

# Planning Committee

## 23 July 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, 15 July 2019*

## Agenda

- 1 Minutes of the meeting held on 25 June 2019 (Pages 5 - 8)**
- 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 61-63 Summerdown Road. Application ID: 190019 (Pages 9 - 28)**
- 7 South Cliff Court, 11 South Cliff. Application ID: 190116 (Pages 29 - 36)**
- 8 Eastbourne House, 22-24 Gildredge Road. Application ID: 181104 (Pages 37 - 54)**
- 9 13 Upper Avenue. Application ID: 190127 (Pages 55 - 64)**
- 10 South Down National Park Authority Planning Applications (Verbal update)**
- 11 Appeal Summary (Pages 65 - 76)**

# 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)

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## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 25 June 2019 at 6.00 pm.**

### **Present:**

Councillor Peter Diplock (Deputy Chair in the Chair)

Councillors Sammy Choudhury (as the duly appointed substitute for Councillor Miah), Jane Lamb, Robin Maxted, Paul Metcalfe, Amanda Morris (as the duly appointed substitute for Councillor Diplock), Barry Taylor and Candy Vaughan.

### **Officers in attendance:**

Leigh Palmer (Senior Specialist Advisor for Planning), James Smith (Specialist Advisor for Planning), Helen Monaghan (Lawyer, Planning), and Emily Horne (Committee Officer)

### **1 Minutes of the meeting held on 28 May 2019**

The minutes of the meeting held on 28 May 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

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

An apology was reported from Councillor Jim Murray.

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

Councillor Taylor declared a Prejudicial Interest in minute 7, 13 Upper Avenue, as he was the owner of a care home. He withdrew from the room while the item was considered and did not vote.

### **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 Glebe Cottage, 4 Grassington Road. Application ID: 190264**

Planning permission for the demolition of existing dwelling. Proposed 16N° block of flats with associated parking to the rear. **MEADS**

The Committee was advised by way of an addendum report, that should the recommendation to refuse be overturned by members, a requirement for a local labour agreement, including monetary contributions towards monitoring, would be attached either as a planning condition or included within a Section 106 Legal Agreement.

Mr Chris Bennell, local resident, addressed the Committee in objection, raising concerns regarding parking, access and overdevelopment.

Mr Scard, Chair of Meads Community Association, addressed the Committee in objection to the application. He stated the application was out of keeping with the area and was in an area of high townscape value.

Mr Manas Chadha, applicant, spoke in response and said that the proposal would provide an affordable housing contribution and sustainable development of economic benefit.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection to the application. He said the current consultation to extend the College Conservation Area to encompass Grassington Road would, if formally adopted, have an impact on the site.

The Committee discussed the application and felt that the resolution to refuse the application should include an additional condition regarding overdevelopment.

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

**Resolved (Unanimous):** That permission be refused as set out in the report but with reference to overdevelopment added to reasons for refusal 1 and 2. The revised reasons for refusal are listed below:-

1. 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, represents an overdevelopment of the site 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.
2. 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, and an overdevelopment of the site 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.

**7 13 Upper Avenue. Application ID: 190127**

Planning permission for the 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 – **UPPERTON**

Having declared a Prejudicial Interest, Councillor Taylor was absent from the room during discussion and voting on this item.

The Committee was advised by way of an addendum report, of an additional condition to the resolution, should the application be approved.

Mr Nolan, local resident, addressed the Committee in objection, raising concerns regarding loss of privacy, noise and disturbance, and the potential for occupants with multiple social needs to clash.

Mr Naveed Ali, applicant, addressed the Committee in support, stating that the HMO would provide good quality accommodation for those who could not afford a 1 bedroom apartment. He said a communal living room would be provided as well as a full time caretaker, 24hr CCTV, and an electronic entry system. Residents would be fully vetted.

Councillor Maxted, Ward Councillor (spoke on behalf of Cllr Rodohan, Ward Councillor). He said there was no guarantee the HMO would house local people and that he would prefer to see the number of beds reduced from 34 to 20, with 3 shared rooms, and a live in manager providing full time support 24 hrs a day, 7 days a week.

The Committee discussed the application and felt that the scheme would benefit from a reduction in the number of HMO units/occupants.

Councillor Metcalfe 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 number of HMO units/occupants, prior to being brought back to the Committee.

**8 South Downs National Park Authority Planning Applications. (Verbal Update)**

There were none.

**9 Appeal Decision - 40-48 Seaside Road**

Members noted that the Inspector had dismissed the appeal.

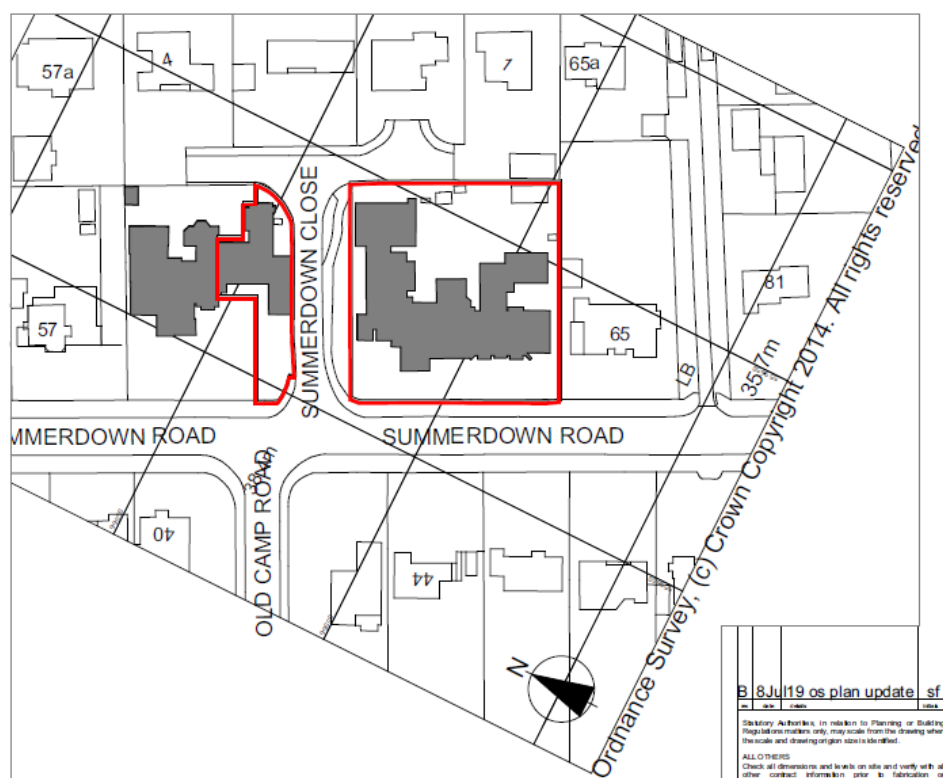
The meeting ended at 7.05 pm

Councillor Peter Diplock (Chair)

# Agenda Item 6

<b>App.No:</b> 190019	<b>Decision Due Date:</b> 24 July 2019	<b>Ward:</b> Old Town
<b>Officer:</b> James Smith	<b>Site visit date:</b>	<b>Type:</b> Outline (all reserved)
<b>Site Notice(s) Expiry date:</b> 14 March 2019		
<b>Neighbour Con Expiry:</b>		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b> Revisions made to scheme.		
<b>Location:</b> 61-63 Summerdown Road, Eastbourne		
<b>Proposal:</b> : Outline application for new 64 bed nursing home (Amended description following removal of new building housing residential flats from proposal)		
<b>Applicant:</b> Mr Brian Cooney		
<b>Recommendation:</b> Approve subject to conditions and submission of acceptable details relating to reserved matters (access, landscape, layout, design and scale)		

