

# Planning Committee

## 25 June 2019



Working in partnership with **Eastbourne Homes**

### Time and venue:

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

### Membership:

**Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan**

### Quorum: 2

*Published: Monday, 17 June 2019*

## Agenda

- 1 Minutes of the meeting held on 28 May 2019 (Pages 1 - 4)**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 Glebe Cottage, 4 Grassington Road. Application ID: 190264 (Pages 5 - 20)**
- 7 13 Upper Avenue. Application ID: 190127 (Pages 21 - 30)**
- 8 South Downs National Park Authority Planning Applications. (Verbal Update)**
- 9 Appeal Decision - 40-48 Seaside Road (Pages 31 - 34)**

# Information for the public

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

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## Speaking at Planning

### Registering your interest to speak on Planning Applications

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

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

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

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

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

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

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

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

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

## Information for councillors

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

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

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

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

## Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01323 410000

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Working in partnership with **Eastbourne Homes**

## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 May 2019 at 6.00 pm**

### **Present:**

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

### **Officers in attendance:**

Leigh Palmer (Senior Specialist Advisor for Planning)  
Christopher Wright (Specialist Advisor for Planning)  
Helen Monaghan (Lawyer, Planning); and  
Emily Horne (Committee Officer)

### **Also in attendance:**

#### **1 Minutes of the meeting held on 23 April 2019**

The minutes of the meeting held on 23 April 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

#### **2 Apologies for absence.**

No apologies were received.

#### **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.**

There were none.

#### **4 Urgent items of business.**

There were none.

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

The business of the meeting proceeded in accordance with the agenda.

**6 South Cliff Court, 11 South Cliff. Application ID: 190116**

Planning permission for the replacement and alterations to balconies (Resubmission) (Amended plans had been submitted to include the provision of screens on the western side of the balconies, to a height of 1700mm above the finished deck surface of the balconies). – **MEADS**

Mr Huff, local resident, addressed the Committee in objection, raising concerns regarding the future use and size of the balconies, the potential for noise disturbance and loss of privacy. He requested the Committee to impose a condition stating that the balconies should be no larger than those existing.

Officers explained that the replacement balconies had increased by 200mm in depth and were not accessed by the lounge.

Councillor Taylor proposed a motion to defer the application. This was seconded by Councillor Maxted.

**Resolved (Unanimous):** That permission be deferred for the following reason:

That the application is deferred to officers to seek amendments to reduce the depth of the balconies by 200mm to match existing.

**7 Land adjacent to Bedfordwell Court, Bedfordwell Road. Application ID: 190345**

Planning permission the erection of three temporary buildings to act as development site office and tuition space for construction training hub – **UPPERTON**

The Committee discussed the application and felt the scheme would be of benefit to Eastbourne.

Councillor Murray proposed a motion to approve the application. This was seconded by Councillor Miah.

**Resolved (Unanimous):** That permission be approved as set out in the report.

**8 Wish Tower Cafe, King Edwards Parade. Application ID: 190157**

4no roof mounted branding logo signs (3 will be illuminated/with dimmable LED). 1no white neon strapline adjacent to the entrance door. 3no illuminated menu boxes. A4 2no illuminated menu boxes. A3 2no A-frame boards. 1no Accessible signage. 1no Deliveries signage. 6no Logo to planters – **MEADS**

The Committee discussed the application and felt that it would not contribute to light pollution.

Councillor Taylor proposed a motion to approve the application. This was seconded by Councillor Miah.

**Resolved (Unanimous):** That permission be approved as set out in the report.

**9 South Down National Park Authority Planning Applications**

There were none.

**10 Appeal Decision - 31 Badlesmere Road**

Members noted that the Inspector had dismissed the appeal.

**11 Appeal Decision - 137 Tolkien Road**

Members noted that the Inspector had allowed the appeal.

The meeting ended at 6.39 pm

Councillor Jim Murray (Chair)

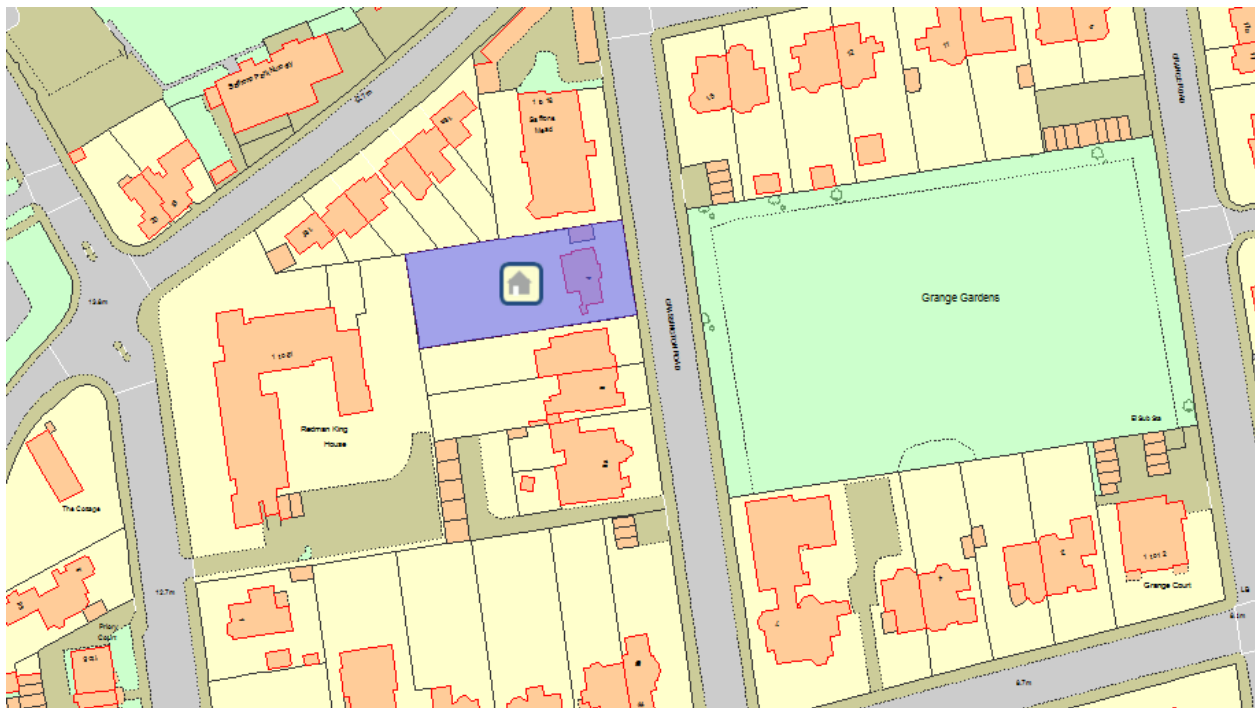
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# Agenda Item 6

