Close. Application ID: 180438.

Demolition of existing garages, and construction of 6no new dwellings, 1no. 1 bed 2 persons, 5no. of 2 bed 4 person houses; including associated parking, access, & landscaping. Amended plans submitted to provide improved access to proposed garages by moving the proposed development 1.4m further into the site – **DEVONSHIRE**.

The Chair advised the committee that there had been some confusion regarding letters of notification to speak at committee for the residents of Brede Close. He proposed that this application be deferred to afford the residents the opportunity to address the committee on this application at a future meeting.

RESOLVED: (Unanimous) That the application be deferred to afford the residents the opportunity to address the committee on this application at a future meeting.

26 Hampden Retail Park, Marshall Road. Application ID: 180423.

Erection of three new retail units comprising; one attached Use Class A1 unit and two detached A1/A3 units (including a drive-thru); external refurbishment of the existing retail units; reconfiguration of the existing car park and access, and associated works – **HAMPDEN PARK**.

The committee was advised by way of an addendum report that a supplementary highway report had been provided looking at a number of issues including trip generation. In response to this additional documentation County Highways supported the proposal subject to conditions.

RESOLVED (A): (Unanimous) That subject to a S106. legal agreement covering:

- a. Local Employment Issues
- b. Highway Issues;
- c. The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement.
- d. Provision of signage from the site to the Station and bus stops
- e. Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00.
- f. Highway improvement works;
- g. Widening the Marshall Road two-lane approach; and
- h. Widening the entry width of the Lottbridge Drove (North) arm.
- i. Travel Plan surveys and monitoring reports should be secured through an s106 agreement.

Then planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.

2. The development hereby permitted shall be carried out in accordance with the approved drawings;

- 4158-155 Tree Plan
- 4158-301 Rev P Proposed Site Plan
- 4158-306 proposed Elevations
- 4158-307 Unit 6 Proposed Elevations
- 4158-308 Shopfront Details
- G22765 0101 Rev P1 Proposed Drainage Layout

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of that part of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures details within the FRA:

a. All occupants will sign up to the Flood Warning Service, as stated in FRA sections 6.1 and 7.

b. A flood preparation and evacuation plan is drawn up, as recommended in FRA Sections 6.2 and 7, for identification and provision of a safe route into and out of the site to an appropriate safe haven.

c. Flood resilience and resistance measures are incorporated into the design, as advised in Section 6.3 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

5. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

a. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

b. location, type and materials to be used for hard landscaping including specifications, where applicable for:

- i. permeable paving
- ii. tree pit design
- iii. underground modular systems
- iv. Sustainable urban drainage integration
- v. use within tree Root Protection Areas (RPAs);

c. a schedule detailing sizes and numbers/densities of all proposed trees/plants;

d. specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

e. types and dimensions of all boundary treatments

6. All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s)

severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

7. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

8. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicle.

9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

10. Development shall not commence until a Construction Traffic Management Plan has been submitted and agreed, and the approved Plan shall be implemented and adhered to in full throughout the entire construction period, the Construction Traffic Management Plan must include but not be limited to, tracking of construction vehicles for each phase of development (if phased), details of hoardings/welfare areas, and pedestrian re-routing required during construction.

11. The vehicle electric charging point shown on approved drawing 4158 301 Rev P shall be installed and made available for use prior to the first occupation of the new units and thereafter shall be retained in perpetuity.

12. No part of the new buildings shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing (Ref: 4158-301-M).

13. No part of the new buildings shall be occupied until such time as the existing vehicular access onto Marshall Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

14. No part of the new buildings shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

15. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

16. No part of the new buildings shall be first occupied until visibility splays of 2.4metres by 43 metres have been provided at the proposed site vehicular access onto Marshall Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

17. No part of the new buildings shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

18. The external works to the existing buildings shall only be undertaken in one building operation.

Informative:

1. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property.

2. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>

RESOLVED (B) (Unanimous): That should there be a delay in processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.

27 Hampden Retail Park Advertisement, Marshall Road. Application ID: 180480.

One internally illuminated totem sign – **HAMPDEN PARK**.

RESOLVED: (Unanimous) That permission be granted subject to a s.106 legal agreement covering Highways and Local Labour provisions and the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to:

a. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

b. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or;

c. Hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. The development hereby permitted shall be carried out in accordance with the approved drawings 4158-151E.

28 Land adjacent to 38 Timberley Road, Timberley Road. Application: 180441.

Demolition of existing garages, and construction of 4no 2 bed 4 person houses; including associated parking, access, & landscaping - **RATTON.**

The committee was advised by way of an addendum report that an additional objection had been received covering the following points:

- Access onto Timberley Road was difficult with cars parked on the road
- Restriction of views from properties boundaries onto Timberley Road
- Loss of privacy to back gardens
- Overlooking
- Access was required to back garden
- Damage from construction vehicles
- Damage to underground drainage

Mrs Browne addressed the committee in objection stating her concerns regarding highways safety, parking, refuse collection and loss of privacy.

Councillor Belsey, Ward Councillor, addressed the committee in objection stating that the proposal was an overdevelopment and that the scheme would exacerbate parking issues for the surrounding residents.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings;
17-076 0007 P04
17-076 0008 P03
3. The external finishes of the development hereby permitted shall be as stated on the approved drawings unless agreed otherwise in writing by the Local Planning Authority.

-
4. Prior to the commencement of development details of the finished floor level of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling houses, and no outbuildings shall be erected within the curtilage of the dwellings other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
 6. Prior to the commencement of the development details of foul and surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority.
 7. Of the 9 parking spaces hereby approved a maximum of one parking space per dwelling shall be allocated, the rest shall remain unallocated for additional vehicles/visitors.
 8. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.
 9. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 17-076 0007 P04 Proposed Site Plan
 10. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
 11. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
 12. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
 13. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- details of site welfare structures

14. Notwithstanding the details shown on the plans hereby approved all dwellings shall be fitted with a 'sprinkler system' prior to the first occupation and this facility shall remain maintained and functional for the life of the development.

29 Meads Hollow, 15 Upper Carlisle Road. Application ID: 180362.

Proposed Erection of a detached 5 bedroom dwelling with a detached double garage – **MEADS**.

The committee felt that the tree screening would not be sufficient to protect the privacy of the neighbouring property from the windows serving the stairwell within the western elevation of the proposed dwelling and requested the inclusion of obscure glass by way of condition.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
2. The proposed development shall be carried out in strict accordance with the following plans:

2018-16-02 – Proposed Ground and First Floor Plans

2018-16-03a - Proposed Second Floor and Roof Plans

2018-16-04 – Proposed Elevations

2018-16-05 – Patio Plan & Site Section

2018-16-06a – Patio Rear Sectional Elevation & Side Elevation

2018-16-07 – Wheel Wash Area Plan

2018-16-08 - Hard Surface Finishes

2018-16-09 - Existing and Proposed Block Plans

2018-16-10 – Proposed Foul Drainage

2018-16-11 – Service Intake & Tree Protection Plan

2018-16-12 – Proposed Street Scene Elevation

2018-16-13a – Site Layout and Section

2018-16-14 – Landscaping Plan

2018-16-15 – Existing and Proposed Front Boundary

2018-16-31 – Proposed Garage Plan & Elevations

3. The external facing materials shall be as submitted within the approved Materials Schedule unless agreed otherwise in writing by the Local Planning Authority;

- Roof Tile: Forna Especial Spanish Natural Slate
- Windows and Doors: Aluminium Framed double glazed Grey (RAL 7016)
- External Walls: Smooth Render (Grey)
- Eaves and Rainwater: Upvc Graphite Coloured

4. No demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

5. No works shall commence on site until the two street trees in Upper Carlisle Road either side of the proposed access are protected with timber hoarding and chestnut pale fencing in accordance with approved drawing 2018-16-11. Such hoarding shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of soils, goods, fuels or chemicals or other material shall take place inside the fenced area.

6. All existing trees and shrubs (including the street trees) not scheduled for removal shall be fully safeguarded during the course of the site works and building operations in accordance with the local planning authorities Supplementary Planning Guidance and relevant British Standards (BS 5837: 2012). No work shall commence on site until all trees and shrubs to be protected are fenced with 2.4m minimum height heavy-duty hoardings securely mounted on scaffold poles, and the temporary chestnut paling is installed in accordance with approved drawing 2018-16-11. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

7. No bonfires or burning of materials shall take place anywhere on the site.

8. The landscaping shown on approved drawing 2018-16-14 shall be implemented in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved drawing 2018-16-11.

10. The development shall not be occupied until the obscure glass screen to the rear patio has been implemented in accordance with drawing 2016-16-05. The screen shall be permanently retained thereafter.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, hard surfaces, walls or fences of any kind shall be erected within the curtilage of the approved dwelling, between its flank wall and the boundary with 19 Upper Carlisle Road or within 9m of any of the preserved trees without the prior approval in writing of the Local Planning Authority.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

13. No part of the first flat roof at the rear of the dwelling hereby permitted shall be used as a balcony, nor shall the railings enclosing it be raised or any first floor windows altered to form doors.

14. No works or development shall commence until the new vehicular access has been provided in the position shown on the approved plan and the existing pedestrian access has been blocked up in matching brickwork.

15. No development shall take place until vehicle wheel washing equipment has been provided within the site in accordance with drawing 2018-16-07 Wheel Washing Area Plan. The equipment shall be retained for the duration of the construction in accordance with the approved details to prevent contamination and damage to the adjacent roads.

16. No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by, an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

17. Following completion of the works a statement by an accredited person, someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the suds scheme approved under condition 16 has been fully implemented shall be submitted to the Local Planning Authority.

18. No changes in soil levels shall occur within the root protection area of all trees indicated as retained.

19. Notwithstanding the approved drawings, prior to the occupation of the dwelling hereby approved details of obscure glazing to the windows within the side elevation (west) serving the stairs shall be submitted to and approved by

the local planning authority and thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.

30 Summary of local Employment Initiatives created with the development of Eastbourne College.

The committee considered the report of the Senior Specialist Advisor for Planning, which provided a summary of performance in relation to Eastbourne College Project 150 and the Unilateral undertaking local labour agreement.

- Due to award of contract, sub-contractor, Hannafinn employees who lived out of the area signed to a six month let on a house in Sovereign Harbour
- VINCI executive stayed at View Hotel, regularly and other non-local sub-contracting personnel stayed in local hotels
- VINCI company cars serviced at local garages
- Building materials purchased from Parkers Building Supplier and sundry items from Screwfix
- Eastbourne College used a local East Sussex company, Identity, to provide site hoarding and promotional literature
- Second Considerate Constructor report had an improved score (40/50)
- Site Manager awarded Performance Beyond Compliance Certificate.

Members noted that the apprentice and NVQ completion and work experience targets were not achieved. The fall in local unemployment, particularly those aged under 24 years and the introduction of the apprenticeship levy in April 2017 impacted on recruitment. Fewer apprenticeship starts therefore impacted the NVQ starts. Health and safety, insurance and Construction Skills Certification Scheme (CSCS) compliance made it difficult to offer work experience placements on construction sites.

In summary a good working relationship was established between VINCI Construction UK Limited and the Council. VINCI were keen to meet and where possible exceed their local labour obligations. There were constraints due to the nature of the construction industry and falls in local employment, however, opportunities to support local labour and the economy remained a priority during the build.

NOTED.

31 Appeal Decision - 29 Chaffinch Road.

The Inspector dismissed the appeal.

32 South Downs National Park Authority Planning Applications.

There were none.

The meeting ended at 7.02 pm

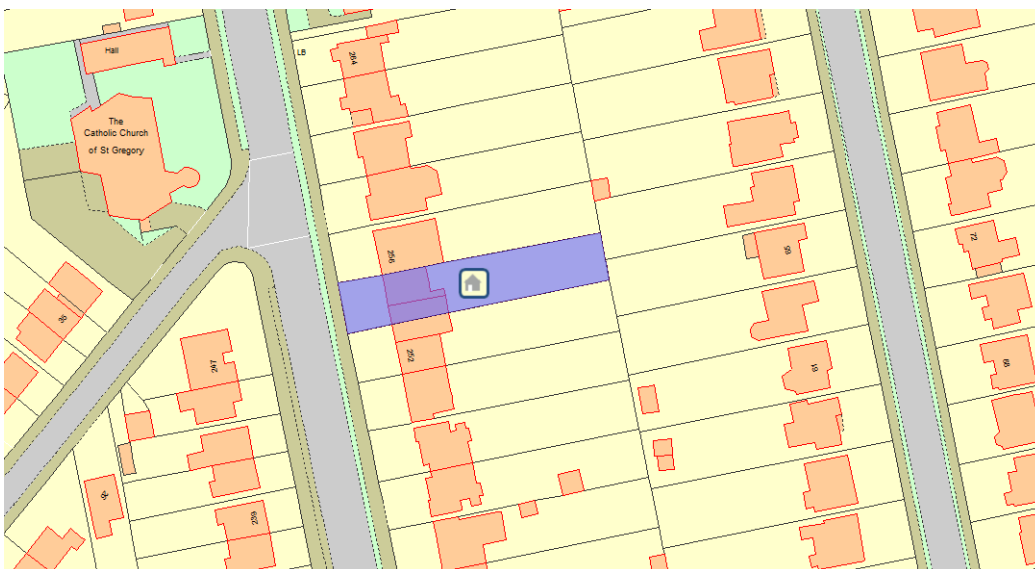
Councillor Jim Murray (Chair)

Agenda Item 6

App.No: 180582	Decision Due Date: 1 August 2018	Ward: Old Town
Officer: Chloe Timm	Site visit date: 13 July 2018	Type: Householder
Site Notice(s) Expiry date: 4 July 2018 Neighbour Con Expiry: 4 July 2018 Press Notice(s): n/a		
Over 8/13 week reason: Planning Committee – Applicant related to Council Officer		
Location: 254 Victoria Drive, Eastbourne		
Proposal: : Proposed loft conversion to include hip to gable roof extension, dormer to the rear, 2no roof lights to the front and 1no window to the side.		
Applicant: Mrs Killeen		
Recommendation: full suite conditions should be added here		
Reasons for recommendation: Grant planning permission subject to conditions		

Contact Officer(s): **Name:** Chloe Timm
 Post title: Senior Caseworker
 E-mail: chloe.timm@lewes-eastbourne.gov.uk
 Telephone number: 01323 410000

Map location



1 Executive Summary

- 1.1 The application is brought to committee due to the applicant being related to a council officer.
- 1.2 This proposal seeks permission for the extension and alterations to the roof of the dwelling house to include a hip to gable extension and dormer to the rear.
- 1.3 The proposed development provides an acceptable form of residential development that would be consistent with the site and surrounding area. Scheme is recommended for approval with conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
7 Requiring good design
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
B2 Creating Sustainable Neighbourhoods
C5 Ocklynge & Rodmill Neighbourhood Policy
D5 Housing
D10a Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
HO2 Predominantly Residential Amenity
HO20 Residential Amenity
UHT1 Design of New Development
UHT4 Visual Amenity

3 Site Description

- 3.1 The application site is a semi-detached two-storey dwelling house located on the eastern side of Victoria Drive in close proximity to St Elisabeths Church and The Catholic Church of St Gregory.
- 3.2 The site benefits from a garden to the front with off road parking, an attached garage to the side and a large garden to the rear.
- 3.3 The site is not listed, nor is it situated within a Conservation Area or an Area of High Townscape Value

4 Relevant Planning History

- 4.1 EB/1980/0561
SINGLE STOREY EXTENSION AT SIDE
Approved Unconditional
1980-10-14

5 Proposed development

- 5.1 The application is seeking permission for a hip to gable roof extension, a dormer to the rear roof slope, 1no window to the side elevation and 2no roof lights to the front roof slope.
- 5.1.1 The proposed hip to gable extension will extend the roof line approximately 4.34m and will increase the volume of the roof space by 25.38m². To the front roof slope will be 2no roof lights, equally spaced and centrally located which will service the new front bedroom.
- 5.1.2 The proposed rear dormer will protrude approximately 3.34m from the roof slope and be to a height of 2.93m and 6.03m wide. This will provide an additional volume of 29.51m. This will create space for a bedroom to the rear and a bathroom. It is proposed to have a Juliette balcony from the bedroom and a window for the bathroom to the rear elevation.
- 5.1.3 The existing first floor window will be relocated approximately 0.88m towards to the rear of the property to allow for alterations to the existing hallway to make way for the stairway to the second floor. To allow natural light to the new hallway a window will be installed at second floor level only to the side elevation.

6 Consultations

- 6.1 Due to the location of the application site and the type of application and development proposed no statutory consultations were required for this application.

7 Neighbour Representations

- 7.1 No representations have been received following neighbour consultations and the displaying of a site notice.

8 Appraisal

- 8.1 Principle of Development
There is no objection in principle to the proposed development 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 National Planning Policy Framework (2012).
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:

- 8.2.1 It is considered that the proposed development will not have a significantly adverse impact on residential amenity and the surrounding area. The proposed hip to gable roof extension is in keeping with the character of the area for which a precedent for this type of development has already been made from other similar approved developments.
- 8.2.2 There is existing outlook from the first floor of the host property into the gardens of the neighbouring properties and the property located to the rear of the site is set some distance away. Due to this the proposed Juliette balcony to the rear is not considered to cause any issues of overlooking to the adjacent properties. This is also considered to be the case for the front roof lights.
- 8.2.3 The proposed window to the side elevation will face the neighbouring property of 252 Victoria Drive. Due to the natural decline in ground level of Victoria Drive the proposed new window is not thought to be harmful in terms of overlooking to the neighbouring property.
- 8.2.4 Given all of the above and the distance between the rear adjoining properties it is considered that there would no adverse impact on the amenities of adjoining residents.

8.3 Design Issues

- 8.3.1 The proposed alterations to the roof space of the building have been designed to be sympathetic to the design of the building and are considered appropriate in terms of scale and bulk.
- 8.3.2 The adjoining property has not undertaken any roof extension at this time, and therefore the proposed extension will unbalance the pair of semi-detached properties. However, this is not an uncommon type of development and there are other properties in the immediately surrounding area with various roof extensions, most of which carried out under permitted development. As such it is not considered a reason for refusal based on the impact on the pair of semi-detached properties and the street scene could be justified. It will be conditioned that the hip to gable roof extension and rear dormer are tile clad to match the rest of the roof so as to minimise the impact.