**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 Whilst the indicative layout and design submitted with the application would not be acceptable, due to detrimental impacts upon the amenities of neighbouring residents, it is considered that the site does have the capacity to accommodate a new care home providing up to 64 bedrooms, as well as associated facilities (parking, delivery and servicing areas, amenity space). This is due to the site being within an accessible and sustainable location where there is an established care home use and being of a size that would enable the construction of a 3½-storey building that could visually integrate with the surrounding environment, with necessary design, management and mitigation measures taken to prevent adverse impact upon neighbouring residents.
- 1.2 As the application is outline only, the applicant is required to submit layout, scale, design and landscape details at the reserved matters stage and these can be assessed without prejudice. Conditions would be attached to any approval to set parameters in regards of design, scale and layout in order to steer the applicant towards an acceptable development and to allowing clear grounds for excessive schemes to be assessed at the reserved matters stage.
- 1.3 The principle of the construction of a new, purpose built care home to replace the existing converted building, which is difficult to adapt to meet modern standards, is considered to be acceptable and is supported by national and local planning policies and objectives by way of providing improved care facilities that would contribute towards a healthy, mixed and inclusive community whilst also securing local jobs.

## **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
- 7. Ensuring the vitality of town centres
- 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
- C10 Summerdown & Saffrons Neighbourhood Policy
- D2 Economy
- D7 Community, Sport and Health
- D10a Design

## 2.3 Eastbourne Borough Plan Saved Policies 2007

NE4 Sustainable Drainage Systems  
NE7 Waste Minimisation Measures in Residential Areas  
NE18 Noise  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT2 Height of Buildings  
UHT3 Setting of the AONB  
UHT4 Visual Amenity  
UHT7 Landscaping  
HO20 Residential Amenity  
HO17 Supported and Special Needs Housing  
TR6 Facilities for Cyclists  
TR11 Car Parking

## **3 Site Description**

- 3.1 The site is occupied by a care home that is accommodated within two former detached residential dwellings that have been connected and extended to the rear. The main building is 2½-storeys in height, the top floor being accommodated within the roof slope, and various single-storey extensions have been added to the rear over time.
- 3.2 The original buildings both have hipped roofing with the eaves line broken in places by modestly sized gable ends, with the link between the two buildings having a shallow pitched crown roof, with a clear step down in ridge height. A hard surfaced parking/turning/servicing area is provided directly to the front of the buildings, which are set back from the road. This area is served by separate entrance and exit points. An approximately 1.2 metre high flint and brick wall runs along the site frontage whilst the rear of the site is enclosed by timber fencing. Site landscaping provides additional screening.
- 3.3 The site is located on a predominantly residential road which is characterised by large, detached dwellings which are set back from the road and are generally 2 or 2½ storeys in height, with the top floors being accommodated within roof slopes.
- 3.4 The site backs on to Summerdown Close which is a more modern (1970's) development consisting of detached two-storey properties. These dwellings occupy land that is at a slightly lower level than that of the site which, itself, slopes gently downwards from the east to the west.
- 3.5 The presence of mature landscaping in the form of street trees and garden landscaping contributes towards the character and appearance of the surrounding area.

## **4 Relevant Planning History**

- 4.1 EB/1972/0380  
Demolition of 59-63 Summerdown Road & erection 19 houses

Refused  
8<sup>th</sup> June 1972

EB/1972/0451  
Demolition of 59-63 Summerdown Road & erection 12 houses & construction service road  
Refused  
22<sup>nd</sup> June 1972

EB/1972/0464  
Demolition of 59-63 Summerdown Road & erection 20 houses  
Refused  
6<sup>th</sup> July 1972

EB/1972/0506  
Demolition of existing houses 59-63 Summerdown Road & erect 8 detached houses  
Refused  
3<sup>rd</sup> August 1972

EB/1973/0802  
Single-storey link and change of use from 2 single private dwellings to nursing home and formation of parking area at front  
Approved Conditionally  
15<sup>th</sup> November 1973

EB/1986/0028  
First floor addition above existing single-storey link  
Refused  
20<sup>th</sup> February 1986  
Appeal Allowed

EB/1986/0552  
3 storey extension at rear.  
Refused  
23<sup>rd</sup> December 1986

EB/1987/0118  
Single-storey rear and side extension  
Approved conditional  
29<sup>th</sup> April 1987

EB/1989/0097  
Single storey extension at rear to provide dining and office space  
Refused  
6<sup>th</sup> April 1989  
Appeal allowed

EB/1989/0217  
Provision of porch and conservatory at front of nursing home  
Approved Conditionally

25<sup>th</sup> May 1989

EB/1990/0127

Single storey extension at rear of nursing home

Approved Conditionally

24<sup>th</sup> April 1990

EB/1991/0229

Conservatory at rear

Approved

17<sup>th</sup> June 1991

980516

Erection of conservatory at rear to increase residents' amenity area.

Approved Conditionally

18<sup>th</sup> February 1998

090551

Erection of single-storey extension and raised decking area in association with removal of existing conservatory

Approved Conditionally

6<sup>th</sup> November 2009

## **5 Proposed development**

- 5.1 The proposal seeks outline permission for the demolition of the existing care home occupying the site, which is housed within a converted and extended residential building, and replacement with a purpose built care home. All matters are reserved although indicative layout and elevation plans have been submitted in order to demonstrate that a development of the size described could be accommodated within the site envelope.
- 5.2 The illustrative plans indicate that the development would be in the form of a three and half - storey structure with parking provided within a forecourt to the front (accessed via Summerdown Road) as well as bay parking to the rear and on part of the neighbouring site (59 Summerdown Road) which would be partially demolished to accommodate the parking. In total 22 x car parking spaces would be provided (5 for use by staff, 17 for use by visitors). One of the visitor spaces would be larger in order to allow for use by ambulances and delivery vehicles.
- 5.3 The development would provide a total of 64 rooms for residents of the care home, with additional space for treatment rooms, offices and staff facilities. Space would also be retained to the rear of the site for use as a landscaped garden.
- 5.4 The Design & Access Statement maintains that the development of the site would allow for a consolidation of the current care home occupying the site and the facility at the neighbouring property, 59 Summerdown Road.
- 5.5 Should the application be approved, full details of design; scale, access,

landscaping and layout would need to be submitted to and approved by the Local Planning Authority as Reserved Matters. It is possible to attach conditions setting parameters for the development (such as height and footprint) in order to steer certain aspects of the development, in the interest of visual, environmental and residential amenities.

## **6 Consultations**

### **6.1 Specialist Advisor (Policy):**

- 6.1.1 There are no policy implications for the redevelopment of the nursing home, which is supported.

### **6.2 Specialist Advisor (Economic Development):**

- 6.2.1 The Pentlow/Summerdown nursing home is an established care provider in Eastbourne, providing sustainable employment opportunities. The proposals for the site would continue to secure employment and enhance the care offer for local people.
- 6.2.2 Regeneration requests that should outline planning permission be granted it be subject to a local labour agreement covering the construction of the residential units and operational workforce for the nursing home.