<b>App.No:</b> 190264	<b>Decision Due Date:</b> 28 June 2019	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> <b>29<sup>th</sup> April 2019</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b>		
<b>Neighbour Con Expiry:</b>		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> Glebe Cottage, 4 Grassington Road, Eastbourne		
<b>Proposal:</b> : Demolition of existing dwelling. Proposed 16N° block of flats with associated parking to rear.		
<b>Applicant:</b> Urban Developments SE Ltd		
<b>Recommendation:</b> Refuse		

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



## **1 Executive Summary**

- 1.1 The principle of residential development on this site is considered to be acceptable, as is the removal of the existing building, which is not locally or nationally listed, nor is it located within a Conservation Area.
- 1.2 The proposed development would be unacceptably bulky, resulting in an overbearing and over-dominant relationship towards the neighbouring 2½-storey dwelling, 6 Grassington Road.
- 1.3 The proposed car parking area would result in the unacceptable erosion of green space to the rear of the site, detracting from the verdant nature of the surrounding area and introducing a more intensive use that would cause undue disturbance towards neighbouring residents, leading to a loss of residential amenity.
- 1.4 The proposed development would fail to deliver wider infrastructure needs in terms of affordable housing in accordance with the Councils adopted policy.

## **2 Relevant Planning Policies**

### 2.1 Revised National Planning Policy Framework (2019)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

### 2.2 Eastbourne Core Strategy 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C11 Meads Neighbourhood Policy
- D5 Housing
- D7 Community, Sport and Health
- D10 Historic Environment
- D10a Design

### 2.3 Eastbourne Borough Plan Saved Policies 2007

- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT5 Protecting Walls/Landscape Features
- UHT7 Landscaping
- UHT16 Protection of Areas of High Townscape Value
- US4 Flood Protection and Surface Water Disposal
- HO2 Predominantly Residential Areas

HO7 Redevelopment  
HO20 Residential Amenity  
TR2 Travel Demands  
TR11 Car Parking

### **3 Site Description**

- 3.1 The site is occupied by a detached two-storey red/brown brick which is set back from the street, with a lawned area to the front. No significant alterations or additions have been made to the existing building. The site is enclosed by a flint and brick wall which is approximately 1.5 metres height on the site frontage, stepping up to approximately 2 metres to the side and rear boundaries. There is a detached flat roof garage to the northern side of the dwelling, accessed via a dropped kerb crossover on Grassington Road. To the rear of the site is a large lawn area, a small outbuilding is positioned approximately midway down the lawn, adjacent to the northern site boundary.
- 3.2 The site is located on a residential road that is characterised by large, prominently positioned detached and semi-detached properties, which are set back from the street. Original buildings are occasionally interspersed with more modern purpose built flats. A significant number of the original dwellings have also been subdivided and/or extended for use as flats. This includes the neighbouring property to the north, Saffrons Mead. Building heights vary between two and five storeys.
- 3.3 The site is directly opposite Grange Gardens, a relatively large open green space that is enclosed by walls and bordered by mature trees. There is a verdant nature to the wider street scene due to the presence of mature street trees which augment with landscaping within front garden areas of the properties on the road.
- 3.4 The site is directly opposite Grange Gardens, a relatively large open green space that is enclosed by walls and bordered by mature trees. There is a verdant nature to the wider street scene due to the presence of mature street trees which augment with landscaping within front garden areas of the properties on the road.
- 3.5 The buildings to the north and south of the open space, on Grange Road and Grange Gardens, fall within the College Conservation Area. The site itself is not within the Conservation Area but does fall within an area of high townscape value. There are no other specific planning designations attached to the site.

### **4 Relevant Planning History**

- 4.1 No site specific planning history.

### **5 Proposed development**

- 5.1 The proposed development involves the demolition of the existing dwelling and replacement with a five-storey block of flats which would accommodate 16 separate residential units (14 x 2 bedroom, 2 x 3 bedroom). The fourth floor of

the building would be formed within the roof space. The building would be set back a similar distance from the highway as the existing dwelling is but would project further towards the rear of the site. It would occupy close to the full width of the plot, being stepped in by approximately 1 metre on either side.

- 5.2 The proposed building would have a hipped roof with twin gable ends to both the front and rear elevations. There would be a projecting four-storey flat roof element to the front and rear elevations which would be stepped further in from the side boundaries of the site. The proposed building would be approximately 16 metres to roof ridge height, with the eaves at approximately 10.75 metres. At building would be approximately 20 metres at its widest point and approximately 18.9 metres in depth.
- 5.3 The proposed development would be served by a total of 16 x car parking bays which would be positioned to the rear of the building. Access would be provided via a dropped kerb crossover on Grassington Road, with vehicles passing through a ground floor level archway, beneath the upper floors of the building, to reach the car parking area. A cycle store would also be provided in this area along with a landscaped area for amenity use. A bin store area would be provided to the front of the building, adjacent to the northern site boundary.
- 5.4 The two 3 bedroom flats, which are to be positioned on the fourth floor, would have balconies to the front and rear. Upper floor flats with openings facing towards the street would have rooms served by 'Juliet' balconies.

## **6 Consultations**

### **6.1 Meads Community Association:**

- 6.1.1 Glebe Cottage is a detached four bedroom house with a good sized garden laid to lawn opposite an open space Grange Gardens. Next door are 2 semi-detached houses with other similar houses along Grassington Road. There is a block of apartments the other side. 2 Saffrons Mead which was constructed in 1987/8 following the sale and demolition of a larger property belonging to Eastbourne College, Pennell House.
- 6.1.2 The developers are using the Saffrons Mead development as reason to promote the development of Glebe Cottage. We consider that such large scale development as proposed is now out of keeping with the layout and environment of Meads which has been largely accepted by the Planning Committee in their rejection of similar developments. Our objections are as follows:
- 6.1.3 The development proposed is excessive and inappropriate as the site is too small to accommodate a block of 16 apartments plus 16 parking spaces in what is currently the rear garden.
- 6.1.4 Adjoining properties on both sides will suffer from loss of light and overshadowing.
- 6.1.5 The north wall of the proposed new block is just one metre from the boundary of

the 4 Grassington Road site and four metres from the wall and windows of the flats on the south side of the adjacent Saffrons Mead block (2 Grassington Road). The site plan with the application suggests that the rear wall of the proposed block will be at least 2 metres further back than the rear walls of the adjoining properties.