9 **Human Rights Implications**

- 9.1 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.

10 **Recommendation (This must include the reasons for each condition).**

- 10.1 Grant planning permission subject to the following conditions;
- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on **05 June 2018**:

- Drawing No. DWG2 – Pro S/F Plan
- Drawing No. DWG3 – Section A:A
- Drawing No. DWG4 – Pro F/F Plan
- Drawing No. DWG5 – Pro Rear Elev
- Drawing No. DWG6 – Pro Front Elev
- Drawing No. DWG7 – Pro Side Elev
- Drawing No. DWG8 – Pro Side Elev

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 4) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, not shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining properties by way of localised flooding.

11 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

12 Background Papers

The background papers used in compiling this report were as follows:

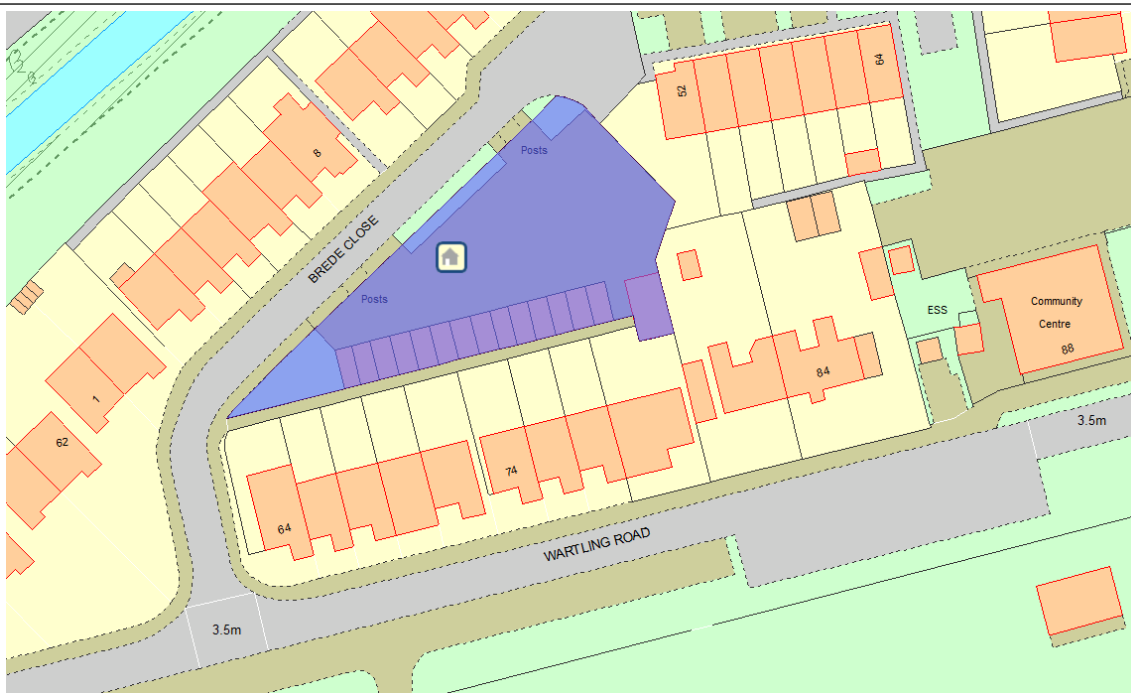
- Case File

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Agenda Item 7

App.No: 180438	Decision Due Date: 25 June 2018	Ward: Devonshire
Officer: Anna Clare	Site visit date: 4 June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 16 July 2018 Press Notice(s): n/a		
Over 8/13 week reason: To seek amendments to garage access		
Location: Land off Brede Close, Brede Close, Eastbourne		
Proposal: : Demolition of existing garages, and construction of 6no new dwellings, 1no. 1 bed 2 persons, 5no. of 2 bed 4 person houses; including associated parking, access, & landscaping. Amended plans submitted to provide improved access to proposed garages by moving the proposed development 1.4m further into the site.		
Applicant: Eastbourne Homes Ltd		
Recommendation: Grant Planning Permission subject to conditions		

Contact Officer(s): **Name:** Anna Clare
 Post title: Specialist Advisor - Planning
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000



1 Executive Summary

- 1.1 Members will recall that this application was deferred from July's Planning Committee in order to facilitate an additional round of public consultation. Additional representations following the additional consultation have been incorporated into this report. The application is brought to committee given the application is submitted by Eastbourne Homes Ltd and given the nature of the proposal the redevelopment of a garage court.
- 1.2 The proposal will result in the net gain of six 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.
- 1.3 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.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2012
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
- 2.2 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
- 2.3 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

3 Site Description

- 3.1 Brede Close is an existing dead end street, running behind the section of Wartling Road which runs between the existing Crumbles Sewer and the

Sovereign Leisure Centre Roundabout. There are residential properties only to the northern part of Brede Close. The site refers to an existing garage court of 14 garages and a hard surfaced parking forecourt to the southern part of Brede Close, the car parking is informal and not laid out. There is an existing sub station to the south-eastern corner of the site, situated on the southern side of Brede Close.

- 3.2 To the west the site is the Regency Park Development a modern housing development. Brede Close is a dead end, with no vehicle or pedestrian access through to the adjacent development.
- 3.3 There is a single tree within the site adjacent the substation within the south-east corner.
- 3.4 The properties of Brede Close and Wartling Road to the south are of a similar character and style, two storey single dwelling houses with small front garden areas.

4 Relevant Planning History

- 4.1 No relevant to the application.

5 Proposed development

- 5.1 The application proposes the erection of a terrace of 6 dwellings, 1 one bedroom flat at first floor to the east of the terrace with two undercroft parking spaces, and 5 three storey town houses with garages at the ground floor.
- 5.2 The properties are proposed facing north-west onto Brede Close. Three car parking spaces and landscaping is proposed to the south of the site at the entrance of Brede Close. A further two car parking spaces and refuse storage area are proposed to the northern boundary retaining an access road to the existing sub station at the south-eastern corner of the site.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

- 6.1.1 The sycamore tree on the site is proposed to be removed. This is located on the southern aspect of the propose dwellings and would therefore case significant shade for the early part of the day. The tree would also harbour aphids and they would deposit honeydew over much of the garden. Similarly the tree will also produce prolific numbers of seedlings. Therefore I doubt that the future occupants will want ta tree in this position and I think they will collectively set about trying to get it removed. Therefore no objection in principle in terms of the existing trees. A condition relating to Landscaping is recommended.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 The site is located in Seaside Neighbourhood in a predominantly residential area as defined by the Core Strategy (adopted 2013) and Eastbourne Borough Plan,

respectively. The vision for Seaside Neighbourhood is to play an important role in the delivery of housing. The vision will be promoted by providing new housing through redevelopment.

- 6.2.2 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.
- 6.2.3 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.
- 6.2.4 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 448 dwellings in Seaside Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. Seaside Neighbourhood is defined as a sustainable neighbourhood and 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 six dwellings.
- 6.2.5 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 12 car parking spaces which has been assessed as sufficient.
- 6.2.6 Policy US5 (Tidal Flood Risk) states '*Development will not be permitted in areas*

considered to be in consultation with the Environment Agency, at an unacceptable risk of flooding from the sea. In areas which are at risk from flooding, where, in consultation with the Environment Agency, planning permission is granted development will be required to comply with construction standards and minimum floor levels.' Reference should be made to Strategic Flood Risk Assessment (SFRA) when considering location and potential future flood risks to developments and land uses. The site for the application is in Flood Zone 3; this is classed as high probability of land having 1 in 200 or greater annual probability of sea flooding. The flood risk assessment of the site enclosed with the proposal documents states that 'Construction of the proposed development will not increase the flood risk of the neighbouring properties. It is stated in policy D9 of the Core Strategy that 'development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere' will be supported.

6.2.7 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.

6.3 CIL

6.3.1 The development of housing is liable to CIL, however no payment will be liable as the proposed dwellings are to provide social housing.

6.4 Southern Water

6.4.1 A formal application for connection to the sewer is required in order to service this development. Informative requested.

6.5 Environment Agency

6.5.1 We have no objection to the proposed development as submitted, subject to the inclusion a condition in relation to the carrying out of the development in accordance with the FRA, and an informative to advise the future occupants to sign up for the Flood Warning Service given the location of the site.

6.6 East Sussex County Council Highways

6.6.1 Trip generation

Based on an estimated average of 5-6 trips per day for each unit, the expected additional trips are expected to rmake between 30 and 36. This does not factor in existing trips to the garages. Consequently, it is not considered that additional trips due to this proposal would result in a significant increase on existing levels of traffic, and would generate a negligible impact on the local highway network.

6.6.2 Parking/cycle provision

The application proposes to provide 12 parking spaces, 7 of which are within garages. The ESCC parking calculator estimates the parking demand arising from the development is 6 spaces. ESCC guidance for Parking at Residential Developments stipulates that garage will only count as 1/3rd space each due to their limited use. As such, the considered parking provided is 7 spaces. The parking provision is therefore sufficient for the proposed development.

6.6.3 An amended plan was submitted, along with an associated swept path plan showing the development moved further from the kerbline, thereby allowing access and egress from the proposed garages without risk of collision with vehicles parked opposite on Brede Close.

6.6.4 The parking demand in the existing garages and in the hardstanding area in front of the garages would be required to be accommodated. It is not expected that all the garages in use will be for the parking of vehicles, but it is assumed that the forecourt area would be used by local residents. As such, the estimated number of displaced vehicles is 17 (6 in garages, 11 on the hardstanding area). Unless otherwise proven through parking surveys of current usage for these areas are provided, the applicant is required to demonstrate capacity for 17 vehicles in the local highway network.

6.6.5 The applicant has submitted a Technical Note, which accepts that the available parking on Vine Square is unlikely to be used by residents. It also states that Eastbourne Borough Council own the grass verge area on Wartling Road where parking currently occurs. Confirmation has been subsequently received from the Planning Officer that Eastbourne Borough Council owns and is responsible for the maintenance of this area of land, and the council do not have plans to remove the informal arrangement of parking at present.

6.6.6 It is considered that the total available parking capacity, as identified in the parking survey, is 22 spaces. 17 spaces are required to accommodate informal parking that currently occurs within the site so the parking survey sufficiently demonstrates that this is achievable.

6.6.7 Accessibility

The site is situated within walking distance of local shops and services, with a retail park approximately 500m to the north of the site. Footways in the area are generally in good condition and there are suitable crossing facilities where appropriate. The nearest bus stop is approximately 230m east of the site and has services running from Eastbourne Town Centre, Sovereign Harbour and Langney. The nearest train station is Eastbourne Railway Station, with regular services to Lewes, Brighton and London and is accessible by bus from the site.

6.6.8 Construction

The access to the site is via Wartling Road and Brede Close, two narrow cul-de-sacs. Construction activity at the site could have a significant impact on the flow of traffic and pedestrian safety in the surrounding highway network. It would therefore be necessary for a Construction Traffic Management Plan to be provided, with details to be agreed.

7 Neighbour Representations

7.1 Objections have been received from 10 surrounding residential properties on the following grounds;

- Loss of garages
- Impact on parking
- Due to the location of the driving test centre, Brede Close is used by driving instructors
- Princes Park attracts people parking in the Close
- Providing more dwellings will make the road busier
- Over development/over crowding
- Additional noise and pollution from more traffic
- Visual impact
- Impact on the existing properties light/outlook/privacy
- Proposed properties are higher than existing and therefore overbearing
- Design is out of keeping with existing properties
- Limited access for deliveries/services
- Loss of view
- Impact on wildlife

Councillor Wallis has objected to the application stating;

- The design is not in keeping with the neighbourhood
- The height of the building would be intrusive and impacts on existing residents privacy
- The area is already heavily developed
- Impacts on car parking – the area suffers with excessive on street parking
- Access to Brede Close is narrow and already difficulty for emergency vehicles, delivery vans etc.

52 Wakehurst Road have written in objection to the application. This property shares a boundary with the site to the east. They object to the positioning of the bin store adjacent the boundary which could result in pest issues, smell issues, and rubbish blowing into their property; the store could also assist with people climbing over the fence that separates the property from the site.

64 Wakehurst comment in support in principle for the development but ask for a pedestrian route to be considered between Regency Park development and Brede Close.

Appraisal

8.1 Principle of development:

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

8.1.2 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.

- 8.1.3 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'.
- 8.1.4 The proposal will result in the net gain of six 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
- 8.1.5 Therefore the principle of the development is acceptable.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The proposal is three storeys to overcome flooding issues by placing all living accommodation on the upper floors and to provide garage accommodation for a vehicle at ground floor. The height is minimised by incorporating gable ends to either front and rear elevation and pitched roof between.
- 8.2.2 The proposed properties are upside down, with bedrooms at first floor and living accommodation at second floor level. The properties are proposed to face the existing properties on the northern side of Brede Close, north-west. With the rear elevation facing south-west, towards the rear elevation of properties to the rear on Wartling Road which face south.
- 8.2.3 The five dwelling houses proposed three storeys are to the northern end of the terrace with the southern most property a two storey building with garage at ground floor and a one bed flat at first floor level. The terrace of three storey properties will be situated between 15m and 30m from the rear elevation of the existing properties. The siting of the proposed development was amended during the application, moving the block 1.5m closer to the rear of the site to provide improved access to the garages following concerns raised by ESCC Highways.
- 8.2.4 Whilst they are higher than the existing it is not considered they would create a significantly overbearing relationship with the existing properties. Only the last two properties (plots 5 and 6) are proposed with windows in the rear elevation at second floor level. The three in closest proximity to the existing residential properties are proposed with rooflights to serve the third floor and all will have windows to the front elevation.
- 8.2.5 The proposed first floor flat has windows serving the hall way and living area to the rear elevation and an external staircase from the hall. This will be some 16m from the rear elevation of the existing properties of Wartling Road. The staircase has a small platform area which is not large enough for use as a terrace; and

gives access to the rear garden for the flat. The use of the staircase could be limited by condition for access purposes only.

- 8.2.6 It appears that the layout of the site has been carefully considered to minimise the impacts in on the existing properties. The proposed development is to the north of the existing Warling Road properties and therefore is unlikely to cause any significant overshadowing regardless of the height.
- 8.2.7 To the front elevation the properties will appear as town houses with a small window in the gable end to serve the second floor. It is not considered that this elevation will cause significant overlooking either perceived or actual towards the existing properties to the front to warrant the refusal of the application.
- 8.2.8 Therefore on balance given the orientation, the layout and the proposed fenestration it is not considered the development will significantly impact on the existing properties to warrant the refusal of the application.
- 8.3 Impact of proposed development on amenity of future occupiers
- 8.3.1 The total proposed internal floorspace for the one-bedroom dwellings falls within the accepted minimum GIA (50m²) for a one storey, one bedroom flat (approximately 52m²).
- 8.3.2 The total proposed internal floorspace for the two-bedroom dwellings falls within the accepted minimum GIA (75m²) for a three storey, two bedroom dwelling (approximately 80m²).
- 8.3.3 The dwellinghouses are townhouses, with ground floor garages to provide car parking. The first floor is proposed bedrooms with the living accommodation within the roofspace at second floor level. To protect the amenity of the existing properties on Wartling Road three of the 5 properties which are in closest proximity are proposed with rooflights only to the rear living space, windows are proposed to the kitchen area at the front of the property. The two eastern most properties are proposed with rear elevation windows at second floor level. It is not ideal to have only rooflights to the rear living space, however this is open plan and natural light and ventilation will be provided.
- 8.3.4 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'. Therefore the proposal is 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. Policy D1 considers sustainable development and the proposal is demonstrating efficient use of land and infrastructure, in line with policy.
- 8.3.5 Therefore on balance the proposal is considered to provide an acceptable standard of amenity for future occupiers.

8.4 Design issues:

8.4.1 The proposed town houses with garages at ground floor is not evident in the immediate area which is predominantly two storey residential properties. However there are town houses elements within the adjacent Regency Park Development. They are not considered an unusual form of development generally, especially on confined sites with a general lack of on street car parking. The layout and separation distances are considered reasonable within an urban environment and are evident in the surrounding area. Therefore the proposal would not be out of character with the surrounding pattern of development.

8.4.2 The development is proposed to be constructed in yellow brick with grey tiled roof and dark grey fibre cement cladding fixed vertically to the first floor and side elevations. The existing properties of Brede Close and Wartling Road are red brick with red tile cladding at first floor and brown tiled roof. The adjacent Regency Park development is a more modern development with a mix of materials, including render, red brick and cladding. Given the mixed character within the wider area, the proposed materials and the style of the proposed properties is considered acceptable.

8.5 Impacts on trees:

8.5.1 There is no objection in principle to the loss of the sycamore tree. There are elements of landscaping to the proposal which will soften the appearance of the development. The landscaping content will be secured by condition to be implemented pre occupation of the dwellings.

8.6 Impacts on highway network or access:

8.6.1 Based on estimated average trips per day for each unit, and considering the existing use of the garages, it is not considered that additional trips due to this proposal would result in a significant increase on existing levels of traffic, and would generate a negligible impact on the local highway network.

8.6.2 The application proposes to provide 12 parking spaces in total, given 5 of these are garages which ESCC guidance stipulates will only count as 1/3rd space the total parking spaces provided is considered to be 6 spaces. The ESCC parking calculator estimates the parking demand arising from the development is 6 spaces, therefore the parking provision is therefore sufficient for the proposed development.

8.6.3 ESCC Highways consider that the parking survey of available surrounding on street parking should show space for the displacement of 17 vehicles (6 in garages, 11 on the hardstanding area). The Applicant has provided details of the occupiers of the garages which shows that 5 of the garages are occupied by immediately surrounding properties. Therefore it can be considered these could be housing vehicles otherwise vying for on street parking spaces.