### **6.3 ESCC Highways:**

- 6.3.1 The proposed development comprises a 64-bed nursing home at Nos 61 & 63 Summerdown Road, an increase of 12 bedrooms, and 14 residential units at 59 Summerdown Road. The Design and Access Statement states that the residential element of the proposed development will be a mix of 1-bed and 2-bed units. The application form submitted by the applicant states that the proposed nursing home will have 62 FTE employees and that the existing two nursing homes also have a combined 62 FTE employees.
- 6.3.2 The site is located within a 500m walk of existing bus stops on the A259 Church Street, outside the recommended distance of 400m. These bus stops are served by routes into the town centre and run approximately every 10-15 minutes. The town centre is also approximately a 23-minute walk or 6-minute cycle from the site. The site is therefore considered to be in a moderately sustainable location. Given these longer walking distances, the applicant should carefully consider a good level of cycle parking for residents, staff and visitors of the site at reserved matters stage.
- 6.3.3 In the outline proposals, more formal car parking is accessed from Summerdown Close than is currently the case, leading to some intensification of use of the road further eastwards. However, as the site's layout is a reserved matter, the detail on this will be handled at a later stage. The principle of access is considered acceptable.
- 6.3.4 The applicant has not submitted a trip generation assessment as part of this application. However, I have undertaken my own trip generation assessment

which estimates that the proposed nursing home would generate approximately 110 vehicle trips on a daily basis, of which 6-7 trips in each peak period. It is considered to be unlikely that this would have a significant effect on the local highway network.

- 6.3.5 The applicant will need to provide details on car and cycle parking as part of any reserved matters application for the proposed development. For a nursing home use, the County Council's parking standards set out a likely car parking demand of 1 space per 2-3 beds for staff and visitors, plus 1 space per resident proprietor, plus an ambulance bay. To be in accordance with the County Council's standards, the proposed nursing home would therefore need to provide between 21 and 32 parking spaces for staff and visitors, as well as an ambulance bay. The applicant is proposing 21 spaces plus an ambulance bay
- 6.3.6 It should be noted that the County Council has set out car and cycle parking design guidance in its 'Guidance for Parking at Non-Residential Development' and 'Guidance for Parking at New Residential Development'. The County Council will expect any layout proposals at reserved matters stage to comply with the design guidance set out in these documents. Currently, the proposed bays appear to be narrower than the 2.5m width required.
- 6.3.7 A Construction Traffic Management Plan in line with the County Council's guidance will need to be provided with details to be agreed. This would need to include management of contractor parking and compound for plant/machinery and materials clear of the public highway. Hours of delivery/ collection should avoid peak traffic flow times. This should be secured through a condition of any planning permission.
- 6.4 SUDS:
  - 6.4.1 We note that no information has been submitted with regard to the management of surface water runoff. We would expect any application for major development to include a surface water management strategy (including hydraulic calculations) to demonstrate that the proposed development would not increase flood risk on or off site. The surface water management strategy proposals should take into account requirements of those who will be responsible for maintenance of all aspects of the system. This is to ensure that the approved plans can be implemented without major changes to accommodate adopting authorities, which will most likely change the flood risk impacts of the proposed drainage system.
  - 6.4.2 We note that the British Geological Survey data indicates that the site is underlain by Holywell Nodular Chalk Formation and therefore infiltration may be possible. It should be noted that any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365 and groundwater monitoring.
- 6.5 Pevensey and Cuckmere Water Level Management Board (PCWLMB):
  - 6.5.1 If the surface water drainage strategy were to propose to discharge into the Pevensey and Cuckmere Water Level Management Board (PCWLMB) area, the

PCWLMB might require surface water discharge contribution based on the surface water runoff volume from the development, which the applicant should discuss with the Board. The Board can adopt some surface water drainage systems, if it is requested and its design standards are met. The applicant should discuss this with the Board during the detailed design stage, if he would prefer to offer the system or part of it for adoption by the Board.

6.6 County Archaeologist:

- 6.6.1 Although this application is situated on the edge of an Archaeological Notification Area, based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6.7 South Downs National Park Authority:

- 6.7.1 No comment provided.

6.8 Steven Lloyd MP:

- 6.8.1 In relation the scheme as originally submitted Stephen Lloyd MP objected on the following grounds:

- 6.8.2 *I believe the proposed development of both sites, by both their height and mass, are entirely out of keeping with the surrounding area. If outline planning is granted then the existing buildings will be demolished without knowing what they will be replaced with.*

- 6.8.3 *The outline site proposal will also have a negative impact on surrounding properties and will, without doubt, set a precedent in the immediate area.*

6.9 The Eastbourne Society:

- 6.9.1 Representing the Eastbourne Society as Planning Advisor I herewith present my objection to the above outline Planning Application for a new 64 bed nursing home at 61-63 Summerdown Road and a residential development of land for up to 14 units at 59 Summerdown Road. Despite this being an outline application, with not much information as to the eventual designs, it is clear that the height and shape of the two proposed buildings would be completely out of proportion, and stylistically inappropriate, alongside those in the rest of the road.

- 6.9.2 Summerdown Road is not only an important thoroughfare linking the Old Town with the town centre and Meads, but also a road of domestic architectural and historic significance: the properties on the eastern side, built in the early 1900's, are very fine examples of grand Edwardian design, many in the arts and crafts style, whilst those on the western side – just as grand – were built in the 1920's/30s on the site of Summerdown Camp. Both Nos 61 and 63 Summerdown Road have in recent years been unattractively linked to form a larger footprint, but No. 63 itself has more architectural merit of the two as it is arts and crafts influenced. The neighbouring property to No. 63 was the former headmaster's house of St Cyprian's School from 1906-39 that included Cecil

Beaton, Cyril Connolly, Gavin Maxwell and George Orwell amongst its pupils.

- 6.9.3 The loss of these properties, and the construction of the new building, would make a profound difference to this main thoroughfare, which remains as one of the most individual and complete in terms of architectural integrity in the town.

## **7 Neighbour Representations**

- 7.1 There have been two rounds of public consultation resulting in letters of objection were received from a total of 77 individual addresses. Matters raised in the letters are summarised below:-

- Would result in a road safety hazard due to increased traffic and on street car parking;
- Would increase parking pressure on surrounding roads;
- Would result in intensification of the existing use;
- Not enough information provided to assess the scheme;
- Would not harmonise with the street scene and would conflict with planning policies relating to visual amenity and building height;
- Flat roofing would not be compatible with surrounding area;
- Would result in overshadowing of neighbouring properties;
- Insufficient parking provided;
- Would result in noise and light pollution over 24 hour period;
- Planning Statement presents opinions as facts;
- No attempt has been made to qualify the need for the care home;
- Would appear obtrusive;
- The historic environment should be defended;
- Would be overdevelopment, the size of a small hospital;
- Would set a worrying precedent for similar development in surrounding area;
- Covenants prevent this form of development;
- The quality of care provided would be reduced due to the cramped nature of the development;
- Support the improvement of the care home but not in this way;
- Will negatively impact upon the South Downs National Park;
- Previous extensions to the building have been of poor quality and do not inspire confidence;
- Outline approval would give carte blanche to architects;
- Would result in loss of privacy;
- Would result in a negative impact upon the skyline and long distance views;
- Would be overbearing towards neighbouring properties;
- Would hamper access by emergency services;
- Would result in an increased risk of flooding;
- Construction work would be disruptive;
- The density of the development is out of keeping with the surrounding area;
- Existing use already causes significant traffic issues;
- There are better ways to develop the business;