- 6.1.6 The rear lawned garden would disappear to be replaced with concrete hard standing for resident's vehicles. The plan makes no provision for visitor parking, or residents who own more than one car. Parking is at a premium at all times in Grassington Road being close to the town centre and the development would add to that pressure.
- 6.1.7 The development site's location is likely to be within the extension to the Eastbourne College Conservation Area recommended in the recent consultant's report due for consideration imminently by the Council's Planning Committee. This area of Meads is also designated as an "area of high townscape value".
- 6.1.8 The development proposed will not add to the stock of "aspirational homes" (i.e. homes for young families) in the Meads. 14 two bedroom flats with 2, 3 bedroom flats with the garden used as a carpark will not fulfil this objective.
- 6.1.9 Therefore for the above reasons the MCA hopes that this development will be rejected. In the Planning Officers presentation to the Planning Committee we would request that along with the plans from the developers you will show the attached photo of the former Pennell House replaced by Saffrons Mead.

## 6.2 The Eastbourne Society:

- 6.2.1 My objection relates to the overpowering effect and oppressive height and scale of the property will make on that part of Grassington road. Its immediate left-hand neighbours are no more than three-storeys in height and its right hand neighbour - Saffrons Mead – built in recent years, is an overpowering five-storey block of flats that already dominates the street scene. The proposed property also leaves little space between these properties.
- 6.2.2 Glebe Cottage is situated on a highly prominent site directly facing Grange Gardens, which is owned and managed by the Duke of Devonshire's Compton Estate Office for the benefit of Grange Gardens residents. Extraordinarily large evergreen trees border these gardens opposite the property, already giving a large amount of shading to Grassington Road, and the proposed five storey property will create an additionally large amount of shading and oppressiveness at the very same spot.
- 6.2.3 Although Glebe Cottage does not have any particular historic architectural style, having been built in the 1950's/60's, it is still an attractive two-storey house that blends well in the street scene. However, if the site is to be redeveloped I would not object to a structure of up to three storeys in height.

## 7 **Neighbour Representations**

- 7.1 Letters of objection have been received from 22 separate addresses. Issues

raised are summarised below:-

- Overall height of the building is excessive and it is too close to site boundaries;
- Will cause loss of light and loss of privacy;
- Balconies will cause overlooking;
- Parking area will cause noise and pollution;
- Insufficient amount of parking spaces;
- Overdevelopment of site;
- Existing drainage system will not be able to cope;
- Loss of green space;
- Smaller, family orientated units are needed;
- Falls within the proposed extension of the College Conservation Area;
- No disabled parking or electric vehicle charging points;
- No details of sustainable energy measures included;
- Removal of boundary trees would result in loss of privacy at Redman King House as well as noise and pollution from car park;
- Restricted emergency service access to rear and sides of development;
- Will subject surrounding properties to stronger winds;
- Would result in loss of 4-bedroom family home;
- Will set a dangerous precedent if allowed;
- Will cause light pollution;
- The site access may be unsafe;
- Will not add to the stock of affordable housing for young families in the Meads area;
- Saffrons Mead replaced a larger building and is on a corner plot. This is not true of the proposed development;
- Building design and materials are not appropriate for the area;
- Would negatively impact on 6 Grassington Road which is considered to be a building of high historical integrity in the appraisal for the proposed expansion of College Conservation Area;

## **8 Appraisal**

### **8.1 Principle:**

8.1.1 The site is located within the built-up area, where the principle of residential development is acceptable. The site also falls within an area identified as predominantly residential within the Eastbourne Borough Plan. The redevelopment of sites in predominantly residential areas is encouraged by Policy HO2 of the Borough Plan.

8.1.2 Para. 11 of the revised NPPF (2018) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.

8.1.3 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse

impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole. Currently, Eastbourne is only able to demonstrate a 1.57 year supply of land (as of October 2018). This proposal, for 6 additional units, would make a contribution towards increasing the number of year's supply of housing land.

- 8.1.4 Para. 122 of the Revised National Planning Policy Framework (NPPF) states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 8.1.5 Para. 123 instructs local planning authorities to seek optimal use of land in terms of residential density, particularly where there is a shortage in housing land supply. Para. 118 (e) identifies extensions into airspace above existing residential premises as a means to achieve this, where the development would be consistent with the prevailing street scene.
- 8.1.6 Para. 127 refers to potential impacts on character and remarks that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)' and that development should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.1.7 The scheme would therefore need to satisfy all other relevant local planning policies, which reflect NPPF requirements for good design and protection of visual and residential amenities (Chapter 12), community needs and social interaction (Chapter 8), highway impacts (Chapter 9). This will be assessed in the main body of this report.

## 8.2 Affordable Housing:

- 8.2.1 Para. 62 states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
  - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.2.2 Policy D5 of the Eastbourne Core Strategy reflects this national position by stating that 'all development will be required to contribute towards affordable housing where there is a resultant net gain of 10 or more residential units (C3 Use Class).'
- 8.2.3 The adopted Affordable Housing Supplementary Planning Document, which

provides a companion to Policy D5, states that, in circumstances of negative viability, the applicant should follow a hierarchy of alternative ways to provide affordable housing, in the following order:-

- i. The Council's on-site preferred mix;
- ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
- iii. A level of affordable housing on-site which is less than the specified threshold;
- iv. Serviced plots onsite;
- v. Service plots offsite;
- vi. Transfer of land;
- vii. A commuted sum.

8.2.4 Meads is designated by the affordable housing SPD as a high value area. As such, 40% of the development should be provided as affordable housing. This equates to 6.4 units for the proposed scheme. The provision of 6 units, with an additional commuted sum towards 0.4 units, is therefore expected.

8.2.5 The applicant has stated that it would not be feasible to provide affordable housing units within the proposed building due to the number of flats that would be required and the way they would be distributed over different floors of the building. The contention is that this arrangement would not be supported by registered providers due to the need to provide separate access to these units.

8.2.6 The fact that the development of a significant amount of small units in a prominent location in a high value area with no requirements for CIL contributions cannot provide a greater contribution towards affordable housing is problematic and suggests that either the cost of purchasing the land is unrealistically high or that efficiencies should be incorporated into the development in order to ensure that a suitable level of affordable housing is deliverable. The reason given for not providing affordable units within the development is also not satisfactory as no evidence has been provided to support the assertion that registered providers would not take on the units.