8.6.4 It is considered that the parking survey shows available parking capacity of 22 spaces, when including the informal parking area, owned by Eastbourne

Borough Council adjacent to Princes Park. ESCC Highways have not raised an objection to the application. Therefore it is considered that the displaced parking can be accommodated on street. As such it is not considered that a reason for refusal on the grounds of the impact on parking generally in the area could be justified.

8.7 Conclusion

- 8.7.1 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.
- 8.7.2 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'.
- 8.7.3 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.
- 8.7.4 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.

9 **Human Rights Implications**

- 9.1 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.

10 **Recommendation**

- 10.1 Grant Planning Permission subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings;
17-076 0007 P04 Proposed Site Plan S03 Brede Close
17-076 0008 P03 Proposed Floor Plans S03 Brede Close
17-076 0009 P04 Proposed Floor Plans S03 Brede Close
17-076 0010 P02 Proposed Indicative Street Scenes

17-076 0011 P02 Sketch Section ***needs amending

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external finishes of the development hereby permitted shall be as stated on the approved drawings, unless agreed otherwise by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

4. Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatment
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that dis(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures detailed within the FRA:

1. The measures as stated in paragraph 7.1.2 shall be implemented:
 - i. Ground floor is to be used for garages, storage and access only, with living accommodation restricted to the first floor and above
 - ii. Ground floor levels are set as high as is practicable, and no lower than 3.5mAOD
 - iii. First floor levels are set no lower than 6.2mAOD
2. All Flood Resistant and Resilient construction measures proposed within paragraph 7.1.4 of the FRA are implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority to the dwellings hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, raised platforms or hardsurfacing shall be erected within the curtilage of dwelling houses hereby approved other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.

8. Notwithstanding the approved drawing, prior to the first occupation of the development hereby approved details of the enclosure to the proposed bin storage shall be provided and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved drawings prior to the first occupation of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

9. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

10. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 17-076 0007 P04 Proposed Site Plan S03 Brede Close

Reason: In the interests of road safety.

11. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

12. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

13. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

14. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

15. No development shall commence until details of the relocation or removal of the telegraph pole on the site, with the necessary agreement from the provider/owner has been submitted to and approved in writing by the Local Planning Authority, the telegraph pole shall thereafter be removed or relocated prior to the commencement of development in accordance with the details approved.

Reason: To sustain the connections for existing residential properties.

Informative

1. Advice to Applicant: As the development is within Flood Zone 3, we strongly advise that the occupants of the properties sign up to our Flood Warning Service. More details can be found here:

<https://www.gov.uk/sign-up-for-flood-warnings>

11 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.

12 Background papers

The background papers used in compiling this report were as follows:

- **Case file**

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Agenda Item 8

App.No: 180556	Decision Due Date: 27 July 2018	Ward: Upperton
Officer: James Smith	Site visit: 25 th June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 12 th July 2018 Neighbour Con Expiry: 12 th July 2018		
Over 8/13 week reason: Application had to be re-advertised due to altered description. Additional letters of objection received late in determination process. Extension of Time agreed with applicant.		
Location: Greencoat House, 32 St Leonards Road, Eastbourne		
Proposal: Provision of 5 new residential flats through construction of new fourth floor level to accommodate 2 flats and Change of Use of ground floor from clinic (use class D1) to residential (C3) to accommodate 3 flats.		
Applicant: Mr Robert Slee		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
 Post title: Specialist Advisory (Planning)
 E-mail: James.Smith@lewes-eastbourne.gov.uk
 Telephone number: 01323 415026

Map location



1 Executive Summary

- 1.1 The proposed development is similar to a previously approved scheme which has now lapsed (141531). There have been no material changes in relevant planning legislation since the time that application was approved. However, the ground floor of the building is now in D1 use as a wound treatment clinic rather than B1 offices and, as such, the loss of a D1 use is a material consideration.
- 1.2 The wound treatment clinic is not considered to perform an important community function and, as such, could operate from other premises without unacceptable detriment to its clients.
- 1.3 The height and design of the extended building would be consistent with that of nearby buildings that also provide residential accommodation. The layout of the building, configuration of windows, openings and balconies and separation distances between surrounding residential properties ensures that there would be no detrimental impact upon the amenities of neighbouring residents.
- 1.4 Adequate on site car parking to serve the development would be provided through the use of existing basement and open air car parking facilities.

2 Relevant Planning Policies

2.1 National Planning Policy Framework 2012:

- 2. Ensuring the viability of town centres
- 4. Providing Sustainable Transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

2.2 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D5: Housing

2.2 Eastbourne Borough Plan Saved Policies 2007

- NE14: Source Protection Zone
- NE15: Protection of Water Quality
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT5: Protecting Walls/Landscape Features
- UHT6: Tree Planting
- UHT7: Landscaping
- HO1: Residential Development Within the Existing Built-up Area
- HO6: Infill Development
- HO9: Conversions and Change of Use
- HO20: Residential Amenity
- TR11: Car Parking
- LCF21: Retention of Community Facilities

3 Site Description

- 3.1 The site is occupied by a four-storey building which currently provides office space at first, second and third floor level with a wound treatment clinic (Use Class D1) at ground floor level. The third floor is incorporated into a flat top tile hung mansard roof. All elevation walls are finished in red/brown brick. There is a lift shaft that projects above the height of the main roof.
- 3.2 Off-street car parking is provided at basement level as well as a hard surfaced car park to the rear of the site, both of which are accessed via a dropped kerb crossover on Commercial Road. There is also dropped kerb access serving a hard surfaced area to the front of the building which appears to be used for parking by clients of wound treatment clinic.
- 3.3 The site topography is generally flat but steps down in height to the rear as Commercial Road is at a lower level. This change in levels enables access to the basement car park.

3.4 The site is located on a town centre road which is flanked by a mix of residential flats and offices, the majority of which are 3 – 5 storeys in height. A number of the residential buildings have been converted from office use, either through a planning permission or through the use of prior approval rights.

4 Relevant Planning History

4.1 080770

Extension of existing hardstanding to create a disabled parking space to the front and covered cycle rack to the side with access pathway
Planning Permission
Approved conditionally - 13/02/2009

4.2 141527

Change of use from office (class B1) to residential (class C3), comprising 12no. self-contained apartments.
Prior Notification Class J
Approved - 19/02/2015

4.3 141531

Rebuilding of third floor and construction of a new fourth floor to provide two self-contained apartments. (NB: Prior Approval to convert the existing building from office (B1a) use to residential (C3) use comprising twelve self-contained apartments is being considered under a separate application ref:141527).
Planning Permission
Approved conditionally - 23/03/2015

4.4 161311

Change of use from Office (B1) to Clinic(D1). Conversion of ground floor offices into a wound treatment centre of 8 treatment rooms, reception area, clinical office and a kitchen and toilet(kitchen and toilet are existing) .
Planning Permission
Approved conditionally
21/12/2016

4.5 180567

Prior Approval application Change of Use of the first, second and third floor of the building from office use (Class B1(a)) to residential (Class C3) to provide 9 self-contained flats.
Prior Notification Class O
Approved – 03/07/2018

5 Proposed development

5.1 The proposal involves the Change of Use of the existing ground floor from a D1 wound treatment clinic to C3 residential, allowing for 3 new residential units to be formed. An additional storey to the building is also proposed. This involves extending the elevation walls to incorporate the third floor of the building and to replicate the existing roof above it but with a stepped in rear projection to allow for the provision of roof top terraces and a small recessed section in the front slope to allow for a shared roof terrace.

- 5.2 The roof extension would accommodate 2 x fourth floor flats. The overall height of the building would increase by approximately 3.2 metres as a result of the proposed extension.
- 5.3 Overall, the proposal would provide 5 new residential units (3 x 1 bedroom, 2 x 2 bedroom).
- 5.4 Existing parking facilities serving the office would be repurposed to serve the proposed residential use, 11 spaces in total would be provided, with 2 spaces lost within the basement parking area due to the need to accommodate bin and cycle storage.
- 5.5 The applicant intends to convert the remainder of the building to residential use and has submitted a Prior Approval application to convert the office uses on the first, second and third floor to secure this. Should both applications be approved, a total of 14 residential units would be provided (6 x 1 bedroom, 8 x 2 bedroom).

6 Consultations

6.1 Specialist Advisor (Arboriculture):

- 6.1.1 The block plan appears to show the tree at the front retained but there are no further details to this effect. A simple planning condition to protect it during construction should suffice.
- 6.1.2 OFFICER NOTE: The tree referred to is to the rear of the site, adjacent to Commercial Road.

6.2 Specialist Advisor (Planning Policy):

- 6.2.1 Policy C1 is The Town Centre Neighbourhood Policy, which sets out the vision for this area as the following; “The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan”. It aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood. This vision will be promoted through a number of factors including ‘Delivering new housing through conversions, infill development and redevelopment’.
- 6.2.2 The Core Strategy states that the Town Centre Neighbourhood is one of the town’s most sustainable neighbourhoods. It also states that “The Town Centre will make an important contribution to housing needs as a sustainable centre. Future residential development will be delivered through conversions and changes of use of existing buildings”. Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that ‘in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne’s housing provision to be provided on brownfield land’.

- 6.2.3 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 1st April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.
- 6.2.4 Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre. Proposals for new residential development in the Town Centre must demonstrate how the following design issues have been addressed:
- Protecting the amenity of residential occupiers by minimising potential conflicts between different land uses including noise disturbance, smell and vibration through the design and siting of servicing areas, ventilation and mechanical extraction, and external light sources.
 - Provision of a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
 - Provision of outdoor amenity space in the form of a shared communal garden, useable private balcony or roof terrace that forms an integral part of the design of the building.
 - Provision of adequate bin and recycling storage that is screened from publicly accessible locations including adjoining streets, parking facilities and open space.
- 6.2.5 As the proposed development is an extension to an existing building which complies with TC6, and the extension does not alter the nature of the building, the development can be seen to generally comply with this policy. Specifically the amenity of the residentially occupiers will not be affected, aside from the additional strain of two extra flats. There is access to a shared balcony, which is moving from the third floor to the fourth floor. The bin and recycling storage will continue to be screened from public view.
- 6.2.6 The site is covered by Policy TC11 in the Eastbourne Borough Plan which states that "Planning permission will be granted for residential development or B1 uses in St Leonard's Road (numbers 1-32 and 26-52) provided that...the development is well designed in terms of siting, materials and landscaping..." As this is an addition to an existing building construction can be said to conform with these design standards.
- 6.2.7 The Core Strategy states that the Town Centre Neighbourhood is one of the Borough's most sustainable neighbourhoods. Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that 'in accordance with principles for sustainable

development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 2 residential units and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

6.2.7 This application is not liable for CIL as it is a development of flats which is not chargeable under Eastbourne's current charging schedule.

6.2.8 The size of the bedrooms exceeds the standard specified within the 'Technical Space Standards – nationally described space standard.'

6.2.9 Therefore, policy has no objections to this application.

7 Neighbour Representations

7.1 Nine letters of objection have been received from seven different addresses. The letters raise the following points:-

- 7.2
- The additional storey will cause overshadowing of my kitchen at Beaufort Court.
 - Will overlook the communal roof garden at Beaufort Court.
 - Would overshadow and overlook third floor property at Homelatch House opposite.
 - The fourth floor balcony would directly overlook properties at Homelatch House.
 - Concerned about the design and external appearance.
 - Would lead to an increase in traffic, pollution and noise.
 - Too many offices have been converted to residential and this is causing excessive disruption to residents on Commercial Road and St Leonard's Road.
 - The area already suffers from noise and parking problems. Town Centre development has been very noisy. Have been unable to open doors and windows.

8 Appraisal

8.1 Principle of development:

8.1.1 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.

8.1.2 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.

- 8.1.3 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.
- 8.1.4 The site is located within the Town Centre neighbourhood, as defined within the Core Strategy. This is recognised as a sustainable neighbourhood, with Policies B1 and C1 of the Core Strategy encouraging development of up to 180 dwellings per hectare in this location. Policy C1 identifies the conversion of existing buildings to provide housing as a suitable means for providing new housing that is required within the Town Centre neighbourhood.
- 8.1.5 The conversion of the ground floor of the building would result in the loss of a D1 use, in the form of the wound treatment clinic currently operating there. Policy LCF21 of the Borough Plan seeks to prevent the loss of D1 community facilities unless there is no longer a demonstrable need for the facility or compensatory provision to equivalent community benefit will be made in the immediate vicinity.
- 8.1.6 The D1 use is currently operating on the site. However, given the nature of the use as a wound treatment clinic it is not seen as a use that is vital for the immediate community and it is not considered that it is sacrosanct that it is sited in its current location. Furthermore, it is noted that a condition attached to the approval for D1 use prohibits the use of the ground floor for any D1 use other than a wound dressing clinic on account that other D1 uses may be disruptive to neighbouring residents.
- 8.1.7 It is therefore considered that the loss of the wound treatment clinic would not deprive local residents of an important community facility and that residential use is more compatible with the surrounding environment in any case.
- 8.1.8 It should be noted that the revised NPPF (2018) para. 118 (e) supports upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.
- 8.2 Planning History:
- 8.2.1 An application which included roof extensions identical to those proposed was approved under application 141531 but this permission has now lapsed. There have been no material changes in relevant planning policies or surrounding development since the time of the previous approval.
- 8.3 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.3.1 The proposal would change the overall use of the building and would also involve an increase in its height by one storey.
- 8.3.2 The use of the building for residential dwellings is considered to be consistent with the environment of the surrounding area, in which residential development of the scale proposed is a common presence. It is therefore not considered that the proposal would bring about an unsympathetic or over-intensive use of the site that would detract from the amenities of neighbouring occupants.

- 8.3.3 It is considered that the increased height of the building would not result in undue levels of overshadowing towards neighbouring residential property, nor would it render the building as an overbearing element. The linear pattern of development on the street means that the flank elevations of Greencoat House face towards flank elevations of neighbouring properties, which are of similar height. There are no windows within the side elevation of 'Map House' which is the adjacent property to the north. Windows in the side elevation of Beaufort Court serve kitchens whilst north facing windows on the fourth floor unit serve a landing. It is therefore considered that none of these windows serve primary habitable rooms and that any overshadowing of these windows would not impact on residential amenity.
- 8.3.4 It is noted that there is a fourth floor unit with access to associated roof top amenity space at Beaufort Court. The southern flank wall of Beaufort Court extends to provide screening and security to the roof top amenity space and would largely screen the proposed roof extension from impact upon the amenity space. It is also noted that Greencoat House is to the north of Beaufort Court, thereby reducing the overshadowing impact it would have upon it, and, in any case, the roof terraced has unobstructed access to natural light to the east and west which would not be impacted upon by the proposed works.
- 8.3.5 The majority of the windows serving the proposed flats would face to the front of the site, onto St Leonard's Road, or to the rear of the site, towards properties on Commercial Road. The relationship between these windows and neighbouring residential properties would therefore be similar to the relationship between existing residential properties on the eastern side of St Leonard's Road and neighbouring dwellings. A small amount of bedroom windows would be installed in the side elevations, facing towards the flank elevations of Beaufort Court and Map House. These would not face directly towards any habitable room windows and, in the case of the south facing windows serving the fourth floor flats, would not allow intrusive views towards the roof terrace at Beaufort Court due to the presence of a brick wall screening along the northern side of the amenity space.
- 8.3.6 The proposal includes the provision of amenity space at fourth floor level in the form of private space to serve each of the two fourth floor flats which would be located to the rear of the building and a communal area, accessed from the hallway, which would be positioned to the front of the building. This arrangement is considered to be comparable to that which is present at Beaufort Court. Although the balconies to the front and rear would offer views towards Homelatch House and 12-16 Commercial Road respectively, it is considered sufficient distances are maintained between the balconies and these properties to prevent invasive levels of overlooking, these being approximately 27 metres between the front balcony and Homelatch House and ranging from 23 to 26 metres between the rear balconies and properties on Commercial Road. The provision of suitable balcony screening can be secured by condition for the purposes of safety and privacy.

8.4 Design issues:

- 8.4.1 The roof extension has been designed to replicate the form of the existing roof, albeit with sections removed to allow for terraces. The increase in height would raise the roof top level but this would not compromise the general form of the building which would retain its broadly cubic characteristics, with the height of the building, as measured from street level at St Leonard's Close, similar to the width of its frontage. The existing rectangular pilasters which extend from ground to roof height, edging windows on all elevations, will also be extended to the eaves of the proposed new roof, with the pattern of windows and openings replicated on the extended elevation walls to produce visual consistency.
- 8.4.2 The design, scale and mass of the extended building would remain in keeping with surrounding development, where 5-storey buildings are a common presence, with many accommodating the upper storey within a mansard style roof. It should also be noted that the adjacent building, Map House, has extant planning permission for an additional two storeys to be added (planning ref: 151201).
- 8.4.3 It is therefore considered that the design of the proposed extension would relate sympathetically towards the existing building as well as the wider surrounding area.

8.5 Impacts on trees:

- 8.5.1 There is a mature Acer (Maple) located in the north-eastern corner of the car park to the rear of the site. This tree is not the subject of a TPO but it is intended to be retained and is considered to positively contribute towards the overall appearance of the development as well as provide amenity value to future occupants. As such, conditions will be attached to any approval given to ensure that construction works do not negatively impact upon the health of the tree and the character and appearance of the surrounding area.

8.6 Impacts on highway network or access:

- 8.6.1 The proposed flats would have access to off street car parking which is already present on site. This consists of basement parking and a hard surfaced car park, both of which are accessed via an existing dropped kerb on Commercial Road. 11 car parking spaces would be provided, serving the proposed development as well as 9 further flats which are being provided under Prior Approval legislation. The East Sussex County Council Parking Demand Calculator shows that the proposed development would generate a demand for 9 allocated residents' parking spaces and, as such, the quantum of spaces provided is considered to be adequate.
- 8.6.2 Cycle parking would also be provided within the undercroft.

9 Human Rights Implications

9.1 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.