- Parking provided at 59 Summerdown Road would further impact on access to Summerdown Close;
- Consultee comments have not been made available online;
- Removal of flats from the scheme has not overcome overall objections;
- There has been no community engagement;
- Would result in the loss of landscape and trees;
- Would result in a negative impact on tourism as site is in a gateway area;
- Focus should be to improve the existing care homes;
- Building should be positioned further from the boundary with 65 Summerdown Road;
- As plans are not marked as indicative they have to be considered as part of the application;
- Information provided does not comply with local validation checklist;
- It is nearly 400 metres to the nearest bus stop, this is not suitable for elderly people;
- Removal of hedges will expose neighbouring properties to gusts of wind;
- No sustainability or energy saving measures have been included;
- Would negatively impact upon wildlife in neighbouring gardens;
- Will detract from outlook from neighbouring properties;
- The scheme is being put forward for financial benefit.

## **8 Appraisal**

### **8.1 Principle:**

- 8.1.1 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives, that form the components of sustainable development, is a social objective (para. 8 b). The social objective requires the support of ‘strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’ The retention of care facilities at the site is considered to support the continued presence of a mixed community in the surrounding area, promoting cohesion and interaction between different elements of the community and, thereby, improving community well-being.
- 8.1.2 This social objective is recognised by Policy D7 of the Eastbourne Core Strategy, which states that ‘The Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs.’
- 8.1.3 Para. 61 of the NPPF provides further context, stating that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including... older people...and... people with disabilities). This social objective is recognised by Policy D7 of the Eastbourne Core Strategy, which states that ‘The Council will work with other

relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs.'

- 8.1.4 The principle of sustainable development requires the aims of the social objective to be balanced against the economic objective and the environmental objective. By maintaining a significant employment use within the area, it is considered that the proposed development would support the economic objective. The wider implications on the environmental objective, in terms of impacts upon environmental, residential and visual amenities will be assessed in the main body of this report, along with other relevant criteria.
- 8.1.5 The benefits offered by the proposed scheme in terms of providing a modern, purpose built care facility will therefore need to be balanced against any potential for negative environmental impacts. However, the principle of locating a care home in this area is supported by the fact that the site is currently occupied by such a facility and that its retention and expansion would contribute towards the mixed needs of the community.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The footprint of the building would not be significantly increased from that of the existing structure, although there would be (as demonstrated by the illustrative elevations an increase in mass as the bulk of the structure projecting to the rear of the site is currently at single-storey only. This raises concerns in terms of the relationship maintained between the proposed building and the property immediately adjacent to the south, 65 Summerdown Road, as well as properties to the rear of the site on Summerdown Close.
- 8.2.2 The proposed care home would replace a similar existing facility, but with the use intensified as a result of the increase in rooms provided. It is considered that a residential care home use is compatible with the surrounding residential environment provided appropriate management and mitigation plans are in place to control noise and light emissions, travel matters (visiting hours, shift changeover times etc) and co-ordination of deliveries. This can be secured by way of a planning condition, should the application be approved.
- 8.2.3 The proximity of the site to the South Downs National Park is noted. The park authority were consulted on the application but have provided no comments at this stage. Should the application be approved then they would be consulted again at reserved matters stage to ensure the scale and design of the development, as well as the materials used, would not compromise the status of the national park by way of impacting on views from the park towards the coast.
- 8.2.4 The southern wing of the building would project a significant distance towards the rear of the site, flanking the majority of the rear garden of 65 Summerdown Close. Indicative plans suggest that the southern wing of the building would have a two-storey high elevation wall with the second and third floor areas accommodated within the roof, which pitches away from the side boundary. Plans also show that the wing would accommodate a corridor on the southern

side, allowing for the possibility of obscure glazed windows although poorly lit corridors are generally discouraged. However, this would not overcome concerns relating to the proximity of the southern wing, combined with its height, and the negative impact that this would impose upon the occupants of 65 Summerdown Road by way of an unacceptable sense of overbearing and over-dominance, particularly when viewed from the rear garden.

8.2.5 The site is also on higher ground than properties on Summerdown Close to the east. However, it is considered that it would be possible to incorporate a building of increased size without it appearing overbearing towards these properties provided the taller parts of the building are pulled back from the rear boundary and the majority of the rear of the site is used for external amenity space as would be expected. If this is the case, it is considered that the relationship between the proposed building and properties on Summerdown Road would be similar to those generated by a typical arrangement of buildings on opposing sides of a street.

8.2.6 Notwithstanding the comments provided above, it is considered that the site does have the capacity to accommodate a new residential care home providing up to 64 bedrooms for use by residents and associated parking, servicing and amenity space, provided the layout, design and scale of the development addresses the concerns raised above and mitigates against unacceptable overlooking, overshadowing or overbearing impact upon neighbouring residents.

### 8.3 Design Issues:

8.3.1 It is not considered that the existing buildings occupying the site possess any particular architectural merit and, as such, there are no objections raised against the loss of these structures.

8.3.2 The proposed development would seek to consolidate the services provided by the care home occupying 59 Summerdown Road (20 rooms) and the building currently occupying the site (32 rooms), within a single building, as well as providing an uplift of a further 12 rooms to provide 64 rooms in total. In order to achieve this within the existing site envelope, and also provide adequate parking and amenity space, the applicant is seeking permission to provide an enlarged building on-site, some parts of which would be 3½-storey.

8.3.3 Whilst the design, scale and layout of the scheme are reserved matters, an indicative layout plan has been provided as it would not be possible to make an informed decision on the application without it being demonstrated that there is capacity within the site envelope to accommodate the new building, as well as the required parking, servicing and amenity areas.

8.3.4 Indicative plans show that the third floor would not occupy the full footprint of the building and would be housed entirely within the roof void. The second floor would also be predominantly above eaves height, with gable ends utilised to allow for windows and openings. If a pitched roof is utilised in this way, it is considered that 3½-storey elements could be incorporated into the building without detracting from the character and appearance of the surrounding area or appearing unduly incongruous within the street scene, where substantial three-

storey buildings (with the upper floor contained within the roof space) are prevalent. As such, a 3½-storey structure would not represent a significant and unwarranted increase in height, particularly on the northern side of the building which is not directly adjacent to neighbouring properties and is also in a street corner location, such areas being traditionally associated with more prominent buildings.