8.2.7 It is therefore considered that, irrespective of the conclusions drawn in the accompanying FVA, the failure to deliver the expected contribution towards affordable housing as part of the development is unacceptable.

### 8.3 Loss of Existing Building:

8.3.1 Whilst of pleasant appearance, the existing building, which is relatively modern, is not the subject of any special designations, be it local or national listing, nor is it considered to possess any attribute to make it worthy of such a status. The site does not fall within a Conservation Area. It is noted that consultation is currently ongoing in regard to extending the College Conservation Area to encompass this part of Grassington Road. However, the application must be determined based on the current designation (or lack thereof) of the land on which it is located and the possible expansion of the Conservation Area is not afforded any significant weight in the determination of this application.



- 8.3.2 The existing dwelling is notably smaller than the majority of buildings on Grassington Road but is located on a sizeable plot. It is therefore considered entirely reasonable to explore possibilities for a more efficient use of the site, as encouraged by the National Planning Policy Framework.
- 8.3.3 It is therefore considered that no objections should be raised to the removal of the existing building.
- 8.4 Impact upon Conservation Area:
- 8.4.1 It site is positioned adjacent to part of the College Conservation Area, consisting of Grange Gardens and the buildings that are distributed directly adjacent to it. The proximity of the site to the Conservation Area is recognised in the designation of this part of Grassington Road as an area of High Townscape Value.
- 8.4.2 Whilst the proposed building is significantly larger than the current dwelling, its most immediate impact would be upon the neighbouring residential properties and the Grassington Road street scene. It is not considered that the character of the Conservation Area, which in this case relates to the setting of Grange Gardens, would be impacted upon in an unacceptably negative manner.
- 8.4.3 As set out in para. 8.3.1, the potential expansion of the College Conservation Area to incorporate the site is currently at the consultation stage and has not been formally adopted. The impacts of the proposed development on its immediate surroundings will therefore be assessed on the basis of the current status of this land as an Area of High Townscape Value.
- 8.5 Design issues:
- 8.5.1 The proposed building would be of a contemporary design, in contrast to the existing more traditional dwelling that occupies the site. It would also be significantly larger than the existing building, in terms of height, width and depth.
- 8.5.2 Grassington Road is characterised by buildings of various designs, with more modern designs, such as the flats at Saffrons Mead being an established presence within the street scene. Prominent wide building frontages are also an established feature. The main unifying characteristic displayed within the street scene is the relatively uniform building line, with properties being set back from the road, and the presence of low boundary walling along site frontages.
- 8.5.3 The frontage of the proposed building would align with other buildings on the street and, therefore, the established building line would not be compromised. The development would also retain the majority of the wall to the front of the site, in-keeping with the general character of the street.
- 8.5.4 Notwithstanding the above, the proposed building would extend to within close proximity of 6 Grassington Road, a 2½-storey semi-detached dwelling. It is considered that the proximity of the proposed 4-storey high elevation walls to this building would result in an abrupt increase in building height within the street scene which would lead to a discordant relationship between the two structures,

resulting in a negative impact upon the character and appearance of the street scene. The side elevations of the building, which do not include any windows, openings or distinctive architectural features, would also appear somewhat bland and oppressive, particularly given the height and prominence of the proposed building.

- 8.5.5 The car park serving the proposed development would occupy a significant proportion of the rear of the site. This area is currently a lawn and it borders garden and amenity space serving neighbouring dwellings and flats to the north, west and south. It is considered that the use of an area of this size for the parking of vehicles would compromise the character of the surrounding area by introducing a more intensive use to the rear of the building, that would conflict with the use of adjoining areas as amenity space. The expanse of hardstanding required to provide the car parking area would also conflict with the verdant nature of the rear of buildings on Grassington Road and surrounding roads. This impact would be compounded by the proposed removal of the cypressus hedging that currently marks the rear boundary of the site.
- 8.5.6 It is therefore considered that, the elements of the scheme identified in the paragraphs above would result in the development causing harm to the character and appearance of the surrounding area and appearing as an incongruous and disruptive feature within the streetscape. It is therefore considered that the proposed development conflicts with Chapter 12 of the Revised NPPF, policy D10a of the Eastbourne Core Strategy and saved policies UHT1, UHT4 and UHT5 of the Eastbourne Borough Plan.
- 8.6 Residential Amenity:
- 8.6.1 The proposed building would be positioned between an existing 5-storey block of flats (Saffrons Mead) and a 2½-storey semi-detached dwelling (6 Grassington Road). The site also adjoins residential dwellings and flats on Meads Road.
- 8.6.2 Windows and openings, including balconies, would be restricted to the front and rear elevations of the building. Although the proposed building would project approximately 9.5 metres further towards the rear of the site than the existing dwelling, it is considered that there is sufficient distance between the windows on the those of neighbouring properties that may be subjected to direct overlooking (not at acute angles) to prevent intrusive views towards these properties. The rear of properties on Meads Road, in a realistic field of vision, would be approximately 27 – 30 metres away. It is also noted that windows on Redman King House, which is to the rear of the site, approximately 38 metres from the rear elevation of the proposed building, do not serve habitable rooms.
- 8.6.3 It is, however, considered that the fourth floor balconies would also offer views to the sides which may be invasive towards residents at Saffrons Means and 6 Grassington Road. As such, should the application be approved, a condition would be attached to secure 1.8 metre screening to the sides of these balconies in order to screen these views.
- 8.6.4 The proposed building is substantially larger than the existing dwelling in terms of bulk, mass and height. The building would reach within close proximity of the

side boundaries of the site, and would flank the side elevations of Saffrons Mead and 6 Grassington Road to the north and south respectively. It is acknowledged that these windows are already subject to a certain level of overshadowing from the existing dwelling occupying the site. The ground, first, second and third floor windows to the side elevations at Saffrons Mead do not provide the main source of natural light and outlook to any primary habitable rooms. It is noted that there is a balcony and larger windows at fourth floor level. However, given fact that the roof of the proposed building pitches away from the side elevation, and that the ridge height would be slightly lower than that of Saffrons Mead, it is not considered that these windows and balcony would suffer an unacceptable impact by way of overbearing or overshadowing impact.