10 Recommendation (This must include the reasons for each condition).

10.1 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.1.1 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.1.2 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

14019/TP/001;
14019/TP/010;
14019/TP/011;
14019/TP/012;
14019/TP/013;
14019/TP/014;
14019/TP/015;
14019/TP/016;
14019/TP/017;

Reason: For clarity, in the interests of proper planning.

10.1.3 Prior to commencement of development, details of all materials to be used on the external surfaces of the development hereby permitted (including balcony screening) shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and in the interests of visual amenity.

10.1.4 The parking facilities shown on approved plans 14019/TP/010 and 14019/TP/011 shall be surfaced and marked out prior to the occupation of the development hereby approved. Thereafter, the parking facilities shall be maintained in place and be used for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety and the free movement of traffic.

10.1.5 No ground excavations or changes in ground level shall take place within the outermost limit of the branches of the *Acer sp.* tree within the car parking area to the rear of the site and shown on plan 1419/TP/010. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this area.

Reason: In the interests of the health of the tree and the character and appearance of the surrounding area..

11 Appeal

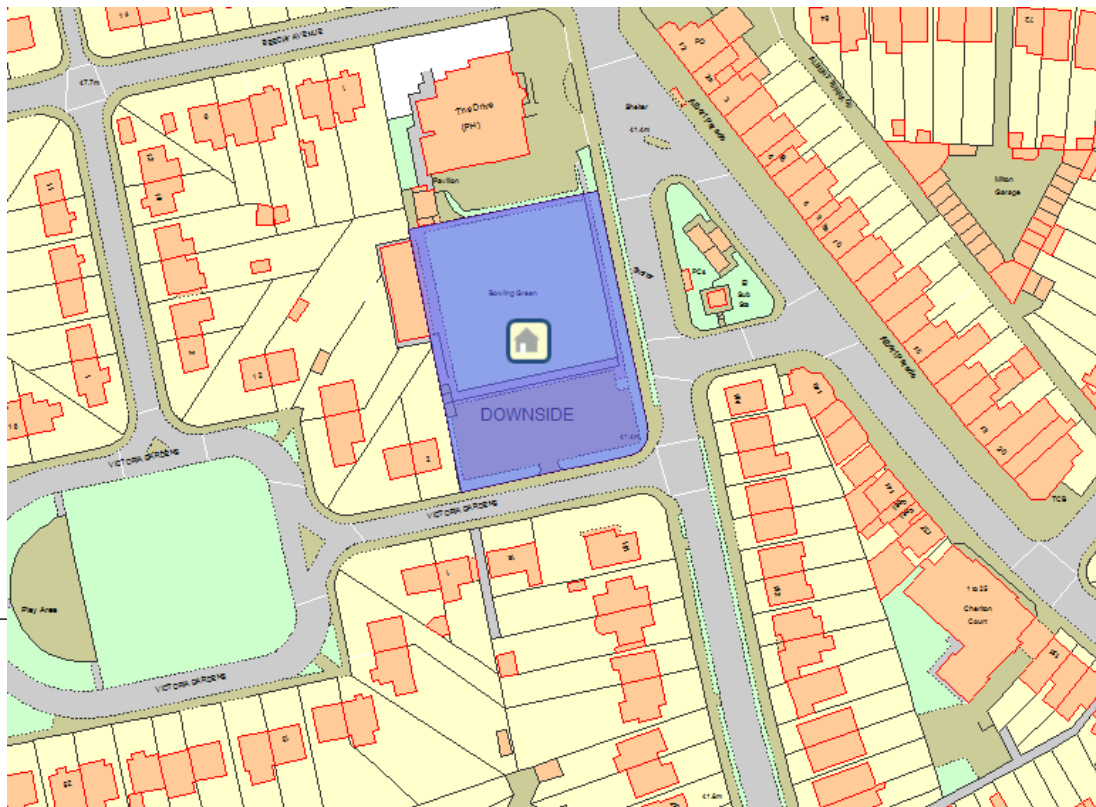
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 9

App.No: 180450	Decision Due Date: 8 August 2018	Ward: Old Town
Officer: Anna Clare		Type: Reserved Matters
Site Notice(s) Expiry date: 2 June 2018 Neighbour Con Expiry: 2 June 2018 Press Notice(s): Published 18 May 2018		
Over 8/13 week reason: To negotiate the design of the proposed building and allow for an Archaeological Evaluation to be carried out. Extension of time in place.		
Location: Victoria Drive Bowling Club, The Drive, 153 Victoria Drive, Eastbourne		
Proposal: Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) and discharge of conditions 19 (Travel Plan) and 20 (Arboriculture Assessment) following outline approval (with Vehicular Access Agreed) development of a medical centre (Ref: 160788).		
Applicant: Simpson Hilder Associates		
Recommendation: Grant reserved matters permission subject to conditions		

Contact Officer(s): **Name:** Anna Clare
 Post title: Specialist Advisor - Planning
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000

Map location



1 Executive Summary

- 1.1 The application is for Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) for the development of the site for a medical centre, part two, part three storeys in height with associated car parking and external works following grant of Outline Permission in 2016.
- 1.2 The application is brought to planning committee given the development constitutes a major development.
- 1.3 The principle of development of the site for a medical centre has been agreed through the Outline permission. The highways impacts were also considered at Outline stage and a S016 is in place to secure pedestrian and highway improvements to mitigate some potential impacts of the development. Car parking at the site has been increased since the outline stage through the proposed demolition of buildings previously outside the application site. The now proposed 50 car parking spaces given the sustainable location are considered acceptable.
- 1.4 The design of the building has been subject of Design Review Panel scrutiny and amendments made to improve the concept of the design and reduce marginally the scale of the building. The proposals are now considered acceptable in bulk, scale and massing and conditions regarding materials will safeguard the quality of the build.
- 1.5 Therefore it is recommended that Reserved Matters permission is granted subject to conditions. Some conditions of the original Outline are also considered discharged by this application and are outlined in the report.

2 Relevant Planning Policies

- 2.1 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
12. Conserving and enhancing the historic environment
- 2.2 Core Strategy Local Plan 2013 Policies
B2: Creating Sustainable Neighbourhoods
C4: Old Town Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D4: Shopping
D7: Community, Sport and Health
D8: Sustainable Travel
D10: Historic Environment
D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007

NE4: Sustainable Drainage Systems
NE14: Source Protection Zone
UHT1: Design of New Development
UHT5: Protecting Walls/Landscape Features
UHT7: Landscaping
TR1: Locations for Major Development Proposals
TR2: Travel Demands
TR3: Travel Plans
TR7: Provision for Pedestrians
TR8: Contributions to the Pedestrian Network
HO20: Residential Amenity

3 Site Description

- 3.1 This planning application includes the extent of the Bowling Green on Victoria Drive and the ancillary car park. The site, which is roughly rectangular in shape, covers an approximate area of 3000m².
- 3.2 Victoria Drive itself runs on a north to south axis along the eastern boundary of the site. Victoria Gardens runs along the southern boundary and currently provides all access (both vehicular and pedestrian access) into the site. There is an existing clubhouse to the western boundary which is also shared by gardens of residential properties in Victoria Gardens (nos. 2, 4, 6, 8 and 10).
- 3.3 The site is relatively flat and open. There is a significant cluster of mature trees which run along the eastern boundary of the site (adjacent to Victoria Drive) and are highly visible from the wider area as well as nearly entirely obscuring views of the site when the trees are in leaf. Some smaller trees are dotted along the southern boundary (adjacent to Victoria Gardens). The car park is hard surfaced and is located to the south of the site, approximately this makes up about a third of the site's area.

4 Relevant Planning History

- 4.1 160788
Outline application for the development of a medical centre with all matters reserved except access
Approved Conditionally and subject to a S106 agreement
13 September 2017
- 4.2 180454
Demolition of existing outbuilding and creation of 10 No. parking spaces, 1 No. Disabled Parking Space, Motorcycle Parking with Ground anchors, Cycle Storage and associated hard and soft landscaping works in relation to Reserved Matters Application for the development of a Medical Centre (Ref: 180450)
Planning Permission
Currently under consideration

5 Proposed development

- 5.1 The application is for Reserved Matters (Access, Appearance, Landscaping,

Layout and Scale) following the outline approval granted 13 September 2017 for the development of the site for a medical centre.

- 5.2 The proposal is for a part two, part three storey building to provide 30 clinical rooms (Consulting, treatment, counselling, trainee and associated utility rooms), multi purpose and admin accommodation, associated waiting areas over all three floors and a pharmacy accessed internally and externally at ground floor level.
- 5.3 The building is proposed roughly 'T' shaped to the northern end of the site. The rest of the site is to be landscaped and hardsurfaced to provide a total of 50 car parking spaces (11 parking spaces for staff including 1 accessible space, 39 for visitors including 2 spaces for taxi 'drop off' and 4 accessible spaces), motorcycle parking and cycle parking.
- 5.4 A new pedestrian access is proposed to the site from Victoria Drive, this access is proposed to be stepped given then change in ground level. Level pedestrian access is provided from Victoria Gardens adjacent to the main vehicular access which is proposed to be widened.
- 5.5 Conditions 19 (Travel Plan), 20 (Arboriculture Assessment) and 23 (Landscaping) are also proposed to be 'discharged' by this application.
- 5.6 11 of the parking spaces are secured through a separate stand alone planning application as they fall outside the application site pertaining to the Outline consent. If approved the two applications will be linked by condition.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

- 6.1.1 On the basis that the peripheral trees are to be retained the soft landscaping is primarily aimed at providing ornament to the grounds of the development rather than provide visual softening from views from the surrounding areas. There is a large area of hardstanding which does not benefit from any planting at all. Conditions requested regarding compliance with the Arboricultural Method Statement and Tree Protection Plan, no removal of trees indicated to be retained and the tree pruning works being carried out in accordance with the appropriate British Standard.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 The principle of development on the site has been confirmed through the granting of outline planning permission (ref: 160788). The current planning application seeks permission for reserved matters to develop a medical centre on an existing bowling green. The new medical centre will service those patients currently registered at both Greens Street and Enys Road surgeries. The site is located within the Old Town Neighbourhood. The vision for Old Town neighbourhood includes enhancing its important local services and facilities.
- 6.2.2 Policy UHT1 of the Eastbourne Borough Plan has regard to the design of new

development. All development proposals will be required to harmonise with the appearance and character of the local environment, be appropriate in scale, form, materials, setting, alignment and layout and ensure car parking and highway access provision is not visually dominant. Furthermore Policy D10a of the Core Strategy states that the layout and design of development contributes to local distinctiveness and sense of place as well as making a positive contribution to the overall appearance. Additionally chapter 7 of the NPPF considers good design as a key aspect of sustainable development and should contribute positively to making places better for people. The height of new development will need to conform to Policy UHT2 of the Eastbourne Borough Plan and should be of similar height and conform to that of the majority of surrounding buildings as well as ensuring there is not an unacceptable detrimental impact on visual amenity (Policy UHT4).

6.2.3 Policy D8 (Sustainable Travel) of the Core Strategy states that new development that generates significant demand for travel should be provided in locations that are well served by a variety of transport methods, especially public transport. Furthermore walking, cycling and accessibility to public transport should be made a priority in the design of layouts. Moreover policies TR6 and TR7 of the Eastbourne Borough Plan require adequate facilities for cyclists in new development and to provide for the needs of pedestrians, respectively. The Design and Access Statement has considered aspects of sustainable travel and appears to be in accordance with adopted policies.

6.2.4 The proposed scheme is for a new medical centre to replace both the current provisions on Green Street and Enys Road. The provision of an enhanced medical facility would service the local community. The requirements of Borough Plan Policy LCF2 are considered to be satisfied for the outline application. Therefore, in principle, there would be no objection to the development, subject to residential amenity (policy HO20 of the Eastbourne Borough Plan), other material considerations, the securing of the Local Labour Agreement and any contributions.

6.3 Specialist Advisor (Economic Development)

6.3.1 The original outline application was subject to a S106 agreement pertaining to Local Labour Obligations. Therefore no further conditions or agreements are required.

6.4 Southern Water

6.4.1 No comments to make on the Reserved Matters application.

6.5 County Archaeologist

6.5.1 A Written Scheme of Investigation has been submitted with the application and trial trenches have been carried out. The Archaeological evaluation has shown that the site was completely destroyed in the 20th Century, presumably during the housing development in the area or the formation of the bowls club. In light of this no further recommendations or conditions are required.

6.6 East Sussex County Council Highways

- 6.6.1 The aspects of this application concerning this authority are the layout, access, and travel plan. The site plan submitted with this submission includes details of the access and parking provision.
- 6.6.2 A total of 50 parking spaces, including 5 blue badge holder spaces are shown. Stated within the previous outline highway response, the parking provision was below the ESCC parking standard. A travel plan and parking survey has been provided and in addition, other surgeries both locally and sourced from the TRICS database have been researched in terms of staff numbers and parking. From this, I consider that the parking details are acceptable in terms of quantity. Furthermore, a parking survey has demonstrated that there are on-street spaces available within 250m distance from the site.
- 6.6.3 The layout incorporates turning space which should accommodate the largest vehicle likely to require access, whether it is an ambulance, delivery vehicle for the pharmacy or sharps unit collection for example. A swept path plan should demonstrate the largest vehicle advised by the applicant so that users are safeguarded on site.
- 6.6.4 Access into the site has been accepted at outline stage and parking restrictions had been imposed with funding secured within a s106 agreement for a Traffic Regulation Order.
- 6.6.5 The travel plan has been secured within the s106 and so the condition 19 has already been considered and accepted.

6.7 Lead Local Flood Authority

- 6.7.1 The applicant has provided a detailed drainage design supported by groundwater monitoring and detailed hydraulic calculations, which is acceptable in principle. The original outline permission had a condition requiring the submission of surface water drainage details which is yet to be discharged.

6.8 Crime Prevention Design Officer

- 6.8.1 The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Eastbourne district being above average when compared with the rest of Sussex, it will be important to consider all appropriate crime prevention measures when viewing the proposals.
- 6.8.2 Given the nature of the development it will be imperative that the building's peripheral security is strong and secure, secondary security measures will need to be implemented for areas such as drug storage, personal information and IT server rooms as well as the adjacent pharmacy. Therefore, I recommend all external doors and easily accessible windows conform to LPS 1175 SR 2.

- 6.8.3 The reception is very well positioned to observe areas such as the main entrance, toilets and treatment rooms. It should be designed as to provide adequate protection for staff from physical harm from members of the public should an antisocial behaviour incident occur. A monitored alarm system is to be fitted within the practice for out of hours coverage and consideration is to be given to the fitting of staff panic buttons within appropriate areas. Lighting in the car park, public areas and all entrances and exits is to conform to the recommendations within BS5489:2013.
- 6.8.4 The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.
- 6.9 Design Review Panel on original submission
- 6.9.1 The DRP was very critical of this in the pre-app scheme. The introduction of a pedestrian route direct from Victoria Drive, focused on the Medical Centre entrance rather than the pharmacy is welcomed. It is disappointing that this entrance is stepped only, however, it is not acceptable to create ramped access at the expense of the trees in the streetscape: which the DAS suggests is the alternative.
- 6.9.2 As the only level access route for pedestrians, the design of the access from Victoria Gardens should be made as wide as possible (2m at least) and its relationship to both moving and parked cars, and window openings considered carefully.
- 6.9.3 The need for the additional D1 space on the east side of the building was questioned at pre-app stage, especially as it seems to be responsible for the excessive bulk of this part of the building, and it has remained unchanged in the application scheme. The massing of the building would be greatly improved, and the overall height of the building would be more acceptable if the part of the building containing the pharmacy, which breaks forward from the main mass, was reduced to 2 full storeys only. This could give the pharmacy/entrance canopy a more inviting smaller scale, and suggest that the building is deliberately composed with a dominant three storey element parallel to Victoria Drive, and a subservient element negotiating the transition from Victoria Drive to the main block and which deals with the process of entrance and the commercial pharmacy use.
- 6.9.4 At pre-app stage the DRP welcomed the use of a contemporary architectural idiom, but was critical of the elevations because it was felt that the use of render and timber with a grey brick ground floor, could result in a building that weathered poorly if not detailed appropriately, and represented the anonymous generic architectural language of commercial buildings that was not related to this place in any discernible way.
- 6.9.5 The redesigned elevations do not respond in any positive way to this criticism but completely reject the previous approach and propose a totally different

scheme, which unfortunately has lost many of the better qualities of the pre-app scheme. This is really disappointing and was unnecessary. It also suggests that the elevations of the building are a superficial element in the design, rather than the natural outcome of a holistic approach.

6.9.6 The original scheme had a pattern of fenestration that quite effectively balanced the great length of building proposed, in contrast, the current windows, which are more square in proportion, emphasise the bulk of the building. This is not a good approach when the building already feels too big for its site. The contrasting brick colours and the colours of the fenestration panels don't help this either. The panel were hoping for something much calmer and refined, which might be more appropriate for a health building.

6.9.7 It may be helpful to return to the original pre-app elevations and take another look at which elements work and which could be improved. The type and colour of the brick could be changed to something with a warm and natural character, ideally with some relationship to local context or tradition; the choice of texture and colour of the render considered and explained; and the timber cladding at second floor level looked at to see how it might contribute to the character of the building. There was a concern that an unfinished timber cladding might result in messy weathering due to the deep roof overhangs, but it would be possible to look at options for the finish of the timber, and also how its form might for instance provide a vertical emphasis and a texture that would reveal the movement of light. It would also be helpful if any window shading that may be necessary to reduce overheating and for BREEAM purposes, on any of the elevations, was considered and described at this stage.

6.10 Design Review Panel on Revised submission;

- 6.10.1
- Welcome the removal of the second floor addition to the front above the pharmacy to reduce the bulk of the building.
 - The pergola over the entrance way is also welcomed.
 - The design concept is acceptable in principle careful consideration should be given to the proposed materials to avoid degrading the design.
 - Reduction in the use of colour to window reveals and entrance is improved.
 - Full details of the pedestrian access should be submitted to control the visual impact

6.11 NHS Eastbourne, Hailsham and Seaford Clinical Commissioning Group

6.11.1 The CCG Confirm that since speaking in favour of the proposed development at the previous planning committee there is no change in their support of the project or underlying reasons for the support.