- 8.3.5 Although the design of the proposed scheme is a reserved matter, it is not considered that a flat roof building, providing floorspace distributed over three and half storeys would be compatible with the surrounding area, where traditional pitched roofing is a universally present feature on surrounding buildings. The eaves height of roofing on buildings within the street is also at a consistent level, above first floor window heads. As such, it is considered that a condition should be attached to any given approval to require the use of pitched roofing and to prohibit the eaves height be set below second floor level. This would secure a design similar to that presented on the indicative drawings provided on the application and ensure that the appearance of the roof form would be visually consistent within the surrounding area, whilst minimising the risk of the presence of unbroken sections of excessively high elevation walling, which would appear overbearing and oppressive towards neighbouring properties and inconsistent with the general character of the street scene.
- 8.3.6 It is considered that the wide frontage of the proposed building would be consistent with the general pattern of the built form on Summerdown Road, where buildings generally extend across the majority of the width of their respective plots. As space would need to be provided for parking and servicing to the front of the building, it would remain stepped back from the highway, respecting the informal building line that is maintained on the street.
- 8.3.7 A number of extensions have been made to the existing building and, as a result, the footprint of the proposed building would not be significantly greater than the current footprint albeit the current extensions are predominantly single-storey height. The amount of extensions added to the existing building over time has resulted in a somewhat cluttered appearance that detracts from the visual quality of the site as well as the surrounding area. The proposed development would provide the opportunity to remove this cluttered appearance and accommodate the care facility in a single, cogent unit.
- 8.3.8 In order to meet approval at reserved matters stage, a site layout would need to be revised that retains the maximum amount of the landscaped space to the rear of the site that is currently available. This is in order to preserve the spatial characteristics of the surrounding area as well as to ensure the site continues to contribute towards the verdant character and appearance of the surrounding area. The submission of reserved matters in regards to landscaping would also need to take this into account.
- 8.4 Quality of Accommodation:
- 8.4.1 The proposed scheme would allow for the existing care home operation, which is distributed across two adjacent sites, to be amalgamated into a more efficient, purpose built care home. This would improve the ongoing viability of the care

home use which is currently subject to a degree of uncertainty due to the practical difficulties and costs of adapting the existing building to meet required standards. The stock of care homes within Eastbourne has been reduced as a result of similar experiences where difficulties involved in adapting buildings has resulted in facilities closing down or relocating.

8.4.2 The size of the asset would allow for a suitable provision of landscaped outdoor amenity space, to be secured at reserved matters stage, and it is considered an appropriate layout could be devised that would allow for provision of natural light and ventilation to rooms without any unacceptable overlooking of neighbouring residential properties.

8.4.3 It is therefore considered that the proposed building would provide improved facilities, better quality living conditions and a more adaptable environment that would be supported by the social objective of sustainable development as defined in the Revised NPPF as well as policy D7 of the Eastbourne Core Strategy. The retention of the use in this residential setting would enable it to remain part of the local community, ensuring that the principle of promoting mixed communities, inclusiveness and cohesion is adhered to.

#### 8.5 Impact on Highway Network and Access:

8.5.1 The proposed development would incorporate a total of 22 parking bays, one of which would be allocated for ambulances and servicing/delivery vehicles. The application form has stated that there would be no increase in staff numbers. However, it is assumed there would be an increase in staff based on the uplift in rooms. The comments provided by ESCC Highways are based on the amount of rooms provided within the proposed development rather than the staff numbers stated on the application form.

8.5.2 ESCC Highways are satisfied with the quantum of parking included within the scheme. The provision of bay parking adjacent to 59 Summerdown Road would not result in the loss of on-street car parking capacity as the width of the road currently only allows for parking on one side. However, should outline permission be granted, details would need to be submitted at the reserved matters stage to show that vehicles could safely manoeuvre into and out of the parking spaces without causing an unacceptable hazard to pedestrians and motorists. The proposed bay parking to the rear of the property would be opposite driveways serving properties on Summerdown Close and, as such, further details would also need to be included at reserved matters stage to show that these spaces could be used in a safe way and not impede access to property.

8.5.3 The proposed parking would not cross over the main footpath serving Summerdown Close and, as such, it is not considered that accessibility by pedestrians would be impeded by the development.

8.5.4 Should the application be approved, the subsequent application for reserved matters would need to demonstrate that parking spaces provided conform with all relevant ESCC standards in terms of dimensions. Details would also need to be included in a Transport Report that would demonstrate how parking for staff

and visitors would be managed and how the use of public transport and sustainable transport would be encouraged.

- 8.5.5 No objections have been raised against the access/egress arrangements, which would maintain the current in/out system.

8.6 Landscaping:

- 8.6.1 The rear gardens of the original dwellings occupying the site (61 and 63 Summerdown Road) previously extended further back to the east. Part of the gardens, along with that of No. 59, were developed in the mid 1970's to form Summerdown Close. As a response to the potential development, a number of trees within the gardens were afforded protection by way of a Tree Preservation Order. The remaining protected trees include those on the verge to the north of the site. The proposed building would be positioned within relatively close proximity of these trees and, should the application be approved, the reserved matters relating to landscaping would need to include details on how these trees would be protected during, and after construction, ensuring they continue to play their important role in generating a verdant sense to the character of the surrounding area.
- 8.6.2 The leylandii type hedging which demarcates the rear site boundary is not subject of any protection order but does contribute to the amenity of the area. This hedging would need to be removed to accommodate parking spaces and, should the application be approved, the landscaping scheme submitted as a reserved matter would be expected to incorporate mitigation planting that would be provided in a similar area in order to provide a sympathetic screen to the main development, when viewed from Summerdown Close.
- 8.6.3 There are also three TPO trees to the rear of the existing building. The submitted plans show these trees to be retained although it would appear that crown reductions would be required in order to incorporate the proposed buildings. These trees are not as prominent as those adjacent to the northern site boundary but do play an important role in providing urban greenery and sympathetic site screening. If the application is approved, a greater level of detail would be required to ascertain if the development can be carried out without damaging the long term health of these trees. If it cannot, then it is considered that their loss may be acceptable provided suitable mitigation planting is carried out in a similar position. Any trees planted would be expected to be of a level of maturity to ensure that they would immediately contribute to site screening and have a clear visual presence within the street scene.
- 8.7 Drainage:
- 8.7.1 The proposed development would result in an increase in impermeable coverage within the site as a result of the enlarged building size and the provision of hard surfaced parking area.
- 8.7.2 As the proposed development is in outline form, there is not sufficient detail on layout, design and scale for a surface water drainage strategy to be confirmed at this stage. However, any application for approval of reserved matters would be

required to include a comprehensive surface water drainage strategy that would need to meet the approval of the Lead Local Flood Authority. Failure to provide this would give rise to significant concerns over the potential for increased risk of surface water flooding of the site as well as neighbouring properties and the public highway.

## 8.8 Employment:

- 8.8.1 The proposed development would secure a modern, purpose built care home facility within the Borough that provides a significant level of employment and has the potential to offer new employment opportunities. In this regard, the proposed development responds positively to policy D2 of the Eastbourne Core Strategy which seeks to support job growth and economic prosperity.

## 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 outline permission be granted subject to the conditions listed below and the submission of satisfactory details in regards to all reserved matters (access, landscaping, layout, design and scale).

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

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) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) layout;
- (ii) scale;
- (iii) design;
- (iv) access; and
- (v) landscaping.

The reserved matters shall be carried out as approved.

3) Approval of all reserved matters shall be obtained from the Local Planning

Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4) The development hereby permitted shall be carried out in accordance with the following approved drawing:-

SY 11 Revision A – Site Location & Block.

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

5) In addition to Reserved Matters for the layout and scale of the development, full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings neighbouring the site on Summerdown Road and Summerdown Close by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

In addition to Reserved Matters for the layout and access of the development, details including swept path analysis of how parking would be accessed and how a suitable level of access for vehicles (including servicing and emergency vehicles) would be maintained on surrounding roads.