8.6.5 It is, however, considered that the proposed building would appear overbearing towards occupants of 6 Grassington Road. The flank elevation would be within approximately 1 metre of the southern site boundary and approximately 2.7 metres from the side elevation. It is considered that the presence of a featureless four-storey side elevation wall within close proximity the neighbouring site would result in an unacceptably oppressive environment for occupants of 6 Grassington Road and that this impact would be exacerbated by the height differential between the proposed building and the existing dwelling, resulting in an overbearing and over-dominant relationship.

8.6.6 It is not considered that the proposed building would cause undue levels of overshadowing towards other neighbouring dwelling and amenity space. Whilst taller than the existing building, it would not project significantly beyond the rear elevations of the buildings either side of it, which already generate some level of overshadowing themselves. As such, additional overshadowing would be restricted to early morning shading towards the far end of a small amount of gardens on Meads Road and would not be to a level that would be considered unacceptable.

8.6.7 It is considered that the level of activity generated by the use of the majority of the rear of the site as a car parking area would cause undue levels of disturbance towards the occupants of neighbouring residential property as a result of noise and light emissions. The car park site is directly adjacent to gardens serving neighbouring properties, which currently provide relatively tranquil amenity space for use by the occupants of those properties. Whilst it is appreciated that the siting of the car park to the rear prevents parked cars having an overly dominant presence within the street scene, this benefit would not outweigh the resultant harm towards residential amenity.

8.6.8 It is therefore considered that the proposed development would have a detrimental impact upon residential amenity for the reasons listed above and, as such, conflicts with chapter 12 and saved policies HO20 and NE28 of the Eastbourne Borough Plan.

8.7 Living Conditions for Future Occupants:

8.7.1 Each flat provides a level of Gross Internal Area (GIA) that complies with the DCLG's Technical housing standards – nationally described space standard, as is shown in the table below:-

Unit Number	Unit Size	Required GIA	Provided GIA
1 (GF)	2 bedroom, 3 person	61 m <sup>2</sup>	67.8 m <sup>2</sup>
2 (GF)	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
3 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
4 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
5 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
6 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
7 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
8 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
9 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
10 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
11 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
12 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
13 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	70.1 m <sup>2</sup>
14 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.1 m <sup>2</sup>
15 (4 <sup>th</sup> )	3 bedroom, 5 person	86 m <sup>2</sup>	91.3 m <sup>2</sup>
16 (4 <sup>th</sup> )	3 bedroom, 5 person	86 m <sup>2</sup>	91.3 m <sup>2</sup>

8.7.2 The internal layout of each unit is simple and avoids overly lengthy corridors or awkwardly shaped rooms. All habitable rooms are served by clear glazed windows that would provide good access to natural light and ventilation as well as an unobstructed outlook. Upper floor flats would be accessible via a staircase and a lift. Ground floor flats would not be directly adjacent to the vehicular access, which would pass alongside the entrance hall, and would therefore be protected against excessive noise and vibration disturbance caused by vehicles entering and leaving the site.

8.7.3 A small amount of landscaped amenity space, which would be accessible to all occupants, would be provided to the rear of the site. It is considered that this amount of space would be acceptable given the nature of the development, which predominantly provides small residential units. It is noted that the 3-bedroom units have additional amenity space in the form of balconies. It is also noted that there are public amenity areas nearby that would be easily accessible to future occupants.

8.7.4 It is therefore considered that the proposed development would provide suitable living conditions for future occupants.

## 8.8 Highway Impacts:

8.8.1 The proposed building would be accessed from Grassington Road via a dropped kerb crossover. This crossover would be in a similar position to an existing facility serving the 4 Grassington Road but positioned slightly further away from the northern site boundary.

8.8.2 The submitted plans show that the access meets ESCC standards for a shared access in that it is greater than 4.5 metres in width, allowing for vehicles entering and leaving the site to pass each other. The access would pass beneath the

upper floors of the proposed building through an archway. Plans show a gate would be installed to control access. This gate would be set back a sufficient distance from the road to allow vehicles to stop on site whilst waiting for the gate to open rather than remaining on the highway where they would cause an obstruction. Planting shown on the submitted plans on either side of the site access would provide a natural barrier to prevent vehicles leaving the access track and damaging site landscaping or posing a hazard to pedestrians.

8.8.3 The submitted plans show that the access meets ESCC standards for a shared access in that it is greater than 4.5 metres in width, allowing for vehicles entering and leaving the site to pass each other. The access would pass beneath the upper floors of the proposed building through an archway. Plans show a gate would be installed to control access. This gate would be set back a sufficient distance from the road to allow vehicles to stop on site whilst waiting for the gate to open rather than remaining on the highway where they would cause an obstruction. Planting shown on the submitted plans on either side of the site access would provide a natural barrier to prevent vehicles leaving the access track and damaging site landscaping or posing a hazard to pedestrians.

8.8.4 The quantum of parking provided to serve the development is 16 spaces. Interrogation of the ESCC car parking demand toolkit suggests that this is an over provision and that 11 car parking spaces would be sufficient to serve the development.

## 8.9 Landscape Impact:

8.9.1 Submitted site plans show tree removals on the northern, eastern and southern boundaries. A street tree would also be removed in order to allow for the proposed site access. The street tree appears to be relatively young, but does perform an important role in maintaining the verdant nature of Grassington Road, in combination with other street trees. It is therefore considered that, should the application be approved, compensatory tree planting would be required, with a new street tree provided to mitigate against the proposed loss.

8.9.2 The front of the site would incorporate a significant amount of soft landscaping which would contribute towards the verdant street scene and also compliment the general pattern of landscaped frontages which is present within the street scene.

8.9.3 As set out earlier in this report, the hard surfacing of a significant proportion of the rear garden area is not considered to be acceptable as this would compromise the verdant and tranquil nature of the rear the land to the rear of properties on Grassington Road and surrounding streets. It is noted that a small amount of landscaping is proposed for this area but it is not considered that this would mitigate against the amount of soft landscaping that would be lost as a result of the formation of the car park.

## 8.10 Drainage

8.10.1 A Sustainable Drainage System Strategy, submitted with the proposed application, identifies infiltration via soakaways to be the preferred option for

surface water drainage. However, the report states the suitability for use of soakaways would need to be supported by percolation testing that is yet to be carried out. It is stated that if tests find that the use of soakaways is unsuitable, then on-site attenuation measures would need to be incorporated. This would potentially involve the installation of attenuation tanks below ground level, something which has not been factored in to the submitted plans.

- 8.10.2 Given the amount of additional site coverage by buildings and hardstanding that would be introduced by the proposed development, and the potential for surface water flooding onto neighbouring site as well as the public highway if surface water is not properly managed, the lack of a clear strategy for sustainable drainage is considered to be unacceptable.