6.11.2 With the current premises at Green Street and Enys road being face with a steady increase of demand and with buildings which are at, or more likely already over the end of their useful life, we are supporting a move by the Local doctors to establish new and sustainable premises on the former bowling grounds at Victoria Gardens.

- 6.11.3 The existing premises, Green Street and Enys Road Surgeries, have experienced a steady increase of patient numbers with increased complexity of needs over time. Both Surgeries are now unable to cope with further demand from patients, and are also struggling to develop their services towards a more efficient and multi-agency approach set out in a number of national and local wellbeing, Health and Social Care Strategies.
- 6.11.4 The new development will be crucial to stabilise and facilitate delivery to patients of the two existing surgeries, as well as other patients which live locally, but can currently not be served locally. The building is also seen as a catalyse which enables the merger of the two practices, enabling the NHS promoted model of 'Primary Care at Scale', which is seen as critical to enable the sustainability of primary care for the future.
- 6.11.5 The public consultation with existing patients and the feedback from our Patient Participation Groups at the Practices was leaning very positive to the proposal. The new development is designed to cater initially for up to 23,000 patients, but as it is expected to serve the local population meaningfully for the next 25-30 years, is designed to be adaptable to future needs and changes in service provision, most importantly the provision of services away from hospital and closer to the community. Eventually we expect that the building could be catering for up to 30,000 patients before a new development might be needed.
- 6.11.6 The proposal offers a number of options to serve the local population with services for which they normally have to travel to hospital, which requires usual new appointments and is delaying their diagnostics and treatment. The flexibility the new premises offer the local doctors to operate a wider range of diagnostics and treatments, which will reduce the need of patients to travel to hospital or to extra appointments.
- 6.12 Dr Mark Gaffney – Senior Partner at Green Street Clinic
- 6.12.1 I have been asked could the new surgery be sited anywhere else. The simple answer is no. Over the years we have looked at some ten sites all of which were rejected because of access, capacity or a lack of willingness to recognise the pressing needs of the community by the then Family Practitioner Committee.
- 6.12.2 Another question is why invite Enys Road to join us. Enys Road surgery is in a similar position to ourselves with a wholly inadequate building for modern day general practice. Their building is larger than ours but access for patients is even more problematic with their ramps and stairs. But the true reason for merging the practices is that midsize practices are no longer sustainable.
- 6.12.3 The single handed practices and small practices have mostly disappeared and the midsize practices are next. As much as anything this is due to the way that surgeries are funded. Practices are paid by capitation and item of service. Increasingly payment is subject to being able to deliver a specific service for patients. This is not new money but repurposed money taken away from the surgeries and given back if they deliver the area of focus currently in favour. Surgeries which lack space and capacity to deliver those services will struggle to bring in revenue with knock on effects on the ability to invest in staff and

equipment and a downward spiral develops. Soon the pressure of expenditure exceeds income and the practices becomes non viable. We have not reached that point but the writing is on the wall and to retain a service in Old Town and across to the middle of town we need to combine resources, capacity and staff. The current NHS England minimum size for a practice is some 20 - 25,000 patients. Enys Road and Green Street were forged from the same mould, the same training schemes for new GP's and have been closely aligned for many years.

- 6.12.4 Within the building the room sizes are 16 meter squared. This is in line with national NHS requirements. A GP surgery does not just provide doctors but a range of allied medical professionals and administrative staff. Nurses, nurse practitioners, midwives, pharmacists, health visitors, district nurses, paramedics, health care assistants, physiotherapists, councillors, social services and members of East Sussex Better Together teams and visiting palliative care teams from the hospice. Receptionists, secretaries, coders, scanners, IT support, office managers, system managers, finance managers and practice managers. General Practice is a most complicated business where most of the activity happens behind the scenes out of site of the patient. A frequent distinction is front office and back office. Front office is the interface to the patient and back office is the engine that drives the ship forward.
- 6.12.5 We must also look to the future training of new medical and allied staff who require dedicated rooms to gain that vital experience which is our duty to impart to the next generation and library facilities for education. We have designed multipurpose meeting rooms to allow regular support groups for patients and families with a variety of different conditions, examples being heart failure support group or learning disability support group. The list is as long as one wants and an example elsewhere of where this works well is Salisbury surgery. In our designs we have focussed on patient travel distance, seating areas and access.
- 6.12.6 Generally patients seeing the nurses are less mobile than those coming to the GP and for this reason nursing services have been placed on the ground floor with the least distance for a patient to travel. Administration and operating suites have been pushed furthest in the corridors to reduce patient travel distances to clinic rooms to a minimum. Reception areas are available for patients but we have already invested in technologies to automate and simplify the patient journey. Repeat prescriptions are almost exclusively transmitted to the pharmacies electronically. Appointments are booked on line and with automated phone services. Within the building there will be direct access to the pharmacy for patients, part of the push to deliver a 'one stop shop' again to minimise the patient journey.
- 6.12.7 In the press there have been many comments about the lack of GP's and how difficult it is to get new partners. This is true but the new premises and a dynamic attitude will mitigate those difficulties. With more GP's working together sickness and retirement will be more easily absorbed than it is currently.

7 Neighbour Representations

7.1 Three letters of support for the proposal have been received from residents.

7.2 Four letters of objection to the proposals have been received from residents. The objections relate to the following reasons;

- The design does not relate to the existing architecture of Victoria Drive or the adjacent buildings
- Flat roof will have an undesirable impact
- Essential that mature trees on the boundary remain
- Proposal will encourage more traffic to an over burdened highway
- Potential difficulties for pedestrians wishing to cross the roads
- Increase in volume of people and traffic
- Loss of amenity if trees are removed
- Impact on no street car parking
- Use of brick is welcome, white cladding is out of context
- Solar PV panels on the roof are horrendous, and appear an afterthought
- No details of lighting, or security measures, CCTV or gates to prevent access when the surgery is closed
- Not sufficient green credentials, no rainwater harvesting from the flatroofs
- Unnecessary inclusion of the pharmacy on the site, could result in one or both of existing closing
- Lack of on site car parking

8 Appraisal

8.1 Principle of development:

8.1.1 The principle of the loss of the bowling green and development of the site for a medical centre was considered through the Outline application. Therefore the principle is acceptable. The Outline application was all matters reserved therefore the scale of the medical centre was not agreed, albeit an indicative scale was shown to be able to be accommodated on the site as part of the application. This application is within that indicative scale.

8.1.2 The CCG have written in support of the application. The CCG alongside the NHS manage the overall strategy for providing adequate healthcare within the area and manage the investment and long term funding required to provided these services. The applicant submits that the Healthcare System is under extreme financial pressure, if the project/provision within the scheme was not considered essential then the support and funding is not forthcoming. As such they contest that the scheme has been carefully scrutinised both in its clinical delivery of services and at a practical business case level.

8.1.3 The new medical centre will service those patients currently registered at both Greens Street and Enys Road surgeries. The site is located within the Old Town Neighbourhood. The vision for Old Town neighbourhood includes enhancing its important local services and facilities therefore the proposal is welcome in principle.

8.1.4 The scale has been shown as part of this application to be appropriate for the

site, providing sufficient clinical room to future proof the use of the site whilst maintaining an acceptable level of car parking and proposing a building of a suitable scale and detailed design for the site and context.

- 8.1.5 Therefore the proposal on balance is considered an acceptable development for the site and it is recommended that Reserved Matters Permission is granted, subject to further conditions (the conditions and S106 agreement of the original outline are still in force).
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The context of the site is such that the impacts on residential properties are limited. The site sits to the west of Victoria Drive, north of Victoria Gardens. There will be no significant impacts on the properties opposite on Victoria Gardens given the building is set to the north of the site.
- 8.2.2 To the North of the site is the old Drive Public House which has been converted into a Sainsbury's Local with residential flats at upper floor level. There are windows at first floor serving a residential flat within the southern elevation of the building, however according to the approved drawings of the permission for this unit these are a bathroom and a secondary living/kitchen window. There is a proposed 12m separation distance between the proposed building and the existing dormer in the side elevation. Therefore some additional overlooking will occur towards the residential flat. The windows in this elevation of the proposed building are consulting rooms which will wish to maintain their privacy also. Therefore actual overlooking will be minimal. The benefits of the proposal are considered to outweigh any harm caused to this single window to this single adjacent residential property.
- 8.2.3 To the west the site shares a boundary with properties 2-10 (even) Victoria Gardens. The biggest impact of the proposal will be on these adjacent residential properties from the bulk of the proposal and in terms of overlooking.
- 8.2.4 The proposed building is part two, part three storeys in height and situated to the north of the site. The building is proposed 10m from the boundary with No. 2 Victoria Gardens at a right angle to the property. As the building is to the east, there would be limited loss of natural light, in the morning with no impact later in the day.
- 8.2.5 The bulk of the building will have an impact on the residential properties adjacent of Victoria Gardens and Victoria Road. These properties currently have clear views from the rear gardens as the site has only low level buildings. The rear elevations of properties 6 and 8 Victoria Gardens face east across the site, and the rear elevations of which are 18m from the rear boundary, so 28m separation with the proposed building. There will be an impact on these adjacent properties from the proposal. However it is necessary to consider the public benefits of the proposal as a whole. The scheme has been designed away from the boundary to minimise the overbearing impact on these adjacent properties. It is also recommended that a condition requires details of obscure glazing to all windows within the western elevation facing these properties and/or details of

mitigation measures to reduce overlooking towards properties. This will assist to reduce the overlooking impacts. Therefore on balance the impact on these limited number of properties is considered acceptable.

8.2.6 At the point the building increases in width the properties adjacent, No. 2-6 Victoria Road are set further away from the boundary at 40m (with other rear gardens between). Therefore there is less impact. The properties of Beechy Avenue are considered a sufficient distance that whilst some impacts of additional overlooking will occur the impacts are considered acceptable.

8.3 Design issues:

8.3.1 The design of the scheme has been subject of scrutiny. The original Outline application was considered by the Design Review Panel in August 2016 with advice provided on the appropriateness of the design. As part of a pre-application submission a revised scheme was considered by the Chair of the Design Review Panel, with two amended schemes following.

8.3.2 The design is considered an important element of the scheme given the location and bulk and the nature of the use. It is clear that the proposal must provide for future capacity to future proof the development. The applicant is adamant regarding the need for the space proposed within the new building and has provided a letter of support from the CCG in terms of the size of the centre.

8.3.3 The size has been marginally reduced since first submission with the removal of a section above the two storey pharmacy to reduce the bulk of this projection to the front of the building. The design now under consideration is considered acceptable in principle as a concept. The detail and overall quality of the building will result from the use of the materials which is controlled by condition 4 of the original outline permission which requires submitted of details of materials.

8.3.4 The horizontal emphasis of the first floor cladding and the vertical emphasis from the window designs themselves assists to reduce the bulk of the proposal visually. Colour is now restricted to window reveals to give interest when viewing the building from different angles. A pergola emphasises the main entrance of the building and links with the pedestrian access from Victoria Drive creating a sense of arrival and a clear definition of the entrance.

8.3.5 The layout of the site is such that generally pedestrians and car users are separated. The access from Victoria Gardens is widened to provide improved vehicle access with pedestrian walkway to the proposed entrance. The pedestrian access from Victoria Drive is the main access for pedestrians so it is unfortunate that this is only proposed as stepped but the constraints of the site do not allow a ramped access in this location. The layout is designed to minimise impacts on the residential properties whilst being able to retain the attractive tree lined aspect of the eastern boundary with Victoria Drive.

8.3.6 On balance when considering the constraints of the site and the need for the size of the centre, the proposal is considered acceptable in terms of the bulk and scale and the impact on the street scene.

- 8.3.7 The application also requested discharge of Condition 23 (Landscaping) of the original outline approval. Whilst the layout of the site is considered acceptable this condition requires additional information not submitted with the application such as planting plans and implementation schedules. Therefore at this time this condition is not considered discharged.
- 8.4 Impacts on trees:
- 8.4.1 There are limited impacts to the existing trees on site, the location of the building is designed to minimise the loss of trees to the Victoria Drive frontage of the site. As required by Condition 20 (Arboriculture Assessment) of the original Outline Permission an Arboricultural Assessment has been submitted with the application and it is agreed in principle to be acceptable therefore this condition can be considered discharged.
- 8.4.2 The submitted Arboricultural Assessment shows the loss of 4 sycamore trees to allow for the new pedestrian access from Victoria Drive. This is considered acceptable on balance given the majority of the tree line on the site boundary is retained. The additional access is a wider benefit for proposed use and considered necessary.
- 8.4.3 The new pedestrian access will be the biggest impact to the existing trees resulting in the loss of four sycamores which the Arborists report categorises as B2 or C3 in grading. The loss of these trees is considered acceptable to provide a suitable pedestrian access to the site from Victoria Drive.
- 8.4.4 The remaining trees will be protected during the course of the works. A method statement has been submitted to set out these measures which includes hand digging for all excavation works within the RPA's of the trees. This is controlled by further condition.
- 8.5 Impacts on highway network or access:
- 8.5.1 A total of 50 parking spaces, including 5 blue badge holder spaces are shown. These are to be 11 allocated for staff and 39 for visitors. The level of car parking allocated for staff could be controlled by condition.
- 8.5.2 At the Outline Planning Application stage it was considered that the parking provision would be below the ESCC parking standard. A travel plan and parking survey has been provided and in addition, other surgeries both locally and sourced from the TRICS database have been researched in terms of staff numbers and parking. A parking survey has demonstrated that there are on-street spaces available within 250m distance from the site. Therefore ESCC Highways have raised no objection to the application on the basis of the amount of car parking provision. Further to ESCC Highways consultation response a tracking drawing has been submitted which shows access for the largest vehicles that are expected to access the site and is acceptable.
- 8.5.3 Access into the site, and the highways impacts from the proposed use were accepted at outline stage with financial contributions towards pedestrian and highway improvement, and a TRO to amend waiting restrictions and parking

bays these are secured through the existing S106. No further contributions are requested or considered appropriate.

8.5.4 It is acknowledged that the proposal will have significantly greater impacts on the highway network than the bowling green use. The proposed use could potentially serve a wider demographic with the facilities contained in the proposal. However it is considered that the transport connections to the application site are sustainable. The application site can be accessed on foot by a great number of residents and is located on frequent and well-used bus routes. It is considered appropriate that the Medical Centre could contribute towards the further sustainability of the immediate area including the Green Street District Shopping Centre with the potential for linked trips.

8.5.5 The travel plan has been secured within the s106, a draft travel plan has been submitted with the application in relation to condition 19 of the Outline permission. The travel plan submitted is comprehensive and aims to enhance sustainable travel to and from the surgery by all users. The location for the site benefits from public transport for those travelling from beyond walking distance on the bus routes, and pedestrian infrastructure (footways and crossings) so that those who reside within 1km can easily walk to the surgery. The site has many local amenities nearby and so visits to this part of the locality is able to encourage linked journeys by both staff and visitors.

8.5.6 The content of the travel plan proposes to discourage single occupancy private car use by providing information to staff and visitors through information sharing. The measures proposed and methodology for monitoring and action are set up for annual review after initial occupation and baseline data collection. The proposals as laid out are acceptable for this consented development. Therefore condition 19 can be considered discharged.

8.6 S106 Agreement

8.6.1 The S106 agreement of the original Outline Permission required;

- Local Labour Obligations including monitoring fee; and
- Transport Contribution of £37,500 toward the cost of pedestrian and highway improvements in the vicinity of and specific to the Site and Development paid prior to the commencement of development; and
- Travel Plan Auditing Fee of £6000 being paid as a contribution to the costs of the County Council for auditing and monitoring the Travel Plan prior to the occupation of the building; and
- Traffic Regulation Order Contribution of £5000 to alter waiting restriction and parking bays and any other reasonable ancillary requirements prior to the commencement of development.

8.6.2 Legal advice on tying the two applications together has been sought, it is advised that a condition requiring the provision of the car parking spaces (subject to application 180454) prior to the occupation of the building (subject of this application) is enforceable in exactly the same way (by Injunction if necessary) as if the applicant had entered into a further s.106 obligation to provide the car parking spaces outside the planning boundary.

8.7 Conclusion

8.7.1 The site is not ideal for the size of medical centre proposed, however there are a lack of significantly sized sites within the suitable area for the centre. Therefore on balance the public benefits of the centre outweigh any impacts associated with its scale, mass and siting, impacts on residential amenity and highways impacts.

9 **Human Rights Implications**

9.1 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.

10 **Recommendation**

10.1 Grant Reserved matters permission subject to the following schedule of conditions;

10.2 Condition Schedule;

1. The development hereby permitted shall be carried out in accordance with the approved drawings;
8494 P002 Rev A – Proposed Site Plan
8494 P003 Rev A – Ground Floor with Context
8494 P004 Rev A – First and Second Floor
8494 P005 Rev A – Proposed Elevations Sheet 1 of 2
8494 P006 Rev A – Proposed Elevations Sheet 2 of 2
8494 P007 Rev A – Elevation Detail
8494 P009 Rev A – Streetscene
8494 P011 – Site Section
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Notwithstanding the approved drawings prior to their installation details of the Solar PV units to the roof of the building shall be submitted to and approved in writing by the Local Planning Authority, to include details of the manner of fixing to the building, thereafter the panels shall be installed in accordance with the approved details and retained as such unless agreed otherwise in writing by the Local Planning Authority.
Reason: To protect the visual appearance of the building and the character of the setting.
3. Prior to the commencement of the above ground build details shall be submitted to and approved in writing by the Local Planning Authority of measures to obscure or otherwise mitigate overlooking from all windows at first and second floor level of the building in the western elevation including the waiting area windows facing south and west. The approved

measures shall thereafter be installed prior to the first occupation of the building.

Reason: To safeguard the privacy of the occupiers of the adjacent properties.

4. The Arboricultural Method Statement (section 8 of the Arboricultural Report 12.01.18) and associated tree protection plan (appendix 3 of the Arb Report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with (Insert relevant policies here).

5. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with (Insert relevant policies here).

6. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with (insert relevant policies here)

7. Prior to installation gates or other means of restricting access to either the vehicular or pedestrian access to the site shall be submitted to and approved in writing by the Local Planning Authority, works shall thereafter be carried out in accordance with the approved details.

Reason: To protect the visual appearance of the site and the street scene.

8. Prior to the occupation of the development hereby approved details of the location and installation of two electric vehicle charging points to parking spaces shall be submitted to and approved in writing by the Local

Planning Authority, thereafter the charging points shall be install in accordance with the approved details prior to the occupation of the building and retained as such thereafter unless agreed otherwise by the Local Planning Authority.

Reason: To promote more sustainable travel choices.

9. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area.

10. The building hereby approved shall not be occupied until such time as the approved the car parking within the red line has been constructed and provided in accordance with the approved drawing 8494 P002 Rev A – Proposed Site Plan. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles; car parking shall only be allocated as set out on the approved drawing unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide suitable car-parking space for the development

11. The building hereby approved shall not be occupied until such time as the approved the car parking, motorcycle and cycle parking and associated landscaping shown within the blue line on approved drawing 8494 P002 Rev A – Proposed Site Plan is fully implemented and available for use; thereafter the car parking, motorcycle and cycle parking shall be retained for that use and shall not be used for any other purpose; car parking shall only be allocated as set out on the approved drawing unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure satisfactory car parking provision to serve the development.

Informatives

1. In relation to condition 4 of the original Outline Planning Permission details shall include the material of the handstandings, pedestrian walkways and parking areas, and full details at an appropriate scale of the pergola to the entrance way, and the steps including details of walls and railings between the site and Victoria Drive.

11 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.

12 Background papers

The background papers used in compiling this report were as follows:

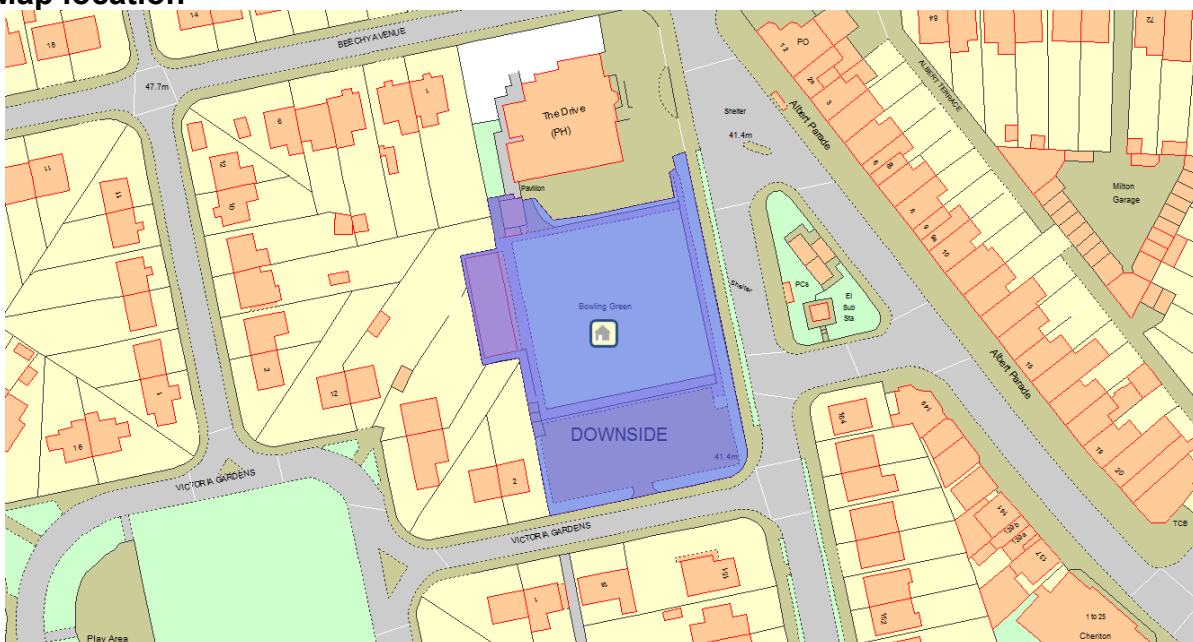
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Agenda Item 10

App.No: 180454	Decision Due Date: 4 July 2018	Ward: Old Town
Officer: Anna Clare		Type: Planning Permission
Site Notice(s) Expiry date: 2 June 2018 Neighbour Con Expiry: 2 June 2018 Press Notice(s): n/a		
Over 8/13 week reason: To negotiate the design of the proposed building and allow for an Archaeological Evaluation to be carried out. Extension of time in place.		
Location: Victoria Drive Bowling Club, The Drive, 153 Victoria Drive, Eastbourne		
Proposal: : Demolition of existing outbuildings and creation of 10No. Parking Spaces, 1No.Disabled Parking Space, Motorcycle Parking with Ground Anchors, Cycle Storage and associated hard and soft landscaping works in relation to Reserved Matters application for the development of a medical centre (Ref: 180450).		
Applicant: Simpson Hilder Associates		
Recommendation: Grant planning permission subject to conditions		

Contact Officer(s): **Name:** Anna Clare
 Post title:
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000

Map location



1 Executive Summary

- 1.1 This application is reported to planning committee given its direct close relationship with the main application reported elsewhere on this agenda.
- 1.2 The application relates to the Reserved Matters application (Ref: 180450) for the development of the site for a Medical Centre. The application will provide additional car, motor cycle and bicycle parking to facilitate the development of the Medical Centre through the demolition of existing outbuildings. This application is a separate application as it falls outside of the original Outline application site as at that time these parts were under separate ownership.
- 1.3 The application is brought to planning committee given the development as a whole constitutes a major development.
- 1.4 The proposal is considered acceptable and will provide additional facilities for the Medical Centre with limited impacts on the surrounding residential occupiers. Therefore it is recommended that Planning Permission is granted subject to conditions.

2 Relevant Planning Policies

- 2.1 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
 - 12. Conserving and enhancing the historic environment
- 2.2 Core Strategy Local Plan 2013 Policies
 - B2: Creating Sustainable Neighbourhoods
 - C4: Old Town Neighbourhood Policy
 - D1: Sustainable Development
 - D2: Economy
 - D4: Shopping
 - D7: Community, Sport and Health
 - D8: Sustainable Travel
 - D10: Historic Environment
 - D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - NE4: Sustainable Drainage Systems
 - NE14: Source Protection Zone
 - UHT1: Design of New Development
 - UHT5: Protecting Walls/Landscape Features
 - UHT7: Landscaping
 - TR1: Locations for Major Development Proposals
 - TR2: Travel Demands
 - TR3: Travel Plans
 - TR7: Provision for Pedestrians

3 Site Description

- 3.1 This application includes two areas, one to the west of the main bowls club green which is currently occupied by the Bowls Club Pavilion and one to the north of the site which is currently ancillary outbuildings.
- 3.2 The western section shares boundaries with those properties 6-10 (Even) of Victoria Gardens. The northern section shares a boundary with the car park of the adjacent Sainsbury's Local which has residential accommodation on the upper floor.

4 Relevant Planning History

- 4.1 160788
Outline application for the development of a medical centre with all matters reserved except access
Approved Conditionally and subject to a S106 agreement
13 September 2017
- 180450
Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) and discharge of conditions 19 (Travel Plan) and 20 (Arboriculture Assessment) following outline approval (with Vehicular Access Agreed) development of a medical centre (Ref: 160788).
Currently under consideration.

5 Proposed development

- 5.1 The application proposes the demolition of the existing buildings on the site and the creation of additional car parking (11 spaces), motor cycle and bicycle parking for the proposed Medical Centre which forms Reserved Matters application (Ref: 180450).

6 Consultations

- 6.1 East Sussex County Council Highways
Consulted as part of the redevelopment of the site as a whole raise no objection to the level of car parking or its layout.

7 Neighbour Representations

- 7.1 No comments received specifically in relation to this application.

8 Appraisal

- 8.1 Principle of development:
- 8.1.1 The principle of the loss of the bowling green and development of the main site

for a medical centre was considered through the Outline application. Therefore the principle is acceptable. The Reserved Matters application considers the proposed Medical Centre building and its impacts on residential properties. This application relates solely to the proposed car, motor and bicycle parking areas to the two sections north and west of the main site.

- 8.1.2 In principle there is no objection to the loss of these now disused outbuildings and the use of the sites in association with the main Medical Centre use. The additional parking areas will facilitate the main use and are considered necessary to make the proposed scale of the building acceptable.
- 8.1.3 Legal advice on tying the two applications together has been sought, it is advised that a condition requiring the provision of the car parking spaces (subject of this application) prior to the occupation of the building (subject of application 180450) is enforceable in exactly the same way (by Injunction if necessary) as if the applicant had entered into a further s.106 obligation to provide the car parking spaces outside the planning boundary.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
 - 8.2.1 The impacts of the proposed development the subject of this application are limited. There will be no impacts in terms of loss of light or privacy given the proposal is to remove buildings and provide parking areas. The impacts will be limited to noise and additional activities adjacent the boundary of the adjacent residential properties.
 - 8.2.2 A landscaped buffer is proposed between the car parking and the residential boundaries. Given the size of the adjacent gardens the closest proximity to a residential property is 15m.
 - 8.2.3 It is not considered that the proposal will have significant impacts on the adjacent residential properties from the use, such as closing of car doors or additional activity adjacent the boundary to warrant the refusal of the application.

8.3 Design issues:

- 8.3.1 The two areas will form part of the wider development site and in and of themselves are fairly hidden given the proposed location of the building. Therefore no issues regarding the design of the proposal are raised.

9 **Human Rights Implications**

- 9.1 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.

10 **Recommendation**

10.1 Grant planning permission subject to conditions.

Conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved drawings and completed prior to the first occupation of the main medical centre approved under reference; 180450
8494 P053 - Proposed Site Plan
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Once constructed the car, motorcycle and cycle parking facilities shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles or bicycles.
Reason: To provide suitable car-parking space for the adjacent development.

11 Appeal

11.1 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.

12 Background papers

12.1 The background papers used in compiling this report were as follows:

- **Case file**

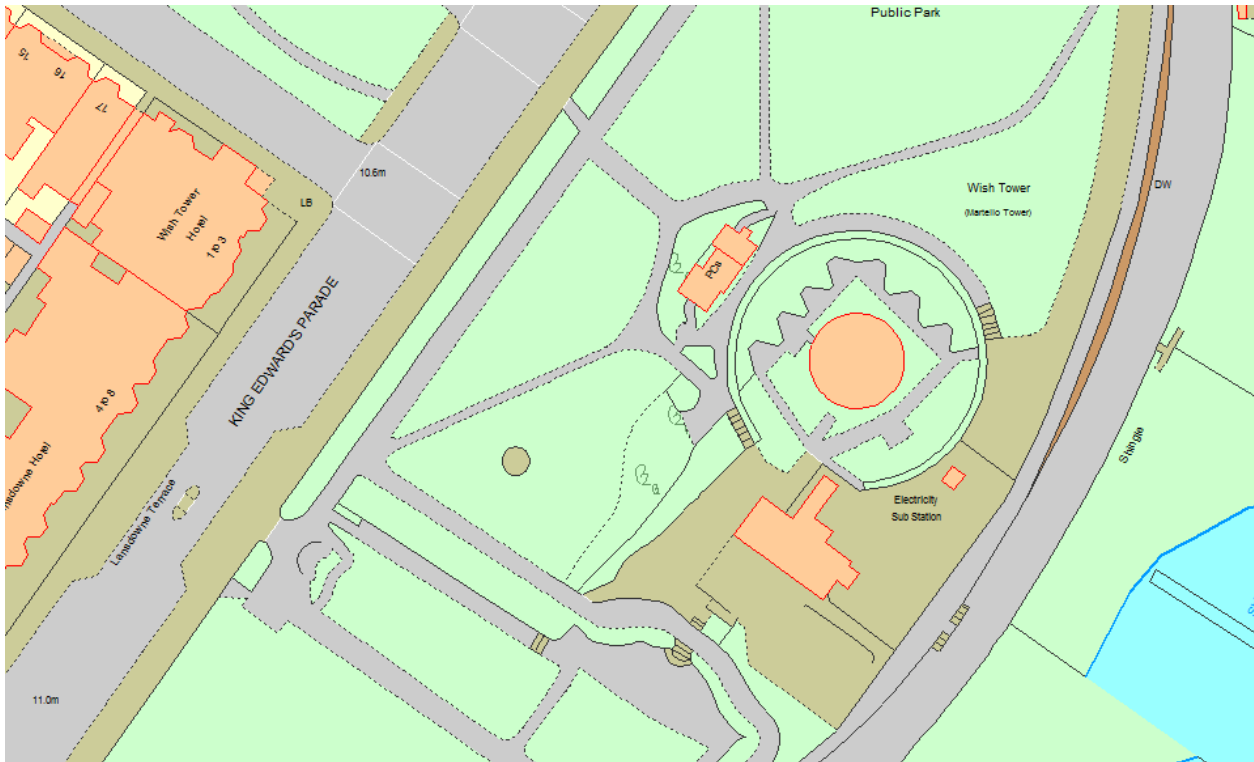
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Agenda Item 11

App.No: 180642	Decision Due Date: 20 September 2018	Ward: Meads
Officer: James Smith	Site visit date: 23 rd July 2018	Type: Planning Permission
Site Notice(s) Expiry date: 16 th July 2018 Neighbour Con Expiry: 16 th July 2018		
Over 8/13 week reason: N/A		
Location: Wish Tower Cafe, King Edwards Parade, Eastbourne		
Proposal: : Demolition of existing temporary cafe building and replacement with a permanent single-storey building to be used as a restaurant.		
Applicant: Mr Paul Quanstrom		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
 Post title: Specialist Advisor (Planning)
 E-mail: james.smith@lewes-eastbourne.gov.uk
 Telephone number: 01323 415026

Map location:



1 Executive Summary

1.1 This application is being reported to committee given the Borough wide significance of the proposed development.

The proposed development fulfils the long established planning brief for the site by way of providing a new restaurant facility that respects the constraints of the site and the surrounding area.

1.2 The public benefit of the proposed development outweighs any less than substantial harm that would impact on the neighbouring Scheduled Ancient Monument. In any case, the design, layout and orientation of the proposed building is considered to be sympathetic towards the Wish Tower.

1.3 There would be no detrimental impacts on neighbouring residents and the use is compatible with the surrounding Town Centre, contributing to its vitality and viability and providing enhanced facilities for residents and visitors that would encourage use of other nearby facilities.

1.4 The development has been designed to be as accessible as possible.

1.4 Surrounding on street car parking has sufficient capacity to serve the development.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework (2018)

- 2. Achieving sustainable development
- 4. Decision making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well designed places
- 16. Conserving and enhancing the historic environment

2.2 Eastbourne Borough Plan (2007)

- NE18 (Noise)
- NE28 (Environmental Amenity)
- UHT1 (Design of New Development)
- UHT4 (Visual Amenity)
- UHT5 (Protecting Walls/Landscape Features)
- UHT7 (Landscaping)
- UHT8 (Protection of Amenity Space)
- UHT10 (Design of Public Areas)
- UHT15 (Protection of Conservation Areas)
- UHT17 (Protection of Listed Buildings and their Settings)
- HO20 (Residential Amenity)
- TR6 (Facilities for Cyclists)
- TR11 (Car Parking)
- TO7 (Preferred Areas for Tourist Attractions and Facilities)
- TO8 (New Tourist Attractions and Facilities)
- TO9 (Commercial Uses on the Seafront)
- US4 (Flood Protection and Surface Water Disposal)

2.3 Eastbourne Core Strategy (2013)

- B1 (Spatial Development Strategy and Distribution)
- B2 (Creating Sustainable Neighbourhoods)
- C1 (Town Centre Neighbourhood Policy)
- D1 (Sustainable Development)
- D2 (Economy)
- D3 (Tourism and Culture)
- D10 (Historic Environment)
- D10a (Design)

2.4 Eastbourne Town Centre Local Plan (2013)

- TC1 (Character Areas)
- TC2 (Town Centre Structure)
- TC3 (Mixed Use Development)
- TC7 (Supporting the Evening & Night-time Economy)
- TC8 (Arts Trail)
- TC9 (Development Quality)

2.5 Eastbourne Wish Tower Restaurant Site SPG (2009)

3 Site Description

3.1 The site has recently been cleared but was previously occupied by a temporary building housing a café and seating area that was originally erected in 2012 to replace a permanent building that had occupied the site but fallen into a poor condition. Outdoor seating areas were also provided on hard surfacing adjacent to the café building. The original concrete plinth on which the restaurant building was stationed has been retained. There is a small electricity sub-station positioned towards the northern end of the site. Currently, the site is surrounded by hoarding.

3.2 The site is located on raised land, immediately adjacent to Martello Tower No. 73, known as the Wish Tower, which is registered as a Scheduled Ancient Monument as well as a Grade II Listed Building. The tower is immediately to the north of the site. The majority of the tower site is encircled by a retaining wall which has a dry moat behind it. A section of the wall adjacent to the site was removed during the 1950's. Planning permission has been granted (under 160128) for part of the removed wall to be replaced by a granite wall serving as a war memorial. The memorial would face inwards, towards the Wish Tower and would be adjacent to a landscaped 'peace garden'. This permission has not been implemented to date.

The site falls within the wider Town & Seafront Conservation Area. The western side of King Edward's Parade, which is opposite the site, is flanked by terraces of four and five-storey buildings, the majority of which date from the mid to late 19th Century and are in use as hotels or guest accommodation. The landscaped gardens at

3.3 To the immediate north and west of the tower are gardens positioned on sloping ground known as the glacis, which consists of the spoil produced by the original excavation works for the tower. The western slope runs downwards towards King Edward's Parade. To the south are further gardens which are on more even ground and at a lower level to the site.

3.4 The Lower Parade runs alongside the beach to the south of the site. The parade is on land that is roughly 8–10 metres below the level of the site and is bordered by a retaining wall. To the south of the parade is the beach itself.