In addition to Reserved Matters for landscaping, an arboricultural survey for all existing trees within the site shall be provided along with details of how TPO trees would be protected during any development and how they would be maintained thereafter.

Reason: To ensure the proposed development is satisfactory as regards layout, access, appearance, landscape provision and in all other detailed respects.

6) The development hereby approved is to provide a maximum of 64 bedrooms for use by care home residents.

Reason: In order to prevent an over-intensive development of the site that would be harmful to environmental, visual and residential amenities, in conflict with saved policies NE28, HO20 and UHT1 of the Eastbourne Borough Plan.

7) The development hereby approved is to be a maximum of 3½-storeys in height. The height of the eaves of the roof of the building shall not be higher than first floor level of the building.

Reason: In order to control the height of the development and ensure it would not appear overly dominant or incongruous within the context of the street scene, in accordance with saved policies UHT1 and UHT2 of the Eastbourne Borough Plan.

8) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

9) Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: In order to ensure that the development is accessible in accordance with the requirements of chapter 8 of the Revised NPPF.

10) No occupation of the building shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

11) No occupation of the building shall commence until a management plan relating to noise, light and air emissions generated by the proposed development has been submitted to and approved by the Local Planning Authority, including, but not limited to, the following information:-

- Details of the amount of external lighting to be installed and the specifications of the lighting to be installed;
- Details to restrict light spill from interior lights to the exterior of the building;
- Details of any plant and machinery to be installed, including full specifications;
- Management of use of external amenity areas including hours of use and numbers of people using external amenity areas at any given time;

The use shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of environmental and residential amenity in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

12) Prior to the commencement of development, a scheme to manage surface water shall be submitted to, and approved in writing by, the local planning authority.

The surface water drainage scheme should be based on the sustainable drainage principles and include:-

- a) Confirmation of the surface water drainage techniques to be used. (Following on-site testing of ground conditions, contamination and infiltration rates)
- b) Confirmation of dimensions and location of specific drainage features (e.g. green roofs, permeable paving, soakaways, ponds etc.)
- c) Specific details in relation to how the drainage system will be maintained over its development life.

The scheme shall be fully implemented and subsequently maintained, in accordance with the details approved.

Reason: In order to minimise risk of surface water flooding in accordance with saved policy US4 of the Eastbourne Borough Plan.

13) No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide sufficient car-parking space for the development in accordance with saved policy TR11 of the Eastbourne Borough Plan.

14) No part of the development shall be occupied until cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. 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.

15) No part of the development shall be occupied until vehicle turning space has been constructed within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety

16) 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.

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

<b>App.No:</b> 190116 (PPP)	<b>Decision Due Date:</b> 15 April 2019	<b>Ward:</b> Meads
<b>Officer:</b> Neil Collins	<b>Site visit date:</b> 24 <sup>th</sup> January 2019	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 16 March 2019 <b>Neighbour Con Expiry:</b> 16 March 2019 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> South Cliff Court, 11 South Cliff, Eastbourne		
<b>Proposal:</b> Proposed replacement and alterations to balconies (Resubmission)		
<b>Applicant:</b> Mr J. Smith		
<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



## **1 Executive Summary**

- 1.1 This application is brought back to the Planning Committee following its previous consideration at the meeting on 28<sup>th</sup> May 2019.
- 1.2 The Committee resolved to defer the application for consideration at a future Planning Committee meeting, with the stipulation that Officers negotiated a reduction in the depth of the proposed balconies from the previously proposed 1000mm to 800mm, which would match the existing depth. The applicant has agreed to a reduction to 800mm and has submitted amended plans to that effect.
- 1.3 In addition, the previous officer recommendation to Committee included a condition to ensure a screen would be installed on the front of the balconies to a height of 1200mm. The applicant has revised the design to include this screen, in addition to the previously proposed screening to 1700mm on the south-west side of the balconies. Furthermore, the revised design now proposes glazed screens that would be integral to the design of the balustrade (rather than being separate elements). This is considered to improve the appearance and would allow for better maintenance and cleaning of the screens. Taking the amended design into account, the previous condition number 2 has been omitted from this officer recommendation. All other elements of the proposal remain unchanged from that which has previously been considered by the Committee.
- 1.4 Since the application was considered by the Committee, a further 9 letters of objection have been received, which raise objection on grounds of loss of privacy and poor visual amenity. This is mainly in response to the initial amendments, which did not show a screen on the front, previously required by condition and fell short of full coverage of the side of the balconies. This has since been amended, as described in the paragraph above.
- 1.5 It should be noted that the following report remains unchanged from that which has already been considered by the Committee, in the interest of transparency in the decision making process.

## **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
  - C11: Meads Neighbourhood Policy
  - D10A: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
  - NE14: Source Protection Zone
  - NE28: Environmental Amenity
  - UHT1: Design of New Development

UHT4: Visual Amenity  
HO2: Predominantly Residential Areas  
HO20: Residential Amenity

### **3 Site Description**

- 3.1 The application site is a roughly triangular shaped plot, occupied by a five storey Victorian building fronting South Cliff, which is currently sub-divided into flats. The building adjoins number 10 South cliff on it eastern side and the site is bounded on its western side by 12 South Cliff and 19 South Cliff Avenue. The northern point of the site adjoins Regency Mews, a two-storey residential development.
- 3.2 The ground level is below the street level of South Cliff, such that the site comprises a lower ground floor. To the north of the site, the topography of the land slopes downward from south to north, with properties in South Cliff Avenue being sited on a gentle slope away from the application site.
- 3.3 The site is located within the Meads Neighbourhood The site does not comprise any statutorily listed buildings, but is located within the Town Centre and Seafront Conservation Area, the boundary of which is shared with the western boundary of the site. Land immediately to the west of the site is designated as an area of High Townscape Value.

### **4 Relevant Planning History**

- 4.1 EB/1983/0267  
REPL ROOF  
Approved Unconditional  
1983-07-26
- EB/1959/0387  
CONV GRD/FL FLAT INTO 2 S/C FLATS  
Refused  
1959-09-24
- 000457  
Retrospective application under Section 73 for replacement UPVC windows to ground floor flat.  
Planning Permission  
Approved unconditionally  
14/12/2000
- 100753  
Re-development of site with the demolition of existing buildings and the erection of 8 houses in two blocks comprised of two and three-storeys, on-site car parking and refuse storage  
Planning Permission  
12/01/2011

100771

Re-development of site with the demolition of existing buildings and the erection of 8 houses in two blocks comprised of two and three-storeys, on-site car parking and refuse storage.

Planning Permission

23/01/2011

171393

Proposed replacement of 7no upvc tilt and turn windows to the front elevation with ultimate rose box sash windows

Planning Permission

Approved conditionally

19/12/2017

181188

Proposed replacement and alterations to balconies

Planning Permission

Withdrawn

13/02/2019

950171

Conversion of second and third floors from four bedroom maisonette to two two-bedroom self-contained flats.

Planning Permission

Approved conditionally

19/04/1995

980252

Change of use from guest house to single private dwelling.

Planning Permission

Refused

21/01/1999

990641

Change of use from guest house to single private dwelling.