## **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 the application is refused for the following reasons.
- 10.2 The formation of a significant car parking area to the rear of the site would result in the loss of a sizeable area of green space, which currently contributes towards the verdant character and appearance of the surrounding area, and would also introduce a more intensive level of activity to the rear of the site which would cause harm to the amenities of neighbouring residents by way of noise, air and light emissions, in conflict with chapter 12 and saved policies HO20 and NE28 of the Eastbourne Borough Plan.
- 10.3 The considerable height, bulk and mass of the proposed building combined with the use of featureless flank elevation walls and its proximity to the neighbouring 2½ dwelling at 6 Grassington Road would lead to it appearing overly dominant in terms with its relationship to that property and oppressive in terms of its relationship towards the occupants of that property, in conflict with Chapter 12 of the Revised NPPF, policy D10a of the Eastbourne Core Strategy and saved policies UHT1, UHT4 and UHT5 of the Eastbourne Borough Plan.
- 10.4 The failure to provide affordable housing, on site in full or to provide a sufficient commuted contribution is unacceptable. Allowing development of high value accommodation with no affordable provision would fail to contribute to the objective of creating mixed and balanced communities and, consequently, to make effective use of the site. The proposed development therefore conflicts with Policy D5 of the Eastbourne Core Strategy (2013) and Chapter 5 of the Revised National Planning Policy Framework (2018).
- 10.5 The submitted scheme does not include sufficient detail on how surface water

generated by the increased site coverage would be managed. It has therefore not been demonstrated that the development would not result in an unacceptable risk of surface water flooding both within the site and onto neighbouring sites and the public highway. The proposed development therefore conflicts with para. 165 of the Revised National Planning Policy Framework (2019) and saved policy US4 of the Eastbourne Borough Plan.

## **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.

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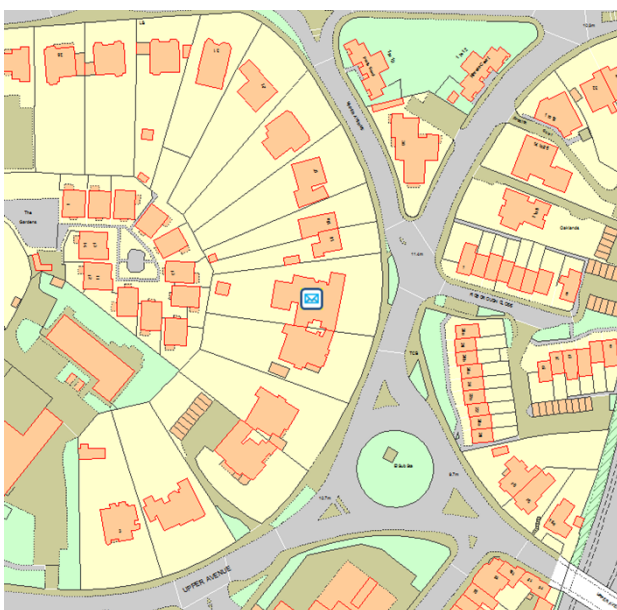


# Agenda Item 7

<b>App.No:</b> 190127 (PPP)	<b>Decision Due Date:</b> 7 June 2019	<b>Ward:</b> Upperton
<b>Officer:</b> Neil Collins	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 28 March 2019 <b>Neighbour Con Expiry:</b> <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> 13 Upper Avenue, Eastbourne		
<b>Proposal:</b> Change of use from Class C2 Residential Care Home to a Sui-Generis HMO for no more than 34 persons with associated parking and cycle and bin storage		
<b>Applicant:</b> Mr Naveed Ali		
<b>Recommendation:</b> Approve with conditions		

**Contact Officer(s):**      **Name:** Neil Collins  
**Post title:** Specialist Advisor - Planning  
**E-mail:** neil.collins@eastbourne.gov.uk  
**Telephone number:** 01323 410000

## Map location



## 1 **Executive Summary**

- 1.1 This application is brought to the Planning Committee following referral by Chair of the Committee.
- 1.2 It is considered that the accommodation proposed by this scheme is acceptable and would not give rise to material impacts in terms of activity, parking and noise and disturbance.
- 1.3 Scheme is recommended for approval subject to conditions.

## 2 **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

### 2.2 Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C2: Upperton Neighbourhood Policy  
D1: Sustainable Development  
D5: Housing  
D10a: Design

### 2.3 Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone  
NE18: Noise  
UHT1: Design of New Development  
UHT4: Visual Amenity  
HO1: Residential Development Within the Existing Built-up Area  
HO2: Predominantly Residential Areas  
HO3: Retaining Residential Use  
HO7: Redevelopment  
HO14: Houses in Multiple Occupation  
HO20: Residential Amenity  
TR6: Facilities for Cyclists  
TR7: Provision for Pedestrians  
TR11: Car Parking  
US4: Flood Protection and Surface Water Disposal

## 3 **Site Description**

- 3.1 The application site is a large plot on the northern side of Upper Avenue and comprises a substantial two-storey residential building, which is currently vacant but last in use as a Care Home.
- 3.2 Upper Avenue is residential in character, comprising large residential buildings sited on substantially sized plots with open and verdant rear garden areas. The site backs onto a residential development known as 'The Gardens', which comprises a number of single-storey bungalow style dwellings.

3.3 The site does not comprise any listed buildings, nor is the site located within any designated conservation area or an Area of High Townscape Value.

#### **4 Relevant Planning History**

4.1 090004

Construction of 10 two bedroom sheltered bungalows, and 4 two bedroom sheltered maisonettes, together with revision of existing car park layout to provide access to the site and seven new parking spaces plus battery car storage, cycle store and new bin store.

Planning Permission  
Approved conditionally  
20/03/2009

141546

PROPOSED DEMOLITION OF GARDEN WALL AND CREATION OF NEW PARKING AREA AND CROSSOVER

Householder  
Approved conditionally  
28/01/2015

160539

Approval of details reserved by condition 5 (Materials) of planning permission proposed demolition of garden wall and creation of new parking area and cross over 141546.

Approval of Condition  
Discharged  
01/06/2016

171469

Changing from Tredegar Care Home to HMO with associated alterations

Planning Permission  
Withdrawn

950003

Erection of a two-storey annexe at rear to provide 8 bedrooms.

Planning Permission  
Refused  
20/04 / 1995

950017

Erection of part single-storey extension, part first floor addition/two-storey extension at rear.