3.5 The site falls within the wider Town & Seafront Conservation Area. The western side of King Edward's Parade, which is opposite the site, is flanked by terraces of four and five-storey buildings, the majority of which date from the mid to late 19th Century and are in use as hotels or guest accommodation. The landscaped gardens at Wilmington Square are also nearby.

3.6 There is no car parking area specifically allocated to the site but there is a large amount of car parking bays on surrounding streets which are subject to parking controls.

4 Relevant Planning History

- 4.1 120051
Demolition of life expired cafe and sun lounge building including cantilevered concrete balcony, retention of existing hoardings, provision of new hoarding to seaward side of site.
Approved Conditionally – 5/4/2012
- 4.2 120357
Construction of temporary cafe structure with catering facility and seating for around 50 - 60 covers located within proposed building and also on external deck and patio area
Approved Conditionally – 13/7/2012
- 4.3 160128
Installation of new war memorial at the wish tower, with associated hard landscaping.
Approved Conditionally – 20/4/2016
- 4.4 160894
Retention of temporary Cafe & external deck for a further 3 years beyond expiry date of existing temporary planning permission 120357 (Construction Of Temporary Cafe Structure With Catering Facility And Seating For Around 50 - 60 Covers Located Within Proposed Building And Also On External Deck And Patio Area).
Approved Conditionally – 28/9/2016

5 Proposed Development

- 5.1 The proposal involves the removal of the existing temporary café building occupying the site. This building was subject to a temporary planning permission only, which required for it to be removed and the site cleared on cessation of use. To this end, the building has already been removed from the site.
- 5.2 The site curtilage would remain the same as that of the original restaurant. The entire curtilage was previously occupied by a mix of buildings and hard surfaced terracing. The proposed building footprint is smaller than that of the original restaurant and does not extend behind the Wish Tower site as the original building did.
- 5.3 A new restaurant building would be erected on the site. This building would measure 23.1 metres in width and depth. The building would have a flat roof that would be slightly inclined upwards from approximately 3.9 metres above ground level to the north (adjacent to the Wish Tower site), to approximately 4.4 metres to the south. External finishes would consist of timber cladding and glazing.

- 5.4 The roof would measure 27.34 metres in width and depth, allowing for an overhang, particularly on the southern and western sides. The roof form would be articulated through the use of sloping soffits. A raised deck would be mounted on the roof top to provide housing for plant associated with the building.
- 5.5 The building would be surrounded by a timber decked area on which outdoor seating would be provided. This would be partially covered by the overhanging roof of the building.
- 5.6 Eastern and southern elevations would incorporate a large proportion of glazing in order to provide views over the sea and the Western Lawns respectively.
- 5.7 A detached bin store would be provided to the side (north) of the main building, to the rear of the Wish Tower perimeter retaining wall and adjacent to the existing electricity substation.

6 Consultations

6.1 Tourism Manager:

- 6.1.1 Awaiting comments if received will be reported on the addendum

6.2 Specialist Advisor (Waste):

- 6.2.1 Awaiting comments if received will be reported on the addendum

6.3 Specialist Advisor (Environmental Health):

- 6.3.1 I have no adverse comments to make at this stage.

6.4 Specialist Advisor (Planning Policy):

- 6.4.1 This application proposes to develop the existing Wish Tower Café facilities; this includes the demolition of the existing temporary café to be replaced with a permanent, high profile, 'flagship' restaurant. The application site is situated in the 'Town Centre Neighbourhood' as identified by Policy C1 in the Eastbourne Core Strategy (2013).

- 6.4.2 Policy C1 is The Town Centre Neighbourhood Policy, which sets out the vision for this area as the following; "The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan". It aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood. This will be promoted through a number of factors including, 'Enhancing and maintaining an attractive and viable seafront offer' and 'Developing the Wish Tower Restaurant into a destination to complement tourism uses in the area'. The application site is in a prominent location and therefore plays an important role in tourist and resident

facilities. It falls within the Town Centre and Seafront Conservation Area. Additionally, the Wish Tower (Martello Tower) is located within close proximity to the proposal site and is designated as a Scheduled Monument and a Grade II Listed Building.

- 6.4.3 Tourism and Culture Policy D3 of the Core Strategy states that the importance of the entertainment, cultural and sports facilities to the economic prosperity of Eastbourne is recognised. The Council will therefore support the preservation and enhancement of these through a number of measures including 'Promoting the development of the Wish Tower restaurant to provide an enhanced asset for the benefit of residents and visitors'. The application site is located within a Preferred Area for Tourist Attractions and Facilities as identified in Policy TO7 of the Eastbourne Borough Plan. Policy TO7 identifies the site as being located within the King Edwards Parade-Grand Parade- Marine-Parade-Royal Parade-Prince William Parade Preferred Area for Tourist Attractions and Facilities. Eastbourne's Seafront is an important feature for visitors and the renewing the permission on the temporary facility will help to maintain and enhance the tourism offer. The policy for New Tourist Attractions and Facilities (Policy TO8) states that 'In the preferred area for tourist development proposals for new quality tourist attractions and facilities...will be permitted, provided they do not conflict with other policies in this Plan, and meet a set of criteria.' The proposal complies with Policy criteria, as the development is considered to reflect the area's character and complement the existing facilities.
- 6.4.4 The 'Wish Tower Planning Advice Note' (2009), paragraph 5.3 states 'acceptable uses' for the site which includes restaurant/café (use Class A3) and paragraph 5.5 stipulates that public access should be retained along the seafront at all times, this application complies with those development principles. Additionally, paragraph 5.1 states that 'The building should not be higher than the existing building, to maintain the dominance of the Tower in views', the design drawings and 3D visualisations within this application show that the Wish Tower will still remain dominant in views of the seafront and therefore would be deemed acceptable by policy.
- 6.4.5 To conclude, this application complies with national and local policies covering the site. It compliments many of the development principles in the 'Wish Tower Planning Advice Note'. Therefore, this application is acceptable in terms of a policy perspective.
- 6.5 Specialist Advisor (Conservation):
- 6.5.1 This application seeks to demolish a temporary café building and to erect a new permanent restaurant structure at this major development site located in a prominent and protected location that forms part of the Town Centre and Seafront conservation area and occupies land in the immediate vicinity of the Wish Tower, a scheduled national monument.
- 6.5.2 The restaurant will replace a temporary structure that has operated over recent years, providing a permanent major eating space that honours a fondly remembered predecessor structure providing a café and sun lounge that was first constructed in 1961.

- 6.5.3 The Architectural Brief clearly establishes the authority's aspiration for the site, referencing the need for a flagship building at a key location that benefits from exceptional views and which, it is felt, can act as a major contributor to broader-based local regeneration. Specifically, it offers the promise of an enhanced seafront offer and a valuable connection to the emerging Devonshire Quarter, which from summer 2019 will provide a set of outstanding cultural and sporting facilities within easy walking distance.
- 6.5.4 Delivering this laudable ambition in this visible and much-loved and multiply protected setting requires careful planning and execution, and the architects are to be commended for generating a thoughtful design that clearly references a predecessor building while creating a compelling contemporary architectural statement in the heart of a sensitive and central heritage setting. Crucially, the design addresses the issue of relationship with the scheduled monument that is its neighbour, ensuring that the scale, mass and design of the new restaurant, though still allowing for aesthetic presence and impact, operates as clearly subordinate to the Martello Tower. This avoids the major risk of compromising the significance of a major heritage asset and its wider setting. The use of timber and glass as main materials also contribute to the modest and pleasing effect, helpfully avoiding any temptation to signal a new arrival by creating an excessively demonstrative building, preferring instead to craft a simple and subordinate structure that works well with its vivid and exposed natural setting, allows for an interaction between land, sea and landscaped gardens and ensures maximum light flow into the more public areas. My feeling is that the understated restaurant design allows the setting to shine through and project its own personality, thereby reinforcing the sense of destination and occasion.
- 6.5.5 Notwithstanding the overall competence of the project, a couple of areas provoke concern and would benefit from attention. For example, the creation of a separate service area housing bins is problematic, and it is suggested that this might usefully be relocated in order to avoid any adverse effect.
- 6.5.6 One other area that invites more cautious feedback is the roof, which in the current application forms an angled flat structure with some chunky detailing. This contrasts with earlier designs, which were more sculptural and visually inventive in their use of texture and shapes, generating positive impact through the use of sensitive detailing. This scaling back is to be regretted, since it misses an obvious opportunity to generate interest and distinctiveness; and to make a memorable contribution to the intended destination status of the new build. As presently submitted, the feeling is that the roof design inclines on the side of the pedestrian.
- 6.5.7 In overall, terms, however, my feeling is that the scheme provides a permanent new restaurant structure in a privileged central location, extending the town's overall hospitality offer and enhancing the range seafront, tourism and heritage facilities. The design builds on (indeed, effectively pays homage to) its predecessor building and generally works with the Wish Tower, notwithstanding the specific areas of concern identified previously that are recognised as operating an adverse effect giving rise to the risk of harm, albeit not so substantially as to justify registering a formal objection. The public benefit

derived from the presence of the new facility is seen as providing mitigation while the judicious use of conditionality around the choice of materials and approaches to landscaping should provide additional reassurance and safeguards.

6.6 Historic England:

- 6.6.1 We appreciate that a square plan is meant to create a distinctive counterpoint to the circular tower and that the concentric arrangement (albeit square) of core building and surrounding service space is meant to be reminiscent of the Martello Tower and its ditch. However, we think that the proposed new building only partly meets the requirements of the planning brief: it is lower than the Martello Tower in order to avoid obstructing some key views, and it is spatially and stylistically distinct from it, but we think that in some ways it does risk dominating the Martello Tower.
- 6.6.2 It should be remembered that the counterscarp wall (the outer wall of the Martello Tower's ditch) was once enclosed by and embedded in, an earthen bank known as a glacis; a new café building in the area proposed would occupy space once occupied by the glacis. The proposed design does not acknowledge the former presence of the glacis, in fact the uncompromising square shape and sloping roof (which slopes in the opposite direction to the glacis) seem to robustly overwrite it. We think that the deliberately oppositional design is quite harmful to the scheduled monument, albeit the harm is less than substantial.
- 6.6.3 We think that the new building crowds the tower/ditch. It would be desirable for visitors to be able to comfortably walk around the entire external circumference of the counterscarp wall and be able to appreciate that it was once the revetting wall for an embankment; if it is not possible to walk around it, or in doing so one has to be very close to it, it will simply appear to be a boundary wall; we think that some additional space is necessary to appreciate its original purpose. In longer views it is desirable that the full extent and character of the tower can be appreciated, so the new building should not intrude into the view of the tower and counterscarp wall to any great extent, such as in the view towards the tower from the lawns to the west. We also note that the electricity sub-station is currently located to the south of the monument, and that this is also proposed to be a location for a bin store, which we think an adverse effect on appreciation of the counterscarp wall and the public realm.
- 6.6.4 We think it disappointing that an undulating roof form has been rejected in favour of the proposed design because we think that the view from the Martello Tower's gun platform would consequently be of a large homogenous flat metal roof. We note that no visualisations of the roof in views from the Martello Tower's gun platform were provided with the application.
- 6.6.5 In views from ground level we think that the simple angled plane of the roof and the strongly expressed eaves soffit result in a heavier appearance than that of the previous design, which had an undulating roof with multiple supporting posts clearly expressed. In this sense we think that the design challenges the solidity (and hence the dominance) of the Martello Tower, especially in views upwards from the lawns to the west (see the view on page 70 of the Design and Access Statement).

- 6.6.6 We assume that the eaves soffit and walls will be timber-clad, which seems appropriate, but we think that design details and facing materials will be very important in implementing such a design successfully.
- 6.6.7 The success of the scheme, irrespective of the preferred building design, will be dependent on the careful design and implementation of landscaping, such as ground surfaces, steps and railings and careful selection of materials.
- 6.6.8 Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF).
- 6.6.9 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be.
- 6.6.10 The planning system should play an active role in guiding development to sustainable solutions. (para.8 NPPF). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para.9 NPPF). Your authority should therefore also seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets, whether through changes to the asset or to its setting.
- 6.6.11 Significance can be harmed or lost through development within its setting because the significance of a heritage asset is determined not only by the physical fabric of a place but also by its appearance, its associations with other places and its relationship with its surroundings (para.132, NPPF). Historic England's recommended approach can be found in our Good Practice Advice Note No.3: The Setting of Heritage Assets.
- 6.6.12 As heritage assets are irreplaceable harm should be avoided wherever possible. Any harm or loss should require clear and convincing justification (para.132 NPPF) so an application should demonstrate that all less harmful alternatives have been considered. If a proposal cannot be amended to avoid all harm, and the harm is less than substantial, this can be weighed against the public benefits of the proposal (para.132, NPPF).
- 6.6.13 If a proposal cannot be amended to avoid all harm, and the harm is less than substantial, this can be weighed against the public benefits of the proposal (para.134, NPPF).
- 6.7 County Archaeologist:
- 6.7.1 The proposed development is adjacent to a Scheduled Monument and within an Archaeological Notification Area defining an area of prehistoric and Roman activity, as well as military remains from the early 19th and mid-20th centuries.

- 6.7.2 The famous 'Beachy Head' Bronze Age hoard eroded out of the cliff face at the Wish Tower in 1807 and may have been related to more widespread ritual or occupation activity. Activity during the Roman period is attested by finds of Roman pottery at The Wish Tower.
- 6.7.3 The early 19th century remains comprise a Martello tower and associated defences, all of which are of Scheduled Ancient Monument designation. The café area was the site of World War 2 artillery battery, however the desk based assessment (DBA) convincingly indicates that all traces have been removed. The DBA does however highlight the potential for remains relating to the Martello tower (i.e the glacis and counterscarp earthworks), other related features and indeed earlier remains surviving beneath the remaining café foundation.
- 6.7.4 The buried archaeological remains outside the scheduled Martello tower area can be considered of local significance and, in this instance, it is acceptable for their destruction to be mitigated through an appropriate planning condition.
- 6.7.5 It is unclear from the application the level of groundworks required but presumably as a minimum this will involve utility connection trenches. Monitoring and recording by a suitably qualified archaeologist will therefore be required on all groundworks, including geotechnical investigation and grubbing out service connections.
- 6.8 Highways ESCC:
- 6.8.1 Refer to standing advice.
- 6.9 SUDS:
- 6.9.1 The applicant should investigate any existing surface water drainage including its condition, we would recommend that this existing drainage system be utilised for the redevelopment if possible. Any required improvements to this existing drainage should be carried out before a connection to it is made.
- 6.9.2 The application site present good opportunities to implement Sustainable Drainage Systems such as rain water harvesting for water reuse or green roofs. Although the proposals do not propose any increase of the existing hardstanding area, we would expect new applications to provide an improvement on the existing drainage and reduce overload of public sewers.
- 6.9.3 Nevertheless the Lead Local Flood Authority has no objection to the proposals subject to the applicant addressing the following planning conditions.
- 6.9.3 If the planning authority is minded to grant planning permission, we requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:
1. If surface water is to be discharged to the public sewer it should be limited to a rate agreed with Southern Water for all rainfall events including the 1 in 100 (plus climate change). Evidence that Southern Water agreed to the

proposed discharge rate and connection should be submitted to the planning authority.

2. The applicant should investigate the existence of surface water drains at the application site prior to commencement of construction. This should include its location and condition of the surface water drains. Any requirement improvements should be carried out as part of the construction.
3. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

6.10 Crime Prevention Design Officer:

- 6.10.1 This is a good example where Crime Prevention Through Environmental Design (CPTED) has been implemented into the design and layout of the development. This has created high levels of natural surveillance in and around the building. Additionally, where lighting is being proposed around the building, it will enhance the natural surveillance even during dark hours. These measures will assist in reducing the potential for loitering, concealment and anti-social behaviour occurring. The inclusion of accredited entry doors conforming to LPS 1175 SR2 or STS 2012 BR2 would be very beneficial from a security perspective.
- 6.10.2 I recommend consideration is given to the fitting of a monitored intruder alarm within the premises.
- 6.10.3 As A3 usage is being sought I ask that any consent is conditional that alcohol is ancillary to food prepared on the premises and served at the table by waiters/waitresses. Substantial food shall be available at all times. The applicant and their partners are strongly advised to consult directly with Sussex Police Licensing before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.
- 6.10.4 I note that no timings have been disclosed for the premises at present.

6.11 Eastbourne Access Group:

- 6.11.1 It is considered that there will be no negative impacts associated with the new Wish Tower Restaurant.
- 6.11.1 A full Equality and Fairness Analysis has been undertaken and stakeholders have been consulted on it. As a result of receiving one email from a member of the Equality and Fairness Stakeholder Group, minor amendments were made to the assessment and reference to 'disabled toilets' and 'disabled parking bays'

have been replaced with 'accessible toilets' and 'accessible parking bays.'

6.12 Conservation Area Advisory Group

6.12.1 The Group agreed that the scheme enhanced the conservation area.

7 **Neighbour Representations**

7.1 5 letters of objection have been received in which the following points were raised:-

- 7.2
- Why has the café been shut so soon?
 - A café for day trippers as it used to be would be very acceptable. We do not need another restaurant.
 - The overbearing and ultra-modern design detracts from the ancient monument.
 - The corner of the building would be within a metre of the existing perimeter wall of the monument which is a highly sensitive archaeological area.
 - The lack of a programme of archaeological works is unacceptable.
 - Would remove a community amenity in the form of the existing café and would detract from the setting of the monument and the adjacent peace garden.
 - No music which is audible outside should be allowed and there should be an obligation to provide refreshments to non-diners.
 - There is no restriction on operating hours.
 - People are more likely to arrive by car for a restaurant use as opposed to a café.
 - There are more appropriate sites for a chain restaurant such as the new Arndale Centre.
 - The people of Eastbourne should be considered a priority; we do not need a destination restaurant.
 - There would be nowhere sheltered for elderly people to sit on the western part of the seafront.
 - There are plenty of empty properties that this restaurant could move into.
 - If it does not work as a destination restaurant how long will it be before it becomes a burger bar.