Planning Permission

Refused

17/06/1999

## **5 Proposed development**

- 5.1 This application proposes the replacement of existing balconies and a stack extension located on the rear elevation of the building from ground floor (one storey above the rear garden level) to the third floor. The proposed balconies would comprise a purpose made steel structure, with two struts supporting the weight of the balconies. Each balcony would comprise steel mesh decks to a depth of 1000mm from the rear elevation and a width of 1890mm (including the supporting struts) and would be enclosed by an open balustrade.
- 5.2 During the course of the application, the applicant has submitted amended plans, which 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.

## **6 Consultations**

### **6.1 Specialist Advisor (Conservation):**

6.1.1 This application seeks permission for the construction of new rear balconies at this apartment building located at a prominent seafront location in the Town Centre and Seafront Conservation Area. The intention is to replace a degraded, redundant and unsightly service shaft with associated platform balustrading with a functional and unobtrusive structure that offers external access from individual apartments.

6.1.2 The new structure has no impact on the front elevation and restricted rear and side views, such that there is no serious or significant concern in terms of any challenge to the integrity, character and appearance of the host conservation area. Indeed, comparable external structures already exist in close proximity.

6.1.3 No reference is made in the documentation to the treatment of the balconies, so clarification on that would be helpful. My suggestion is that an understated black finish might work well.

6.1.4 No objection is required.

## **7 Neighbour Representations**

7.1 12 Objections have been received from neighbouring residents and are based upon the following material planning considerations:  
and cover the following points:

- Overlooking and loss of privacy for neighbouring occupants;
- Noise disturbance; and
- Visual appearance and the impact upon the character of the conservation area

## **8 Appraisal**

### **8.1 Principle of development:**

8.1.1 There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the conservation area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2018), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

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

- 8.2.1 Existing dwellings in the vicinity of the site are located in very close proximity. Due to the orientation of buildings, there is a degree of sensitivity regarding habitable room windows in the area, many of which are currently overlooked by neighbouring windows. In the case of the application site, existing windows and balconies on the rear elevation provide an established outlook to the rear of the building. This provides unimpeded views from all raised floors directly overlooking neighbouring property in South Cliff Avenue and, to a degree, back towards 12 and 13 South Cliff.
- 8.2.2 It is understood that the balconies are in a poor physical condition and are in need of repair. Therefore, scaffolding has been erected at the site to facilitate interim measures regarding the safety of residents and neighbours. It is pertinent to note that repair of the existing balconies would not require the grant of planning permission, provided there was no material change in their appearance. Therefore, use of the balconies could continue without the requirement for the grant of planning permission from the Council.
- 8.2.3 The proposal would involve the demolition of a 'stack' extension, which was added after the existing balconies and occupies just over half of the area of the 0.8m x 2m balconies. Removal of the stack extension, per se, which would result in exposing the former area of the balconies, would not be resisted on either design or amenity grounds.
- 8.2.4 The proposed balconies would extend the existing balconies, including the stack extension, by a further depth of a 200mm. The balconies would be 2m in width, which would match the existing balconies, but would increase the useable balcony area from 0.8m x 0.8m to 1m x 2m. As a result, the level of overlooking would remain relatively unaltered from the existing arrangement, given that the additional width and depth of the proposed balconies would not provide any significantly different vantage point from which neighbouring habitable room windows would be overlooked.
- 8.2.5 The small additional depth of the proposed balconies would lead to a marginally different view back towards the adjacent property to the west, number 12 South Cliff, but this is not considered to be significant in the context of view that is afforded by the existing balconies. The agent has submitted amended plans to improve upon the existing level of overlooking westward from the balconies, which would comprise glazed screens to a height of 1700mm above the finished balcony deck level. A condition of planning permission is recommended to ensure that the screening is installed prior to first use of the balconies.
- 8.2.6 The increased area of the proposed balconies would allow use by more individuals, at any one time, and would likely lead to greater use. However, the 1m x 2m area would be a moderate area, likely only to be used by a few individuals at any one time. Use of the balconies is likely to be commensurate with use of the existing garden areas in the vicinity, which already establishes a degree of activity to the rear of buildings in South Cliff and South Cliff Avenue. It is not considered that their normal use would lead to significant noise disturbance.

8.2.7 Taking the above considerations into account, it is considered that the proposal would not have any significant impact upon the amenity of neighbouring occupants.

8.3 Design and Heritage considerations:

8.3.1 The application site lies within the Town Centre and Seafront Conservation Area, directly adjacent to its border. The proposed balconies would comprise a purpose made steel structure, powder coated black to match the existing balcony balustrade. The structure would include supporting struts, which would run from top to bottom, but the resulting form is considered to be simple and lightweight in appearance. The building is not widely appreciated within public views, on being visible in glancing views from South Cliff Avenue. The design is considered to be sensitive to the host building and is considered to preserve the character and appearance of the Town Centre and Seafront Conservation Area, taking into account that the existing stack extension does not make a positive contribution to conservation area character.

## 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 proposed development shall be carried out in strict accordance with the following plans:

290700 01– Location Plan  
290700 02 Rev A – Block Plan  
290700 07 Rev E – Site Plan (Lower Ground Floor) Proposed  
290700 08 Rev E – Typical Floor Plan - Flat 3 (First Floor) Proposed  
290700 09 Rev E – Rear (NW) Elevation - Proposed  
290700 10 Rev D – Side (SW) Elevation - Proposed  
290700 11 Rev D – Part Plan (LGF/Garden Level) - Proposed  
290700 12 Rev E – Part Plan (First Floor, Flat 3) - Proposed  
290700 13 Rev E – Part Elevation - Proposed

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

relates.

3) Details and or samples of the glazing to be used in all privacy screens shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority and installed at the site in accordance with the details approved prior to the first beneficial use of the balconies and retained as such for the lifetime of the development.

Reason: In the interest of the amenity of neighbouring occupants.

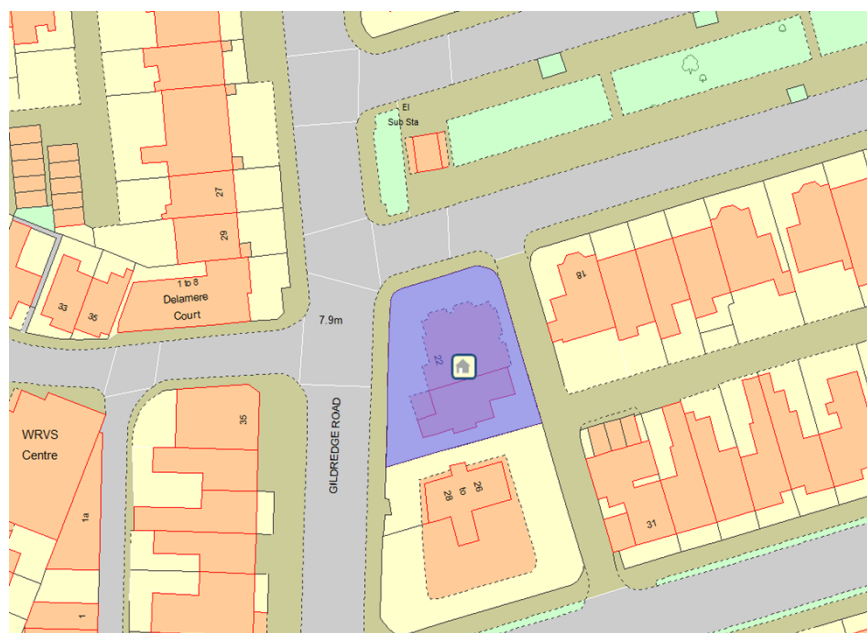
## **11 Appeal**

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 8

<b>App.No:</b> 181104	<b>Decision Due Date:</b> 23 April 2019	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 9 <sup>th</sup> January 2019	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 20 December 2018 <b>Neighbour Con Expiry:</b> 20 December 2018 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b> Additional reports required relating to highways and parking.		
<b>Location:</b> Eastbourne House, 22-24 Gildredge Road, Eastbourne		
<b>Proposal:</b> Extensions to existing building including enlarged floorplate and additional floor to allow Change of Use from B1 (offices) to C3 (residential) with the provision of 22 x individual residential units.		
<b>Applicant:</b> Mr Alec White		
<b>Recommendation:</b> Approve, Subject to conditions and Section 106 Agreement (Affordable Housing, Local Employment Agreement, Travel Plan) and to the conditions attached to this report.		