Planning Permission  
Approved conditionally  
17/08/1995

960013

Change of use of part of the sports and social club to an audiology department.

Planning Permission  
Approved unconditionally

20/05/1996

960175

Change of use of first floor from nurses residential accommodation to office accommodation (Class B1).

Planning Permission

Approved conditionally

11/09/1996

980168

Temporary storage of building materials for construction site adjacent.

Planning Permission

Approved conditionally

15/07/1998

980376

Change of use of second floor from nurses accommodation to office and continued use of first floor as offices without complying with Condition 1 of EB/9 6 /0330 (use to be discontinued on or before 30 September 2001).

Planning Permission

Approved conditionally

30/10/1998

980550

Display of two double-sided non-illuminated signs.

Advertisement

Approved conditionally

16/03/1998

## **5 Proposed development**

- 5.1 The application seeks permission to change the use of the existing building from a Care Home to a large HMO with 17 separate bedrooms (falling within the Sui Generis Use Class) distributed over 3 floors. The accommodation would comprise communal kitchens, dining rooms and laundry room on the ground and first floors.
- 5.2 The application proposes some minor external alterations to the fenestration on the southern side of the building, including the creation of a door to the laundry room and alteration of an existing door to provide a window to Bedroom 4. Also proposed is a timber refuse/recycling enclosure, which would be located at the front of the site, together with a marked out car parking area comprising off-street parking for a total of 8 cars and 5 motorcycles within the existing private forecourt area.

## **6 Consultations**

- 6.1 Specialist Advisor (Private Housing) – No objection to the proposal.
- 6.2 ESCC Highways – No objection to the development.

6.3 Sussex Police Secured By Design – No objection to the proposal

## 7 Neighbour Representations

7.1 Five letters of objection has been received following public consultation:

- Loss of care facilities;
- Precedent for future proposals;
- Noise disturbance;
- Parking;
- Shortfall in internal space standards;
- Security concerns;
- Management of the property as a HMO

7.2 Only comments that concern material planning considerations can legitimately be considered in determination of this planning application.

## 8 Appraisal

8.1 Principle of development:

8.1.1 The existing building is currently in residential use and is located within an area that is identified within the Eastbourne Borough Plan as being predominantly residential. Policy HO2 of the Borough Plan states that ‘in order to ensure that at least 60% of homes are built on previously developed land or through conversions and changes of use planning permission will be granted for residential schemes in the areas identified on the Proposals Map as predominantly residential areas.

8.1.2 Policy HO14 of the Borough Plan directs that ‘planning permission will be granted for the establishment and retention of Houses in Multiple Occupation (HMOs) provided they comply with residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE28.’ These policies relate to impacts on residential amenity, the character of the surrounding area and environmental impact. The proposal will be assessed against all of these criteria below.

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

8.2.1 No external alterations are proposed for the existing building other than a small alteration to an external door to Bedroom 4 to provide a window for improved security and to provide an external door to the laundry room on the southern elevation to provide access to the external drying area. It is not considered that the proposal would give rise to any amenity concerns in terms of loss of light, outlook or privacy or be overbearing upon neighbouring occupants.

8.2.2 The existing dwelling is substantially sized and the proposal would result in a 17 bed property. The bedrooms would be large enough for double occupancy and, as such, would allow for up to 34 occupants in total within the building. Whilst this potential number of occupants is high, the building is of considerable size, as are

other buildings in the vicinity. The density of residential accommodation in the area is high, as many buildings comprise flatted accommodation, or other similar high occupancy uses. As such, it is not considered that the proposed use would lead to noise or other disturbance in the context of the existing area. The previous use of the building as a care home involves a degree of activity associated with staff and visitors. However, the change from a care home to a large HMO with many unrelated individuals could result in some disturbance if not adequately managed. Therefore, it is considered reasonable to attach a condition requiring a management and maintenance plan to be submitted and approved in order to ensure occupants of adjoining dwellings are not subject to noise disturbance.

8.2.3 It is considered that the proposal complies with Policy HO20 of the Eastbourne Borough Plan Saved Policies (2007).

### 8.3 Living conditions of future occupants:

8.3.1 All bedrooms within the proposed HMO would far exceed the minimum internal floor space set out in the Technical housing standards – nationally described space standard. The room sizes also meet the requirements of Eastbourne Borough Council's Standards for Houses in Multiple Occupation as well as the draft Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations (2018), both of which require that the minimum floor area of a double occupancy room is 10.22m<sup>2</sup>.

8.3.2 All rooms are served by windows and/or rooflights that would provide adequate levels of natural light and ventilation. The residents of the building would have access to a good proportion of communal amenity space, both inside and outdoor. The communal spaces, which comprise large kitchen and dining areas, would be provided at a ratio of approximately 1 communal area to 4 bedrooms. This is considered to be a good level of provision for the intended occupancy.

### 8.4 Impact on the character of the surrounding area:

8.4.1 In terms of general character, the area is comprised of a variety of buildings, including single family dwellings, large multi-dwelling buildings and other uses such as care homes, with which the proposed HMO would be in keeping.

8.4.2 The proposal would involve very minor external alterations to the building, including small alterations to a door and window on the southern side of the building, which would not have any significant impact upon the appearance of the building in general. The only other external alterations would be within the forecourt area to the front of the site, to provide an enclosure for refuse and recycling facilities. The proposed alterations are not considered to have any significant impact upon the appearance of the building and, in terms of the refuse enclosure, would improve the visual appearance of the building through minimising the clutter of refuse containers.

8.4.3 As previously mentioned, given the nature of the use of the building and the turnover in occupants that is characteristic of HMOs, a condition would be attached to any approval requiring the submission of a management and maintenance scheme for the property that would thereafter be adhered to in order to ensure the

building remains in a satisfactory condition and visual appearance, in the interest of the character of the area.

8.4.4 It is therefore considered that the proposal is in accordance with Policy UHT4 of the Eastbourne Borough Plan Saved Policies (2007).

8.5 Impacts on highway network or access:

Parking:

8.5.1 The existing property currently provides an off-street parking area, although parking spaces are unmarked.

8.5.2 In accordance with the ESCC parking demand calculator, 17 units would require 10 parking off-street parking spaces. However, this proposal is likely to be for rental accommodation and the level of car ownership associated with the site is highly likely to be lower than for privately owned accommodation. In addition, according to 2011 census data, 74% of people who live in studio accommodation in Eastbourne do not own vehicles. Therefore, utilising this percentage, it is likely that 3 spaces would be required for a total of 17 bedrooms.