7.3 2 letters of comment have been received in which the following points were raised:-

- 7.4
- The provision of level access from the path into the building needs to be ensured.
 - The toilet facilities must include toilets for wheelchair users and be of a suitable height for use by other disabled people.
 - It is important to keep an area within the restaurant for people to enjoy tea/coffee/scones/cakes etc.

8 Appraisal

8.1 Principle of development:

8.1.1 The proposal involves the provision of a restaurant within the Town Centre neighbourhood. Aside from the fact that an A3 use of the site has been established for a significant number of years in the form of the recently removed temporary café and the permanent café in place prior to that, such a use is recognised as a priority town centre use by Policy TC3 of the Eastbourne Town Centre Local Plan (2013). Para. 86 of the Revised National Planning Policy Framework (2018) states that main town centre uses should be located in town centres.

8.1.2 More specifically, the site falls within the Town Centre Neighbourhood Area, as defined by Policy C1 of the Eastbourne Core Strategy (2013) which includes a key objective of developing the Wish Tower Restaurant into a destination to complement tourism uses in the area. The Core Strategy policy reflects a long established intention, reaching back to at least 2000, for the site to be redeveloped. The most recent advice note, issued in 2009, identifies a restaurant/café (A3) use as an acceptable use for the site, providing public access to the adjacent Wish Tower and seafront promenade is maintained.

8.1.3 The site is also referred to in Policy D3 of the Core Strategy which identifies it as being suitable for development to provide an enhanced asset for the benefit of residents and visitors. It is noted that the site falls within an area designated as a preferred area for tourist attractions and facilities (Borough Plan Policy TO7) and that Policy TO8 of the Borough Plan advocates approval of new facilities within this area, subject to compliance with other relevant policies. The proposed scheme will be assessed against all relevant policies within this report.

8.1.4 It is therefore considered that the proposed development is acceptable in principle.

8.2 Impact of proposed development on amenities of adjoining occupiers and surrounding area:

8.2.1 The site is not directly adjacent to any residential sites, being surrounded by a combination of public gardens and the Wish Tower on three sides and flanked by the promenade and beach to the south. The nearest residential properties are at Grand Court, approximately 95 metres to the north-west. There are hotels on King Edward's Parade that are closer to the site. Hotels are not afforded the same level of protection of amenity within planning legislation. In any case, the nearest hotel, 'The Big Sleep' is approximately 80 metres to the west of the site.

8.2.2 Whilst the level of the application site is raised in terms of its relationship with nearby streets, the impact of the proposed building would be limited due to it having a low profile, aided through the use of a flat roof design, with maximum height being approximately 4.5 metres above ground level. Impact upon neighbouring residents would be further diminished as a result of the significant distance of separation maintained between the restaurant building and neighbouring dwellings. As such, it is not considered that it would cause undue

levels of overshadowing or overlooking towards neighbouring residents, nor would it appear overbearing.

8.2.3 The proposed use would have the potential to generate a certain level of noise but this must be appreciated within the context of the existing character of the wider surrounding area which is not only within a town centre but also a vibrant tourism and cultural area owing to the presence of hotels and the Congress and Devonshire Theatres. It is not considered that the proposed use would cause any material changes in levels of noise that neighbouring residents would be exposed to, particularly given the distance it is from neighbouring dwellings and the contained nature of the site. It is considered that the proposed use could operate into the evening as a functioning part of the night time economy without causing detriment to the amenities of neighbouring residents by way of noise generation.

8.2.4 It is also considered that, by allowing for the use of the site into evening hours, there would be increased footfall and surveillance of the surrounding area during evening hours and this would act as a deterrent to anti-social behaviour.

8.2.5 In regard to the surrounding public gardens and the site of the Wish Tower itself, it is not considered that the nature of the use of the site would be significantly altered in relation to the long established use of the site for A3 purposes. Access to the Wish Tower and the lower promenade would be maintained as required by the Planning Advice note pertaining to the site and the development would not encroach onto any surrounding public space. The modest height of the building would also prevent it from appearing overly imposing towards members of the public enjoying the surrounding open space.

8.2.6 A number of objectors have raised concerns that the proposed use would not provide any indoor public seating area as was the case with the previous café. Whilst this true, the planning advice note for the site made clear that any future use of the site would not be required to provide this facility. It is not considered that the facility is an essential community function, given that it was ancillary to the provision of the café on the site, and it was at no time a requirement for the occupation of the site from a planning perspective, meaning that it could have been revoked at any time had the café been maintained in place.

8.3 Impact on Historic Environment:

8.3.1 The proposed restaurant building would be immediately adjacent to the Wish Tower, which is a Scheduled Ancient Monument and also a Grade II Listed Building. The development would not encroach into the curtilage of the Wish Tower itself.

8.3.2 The building would be sited almost entirely on land that has already been levelled following the construction of the original restaurant that occupied the site during the 1960's. The comments made by Historic England relating to the glacis (the sloping land made up of spoil from excavations during construction of the Wish Tower) are noted. However, the proposed development would not intrude onto the remaining glacis or involve any material alterations in site level. It is also noted that the glacis is not included within the area designated as a

Scheduled Ancient Monument. It is also not considered that the angling of the roof is sufficiently pronounced that it would appear disruptive when seen in context with the slopes of the remaining glacia surrounding the development.

- 8.3.3 The proposed building responds to the design objectives set out in the Planning Advice note for the redevelopment of the Wish Tower site in that the modern design provides a clear juxtaposition to the historic building, ensuring that the visual distinctiveness of the Wish Tower is enhanced. The square floor plan provides an effective contrast to circular tower. The modest height of the restaurant building would also ensure that it appears entirely subservient towards the Wish Tower. It is therefore considered that the prominence and distinctiveness of the Wish Tower would not be compromised by the proposed restaurant building. This is recognised in the response from Historic England which acknowledges that the proposed building would be spatially and stylistically distinct from the Wish Tower.
- 8.3.4 Whilst Historic England have concerns over the flat roof of the building representing a monotonous feature when viewed from the gun platform of the Wish Tower, it is not considered that the roof would be prominently within the direct line of sight due to being at a lower level to the gun platform and, in any case, only occupying a small proportion of the 360° views that are available from the gun platform. The angled flat roof form is not considered to be significantly dissimilar to the form of the recently removed temporary building, albeit having a larger surface area, and have less coverage than the roof of the former permanent restaurant building, which also wrapped around to the south of the Wish Tower.
- 8.3.5 Whilst the flank elevation wall and roof of the proposed building would be positioned close to the edge of the Wish Tower site, where the retaining wall has been removed, it is considered that any sense of enclosure introduced as a result of this would be entirely consistent with the overall enclosed nature of the sit produced by the presence of the retaining wall around the majority of the site perimeter.
- 8.3.6 Most pertinently, it is considered that the proposed restaurant building would result in less than substantial harm upon the setting of the Scheduled Ancient Monument. Historic England concur with this view (see para. 6.6.2 of this report).
- 8.3.7 Para. 196 of the revised NPPF (2018) states that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...' In this instance, the proposed development would provide a clear benefit to the viability and vitality of the surrounding area, providing enhanced facilities for residents and visitors alike, supporting the surrounding night time economy, adding vibrancy to the surrounding tourist area and encouraging visits to the area, which are likely to be shared with visits to other nearby attractions. Furthermore, the proposed restaurant would provide a destination point on the town centre arts trail (Town Centre Local Plan Policy TC8) and encourage more visits to the area, raising the profile of the Wish Tower and enhancing awareness of it as encouraged by para. 192 of the revised

NPPF.

8.4 Design and Impact on Wider Surrounding Area:

- 8.4.1 The street scene impact of the building would not be disruptive due to the degree to which it would be set back from the road and location on the eastern side of King Edward's Parade, which is characterised by occasional visually distinctive buildings rather than the terraces of predominantly mid to late-19th building that border the eastern side.
- 8.4.2 The most prominent public views of the building would be made from the surrounding public gardens, the promenade and the beach itself. In this context, would appear as a distinctive, high quality feature that draws attention to the seafront and the neighbouring Wish Tower without appearing overly dominant or obscuring the wider outlook towards the sea or views from the beach towards the main townscape.
- 8.4.3 Associated plant will be accommodated within a low profile deck area that would be mounted on the flat roof of the main building. This would be visually recessive due to its minimal height projection, siting away from roof edges and towards the lower end of the roof allowing the upward slope to provide additional screening and the flat roof design that would allow it to integrate with the main roof line. The upward sloping roof would also reduce The siting of plant and roof top level also prevents the need for a plant room to be attached to the building, which would have the potential to introduce a sense of clutter as well as increase the building footprint.
- 8.4.4 Given the sensitivity of the location as a result of its proximity to the Wish Tower, as well as the level of weathering that the building would be exposed to due to its seafront location, it is considered to be of great importance that suitable external materials are utilised that would be sympathetic towards the Wish Tower as well as hard wearing. The elevations of the building would contain a significant amount of glazing which can be easily cleaned or replaced if damaged. Other elements would be timber clad, complementing features within the surrounding coastal environment such as the timber groynes on the adjacent beach and weathering in a similarly characterful way. The roof would be metal clad, providing a durable surface that can be treated with protective coating and finished in a suitable colour scheme.
- 8.4.5 There is a plentiful amount of public seating nearby and the site is located adjacent to public gardens and the beach which are accessible throughout the day and night. It is therefore considered that the outdoor seating would not introduce a level of outdoor activity that would conflict with the existing character of the surrounding area. The building would occupy a prominent site where it would benefit from high levels of surveillance, reducing the risk of anti-social activity around it. No secluded or enclosed, isolated areas would be created as a result of the building and, as such, it is not considered it would attract anti-social behaviour. The primary role of the development would be as a sit-down restaurant and it is not considered that it would provide a venue for high volumes of alcoholic consumption that may result in disturbance to neighbouring residents.

8.5 Highways Impact

- 8.5.1 The proposed restaurant would not be served by a designated car park. Given the constraints of the site it is not considered that such a facility would be feasible for the site. As the site is located in a town centre environment, the surrounding area is well served by controlled parking bays and it is considered that the amount of bays available could comfortably accommodate parking associated with the development, as was the case with the previous temporary café use and the larger permanent structure that was in place before that.
- 8.5.2 A significant proportion of diners are likely to combine a visit to the restaurant with visits to other nearby uses such as the theatre, gallery and town centre shops meaning that additional parking requirements relating to trips to the restaurant alone would not be unmanageable. Furthermore, the site is within a sustainable location with good access to public transport as well as customers within walking distance of the restaurant, including nearby residents as well as substantial numbers of people staying at local hotels.
- 8.5.3 Servicing and emergency vehicles would access the site to the rear via the service road connected to the lifeboat museum car park, which is owned by Eastbourne Borough Council. This access utilises an existing wide dropped kerb taken from King Edward's Parade. As such, it is not considered that delivery and servicing vehicles would cause any disruption to the free flow of traffic as they would not need to stop on King Edward's Parade. The potential for conflict between delivery and servicing vehicles and other users, particularly those using the parking facilities, during busy holiday periods. As such, a Delivery and Servicing Plan will be required to be submitted to, and approved by, the Local Planning Authority prior to occupation of the building. This would include measures such as restricting delivery times to less busy periods.

8.6 Accessibility

- 8.6.1 An Equality and Fairness Analysis Report has been carried out, in conjunction with the Equality and Fairness Stakeholder group. No objections have been raised.
- 8.6.2 The proposed restaurant would have step free access available from King Edward's Parade as well as from the promenade via the service road to the rear of the site. There are 12 accessible car parking bays positioned either side of the access to Western Lawns from King Edward's Parade, from which step free access to the restaurant would also be obtained. There are also two accessible bays provided directly to the rear of the site. The restaurant site is located approximately 80 metres from the disabled bays on King Edward's Parade, with an existing surfaced path providing the step free access. The path is not significantly steep as the glacis has been levelled where the footpath crosses.
- 8.6.3 The restaurant building itself incorporates features to provide enhanced levels of accessibility. These include 900mm wide doorways in which doors with vision panels and low level handles would be installed. All external doorways would also provide level access to the building and unobstructed turning space for

wheelchairs would be provided adjacent to the doors. The interior of the building would be open plan and allow for ease of circulation whilst the decked area surrounding the building would also allow for movement around the building.

8.6.4 Clear signage and the use of textured surfaces would be utilised to improve accessibility to individuals with visual impairments.

8.6.5 Designated accessible toilet facilities would be provided within the building. Sufficient turning space for wheelchairs would be provided within the facility.

8.7 Landscaping:

8.7.1 The site is located within adjacent to landscaped areas in the form of the Wish Tower Slopes and the Western Lawns. There are no valuable landscape features within the site itself, which was almost entirely hard surfaced, that would be lost as a result of the proposed works. A small amount of ornamental planting to the west of the building would be thinned in order to allow ease of access to the Wish Tower site. It is considered that sympathetic site landscaping should be incorporated into the development in order to soften the visual impact of the building, assist integration with the surrounding lawns and gardens and to provide shading and cooling. A suitable landscaping scheme can be secured by way of planning condition.

8.7.2 It is considered that sympathetic site landscaping should be incorporated into the development in order to soften the visual impact of the building, assist integration with the surrounding lawns and gardens and to provide shading and cooling. A suitable landscaping scheme can be secured by way of planning condition.

8.8 Sustainability:

8.8.1 The proposed building would incorporate a number of features to improve sustainability and reduce energy demands and carbon emissions resulting from the development.

8.8.2 A significant proportion of the elevation walls of the building would be glazed, allowing for a high level of permeation by natural light, reducing the duration over which artificial lighting would be required. The amount of windows and openings would also allow for natural ventilation of the building. The roof overhang would also introduce an element of shading that would reduce the chance of the building overheating due to exposure to sunlight. These features would reduce reliance on mechanical ventilation.

8.8.3 Energy efficient glazing and building fabric would also help reduce the loss of heat during colder weather, reducing the heating requirements for the building.

8.9 Other Matters:

8.9.1 A number of public representations have criticised the choice of potential operator of the site. Planning legislation does not allow for the choice of an operator to be a determinative factor nor does it have the power to dictate

pricing of products and services. The previous use of the site was A3, as is the current use, and this means that the café occupying the site could have been used by any restaurant operator at any time without the need to apply for planning permission.

8.9.2 It is appreciated that, previously, members of the public could use seating within the café building without having to make any purchases. However, this was not as the result of any planning obligation and the previous occupant could have withdrawn rights to do this at any time.

8.9.3 The proposed building would be positioned adjacent to the proposed war memorial wall on the perimeter of the Wish Tower, for which planning permission has been granted under 160128. It is not considered that the proposed building would detract from the setting of the proposed war memorial wall as it has been designed to face inwards, towards the Wish Tower and it is from within the Wish Tower site that people would engage with it. The modest height of the building would prevent it from appearing dominant towards the war memorial and from detracting from its setting. Site landscaping for the proposed development could potentially be used to provide a sense of connectivity with the proposed 'peace garden'.

9 Human Rights Implications

9.1 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.

10 Recommendation

10.1 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

3321-D100 rev P4 Ground Plan
3321-D201 rev P4 Proposed South-West Elevation
3321-D202 rev P3 Proposed North-West Elevation
3321-D203 rev P4 Proposed North-East Elevation
3321-D204 rev P4 Proposed South-East Elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 Prior to the completion of building works, a full schedule of external materials and finishes to be used for the walls, roof and decked area as well as for any balustrading, shall be submitted to and approved by the Local Planning Authority. The approved materials shall thereafter be maintained in place throughout the lifetime of the development.

Reason: To ensure the building is constructed in high quality, durable materials that are appropriate for the surrounding environment and sympathetic towards the neighbouring Scheduled Ancient Monument and Conservation Area.

- 10.5 Prior to the occupation of the development hereby approved, a Delivery & Service Management Plan, which includes details of types of vehicles used for deliveries and servicing, method and frequency of deliveries, turning facilities and timetabling of deliveries to minimise conflict with surrounding road and parking users shall be submitted to and approved by the Local Planning Authority. All deliveries and servicing of the development shall therefore be carried out in accordance with the approved plan.

Reason: To minimise the impact of delivery and servicing operations towards traffic, pedestrians and neighbouring residents,

- 10.6 Prior to the occupation of the building, details of all measures to enhance building accessibility including accessible toilet facilities and wayfinding signage, shall be submitted to and approved by the Local Planning Authority and such measures shall thereafter be provided and maintained in place throughout the lifetime of the development.

Reason: To ensure that the building is accessible to all members of the public.

- 10.7 Prior to the occupation of the building, the bin storage facility shall be erected in the position shown on approved plan 3321-D100 rev P4 in accordance with details to be submitted to and approved by the Local Planning Authority. The bin store shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In the interests of visual and environmental amenity

- 10.8 Any digging, trenching, ground levelling or other excavation works carried out on land outside of the existing concrete plinth area shall be supervised by a qualified member of the Chartered Institute for Archaeologists.

Reason: In the interests of safeguarding archaeological remains.

- 10.9 Prior to the occupation of the development hereby approved, details of secure cycle parking facilities for staff and customers shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be made available for use prior to the first occupation of the development and shall

thereafter be retained for use at all times.

Reason: To encourage the use of sustainable means of transport

- 10.10 Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include:-

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including quantity, species and size

All soft landscaping shall be carried out in the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and

- 10.11 Prior to the occupation of the development hereby approved, details of all external lighting shall have been submitted to and approved by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.

Reason: To prevent excessive or unsympathetic lighting that would compromise the character and appearance of the surrounding area and the setting of the Scheduled Ancient Monument.

- 10.12 All plant and machinery shall be housed within the roof top plant deck. This shall include odour control equipment which is to be installed prior to the occupation of the approved development and maintained in place thereafter

Reason: In the interests of visual and environmental amenity.

- 10.13 No customers/patrons to be on site outside of the hours 08:00 – 00:00 on any day. No staff to be on site 07:30 – 00:30 on any day.

Reason: In the interests of the amenities of surrounding residents and the character and appearance of the surrounding area.

- 10.14 Consumption of alcohol on the premises shall be for diners only and served direct to the table by waited service. There shall be no vertical drinking anywhere with the application site.

Reason: To safeguard the amenities of the locality.

11 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.

12 Background papers

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