8.5.3 The submitted plans propose a total of 8 parking spaces and 5 motorcycle spaces within the existing private forecourt area. As such, taking into account the above considerations, the proposed provision would meet the demands of the development. A condition has been attached requiring that on-site spaces are marked out in accordance with the plans prior to first use of the development.

Cycle storage facilities:

8.5.4 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The application does not include details of cycle storage facilities for the development, but the site is substantial and can accommodate suitable facilities in a secure and covered enclosure in accordance with adopted policy.

8.5.5 A condition will be attached to ensure covered and secure cycle parking is provided on site in order to encourage the use of cycles for transport and discourage car ownership.

8.5.6 It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.6 Other matters:

Refuse/Recycling storage facilities:

8.6.1 The application provides details of refuse/recycling storage facilities within a dedicated facility at the front of the site. The proposed facilities would be large enough for the intended occupancy and a condition has been attached to ensure that they are provided prior to first occupation of the building.

8.6.2 It is recognised that the proposal would require the approval of the Councils Licensing Department, notwithstanding this it is acknowledged that informally we are advised that the layout and scale of the conversion would meet with their

approval.

## **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;

10.2 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:

- Proposed Plans – SK02 Rev B, received 22<sup>nd</sup> May 2019;
- Proposed Site Plan and Elevations – SK03 Rev A, received 22<sup>nd</sup> May 2019;
- Design and Access Statement Rev A, dated 22<sup>nd</sup> May 2019

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

- 3) No more than 34 persons shall live at the property at any one time.

Reason: To prevent an over-intensification in the residential use of the site in the interest of the amenity of neighbouring occupants and the character of the area.

- 4) The HMO accommodation, hereby approved, shall not be occupied until a Management and Maintenance Plan, including internal and external areas and management in the event of disturbance or emergency, has been submitted to and approved by the Local Planning Authority. Thereafter, the approved Management and Maintenance Plan shall be strictly adhered to while the property is in use as a HMO.

Reason: In order that the future occupiers are made aware of their responsibilities for ensuring adequate standards of visual appearance and to preserve the character of the surrounding area

- 5) The development, hereby approved, shall not be occupied until details of



secure covered cycle parking facilities for a minimum of 17 bicycles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the details approved prior to first occupation of the development hereby permitted and shall thereafter be , for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

- 6) Refuse and recycling facilities shall be provided in accordance with approved plan numbers; SK 03 Rev A and SK 02 Rev B prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

- 7) The development, hereby approved, shall not be occupied until the on-site parking spaces have been marked out in accordance with approved plan number; SK 02 Rev B. Thereafter, the parking spaces shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the parking demands of the development are met without significant impacts upon the transport network.

**Informatives:**

- 1) The applicant is advised that a HMO license is required for the approved use from the Council's Housing department, who are aware of this planning decision.

**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.

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## Appeal Decision

Site visit made on 4 April 2019

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> May 2019

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**Appeal Ref: APP/T1410/W/18/3214333**  
**40-48 Seaside Road, Eastbourne, BN21 3PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Hars Properties against the decision of Eastbourne Borough Council.
  - The application Ref PC/180619, dated 29 May 2018, was refused by notice dated 25 September 2018.
  - The development proposed is the replacement of existing windows with Rehau Heritage windows at the flats above 40-48 Seaside Road, Eastbourne, BN21 3PB.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

### Reasons

3. The appeal properties are mid terrace and comprise of four storeys which has commercial use at ground floor level and residential above. The façade of this Edwardian stretch, most particularly at upper levels, is of an interesting and finely detailed form with distinctive fenestration. Like most windows in the immediate vicinity the material used is painted wood. It is clear some maintenance work would be beneficial on this prominent building which plays a key role within the character and aesthetics of the area. The proposal is as described above with the planned windows being sliding sash in uPVC material.
  4. The appeal property is a Building of Local Interest (BLI) and lies within the Town Centre and Seafront Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Core Strategy Policy D10a and Policies UHT1, UHT4 and 15 of the Borough Saved Policies are also relevant to the case. Taken together, and amongst other matters, these call for opportunities to be taken to conserve and enhance Heritage Assets, for development to achieve a positive contribution to townscape character and to be protective of local distinctiveness, and for schemes to embody appropriate materials. The Eastbourne Townscape Guide SPG reflects these policies and, as well as seeking to safeguard locally listed
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buildings, is discouraging of changes to materials of windows in Conservation Areas particularly where elevations are not hidden.

5. I noted that window materials do vary in the locality and I am aware of various planning application and appeal decisions which for a number of reasons, provided or otherwise, endorse a move away from timber in certain instances. However I see no reason to draw upon those when they are quite different in location, style of window or building design and when in any event I must determine this case on its own merits. The appeal site is part of a longer terrace and aiming for coherence and consistency of materials would be important along this frontage.
6. Timber is used on the terrace and the site lies within part of the Conservation Area which mainly has timber as the window material. It seems to me that a prominent BLI frontage (which in this instance stretches beyond the appeal site) within a Conservation Area must be a property and a locality where one should take utmost care and seek to encourage sensitive restoration and prevent inappropriate change. The proposed replacements may well be of good quality but in my opinion their use here would be noticeable and would be a retrograde step and dilute local heritage attributes. Furthermore it would be very difficult to argue against such further change on the rest of the terrace which would lead to cumulative eroding effects for the terrace and the Conservation Area. The introduction of modern ubiquitous material, however well it was moulded, would not be characteristic of this key building and its appearance or the period background and general townscape context.
7. Given all of the foregoing I conclude that the change in windows proposed would be contrary to the aims of Section 72(1) and would conflict with the development plan policies and SPG which I cite in paragraph 4 above.

*Other matters*

8. I sympathise with the Appellant's wish to replace the existing windows which are clearly in need of attention in parts. I understand the point about longevity and the wish to avoid maintenance inconvenience and costs albeit I am not persuaded this should be surmised as an enhancement of the Conservation Area. I do appreciate the insulation benefits embodied within the scheme and hope that other means can be found to achieve this and trust that the Council will be helpful in that regard. I can see that thought has been given in the selection of the specific replacements in sash operation and in some details that would be more akin to the originals than many other options. I am aware that this type of window has been permitted elsewhere in the Conservation Area. However, as I indicate above very few cases are alike. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these.
10. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public

benefits there would be would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the BLI and Conservation Area which I have identified.

*Overall conclusion*

11. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR

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