**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 proposed building, in terms of the design and external appearance, would make a positive contribution towards the Conservation Area, and would not adversely affect the amenities of the occupiers of the adjoining properties/flats.
- 1.2 The building would provide good quality living conditions for future occupants whilst not bring about any unacceptable degradation of the amenities of neighbouring residents.
- 1.3 The loss of office space is considered to be acceptable given the age and quality of the floor space provided and the amount of forthcoming office development that would be brought forward as part of the Eastbourne Town Centre Plan.
- 1.4 There are no other material objections to the redevelopment of this highly sustainable site.

## **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
- 7. Ensuring the vitality of town centres
- 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
- D2 Economy
- D5 Housing
- D7 Community, Sport and Health
- D10 Historic Environment
- D10a Design

### **2.3 Town Centre Local Plan (2013):**

- TC2 Town Centre Structure
- TC6 Residential Development in the Town Centre
- TC9 Development Quality
- TC10 Building Frontages and Elevations
- TC11 Building Heights

2.4 Employment Land Local Plan (2016):

EL3 Town Centre

2.5 Eastbourne Borough Plan Saved Policies 2007

NE4 Sustainable Drainage Systems  
NE7 Waste Minimisation Measures in Residential Areas  
NE14 Source Protection Zone  
NE15 Protection of Water Quality  
NE18 Noise  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT2 Height of Buildings  
UHT4 Visual Amenity  
UHT7 Landscaping  
UHT15 Protection of Conservation Areas  
UHT18 Buildings of Local Interest  
HO1 Residential Development Within the Existing Built-up Area  
HO7 Redevelopment  
HO9 Conversions and Change of Use  
HO20 Residential Amenity  
BI1 Retention of Class B1, B2 and B8 Sites and Premises  
TR6 Facilities for Cyclists  
TR11 Car Parking

**3 Site Description**

- 3.1 The site is occupied by a four-storey office block that was built in the 1970's. The building has a flat roof and is constructed in brown brick, with rendered sections above and below windows. A basement/undercroft parking area is provided beneath the building. A lift shaft projects above the main roof top level.
- 3.2 This site is accessed via a ramp from the service road to the rear of the site. The western elevation (facing onto Gildredge Road) has a staggered frontage and includes the primary access, which is made at ground floor level which is raised above street level and therefore requires steps and an external ramp.
- 3.3 The site is entirely hard surfaced and is surrounded by a low brick wall. It is located in a prominent position on a corner plot where Gildredge Road meets Hyde Gardens. The site and its surrounds fall within the Town Centre/Seafront Conservation Area. There are no Listed Buildings within the immediate surrounding area although the dwellings that line Hyde Gardens are registered as being of local interest.
- 3.4 The site is within Eastbourne Town Centre, outside of the primary and secondary shopping areas but within close proximity to them. Surrounding uses consist of a mix of residential, predominantly in the form of terraces of traditional townhouses, which are interspersed with larger, more modern commercial buildings, such as Eastbourne House itself and the neighbouring site, Berkeley House. Some of the older building stock has also been converted to office use.

- 3.5 Gildredge Road forms part of the A259. It falls within town centre parking zone G, which has parking restrictions in place between 08:00 and 18:00 Mondays to Saturdays.

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

- 4.1 EB/1970/0520  
Demolition, and the erection of a block of offices – Approved conditionally 5<sup>th</sup> November 1970.
- 4.2 EB/1972/ 0670  
Demolition of existing building and erection of a five-storey plus penthouse block of offices, above a semi-basement carpark – Approved Conditionally 21<sup>st</sup> September 1972.
- 4.3 EB/1974/0414  
Erection of a four-storey block of offices, above a semi-basement carpark – Approved Conditionally 24<sup>th</sup> September 1974.

#### **5 Proposed development**

- 5.1 The proposed scheme involves extending the existing four-storey office building by way of increasing the current floor plate to incorporate a larger proportion of the plot, and to provide an additional storey, which would be recessed from the edges of the main structure.
- 5.2 The extended building would be converted from its existing use as offices to residential, with 22 new units to be formed. Car parking at basement level would be maintained, as would the basement level plant / storage rooms, which would be utilised as a lobby and refuse storage area. The basement parking area would provide a total of 9 car parking spaces. A secure cycle parking area would also be provided adjacent to the access ramp, at ground floor level.
- 5.3 The increase in floor plate on each level, in terms of Gross Internal Area (GIA) would be as follows:-

Level	Current GIA	Increased GIA
Ground Floor	209.29 m <sup>2</sup>	318.43 m <sup>2</sup>
First Floor	244.37 m <sup>2</sup>	377.64 m <sup>2</sup>
Second Floor	244.37 m <sup>2</sup>	377.64 m <sup>2</sup>
Third Floor	244.37 m <sup>2</sup>	377.64 m <sup>2</sup>
Fourth Floor	0 m <sup>2</sup>	244.03 m <sup>2</sup>
<b>TOTAL</b>	<b>942.4 m<sup>2</sup></b>	<b>1695.38 m<sup>2</sup></b> <b>(752.98 m<sup>2</sup> increase)</b>

- 5.4 The lower GIA at ground floor level is explained by the need to provide space for the access ramp to the basement level parking. The floor above would be cantilevered over the ramped access.
- 5.5 The height of the building would increase from approximately 14 metres to approximately 16.85 metres as a result of additional storey being provided.
- 5.6 The extended building would accommodate 12 x 1 bedroom units and 10 x 2 bedroom units, distributed as follows:-

Building Level	Unit Size	Total Units on Level
Ground Floor	1 bed 2 person (55 m <sup>2</sup> )	4
	1 bed 2 person (62 m <sup>2</sup> )	
	1 bed 2 person (53 m <sup>2</sup> )	
	2 bed 4 person (89 m <sup>2</sup> )	
First Floor	1 bed 2 person (60 m <sup>2</sup> )	5
	1 bed 2 person (56 m <sup>2</sup> )	
	1 bed 2 person (62 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
Second Floor	1 bed 2 person (63 m <sup>2</sup> )	5
	1 bed 2 person (55 m <sup>2</sup> )	
	1 bed 2 person (59 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
Third Floor	1 bed 2 person (59 m <sup>2</sup> )	5
	1 bed 2 person (55 m <sup>2</sup> )	
	1 bed 2 person (63 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
	2 bed 4 person (78 m <sup>2</sup> )	
Fourth Floor	2 bed 3 person (61 m <sup>2</sup> )	3
	2 bed 4 person (70 m <sup>2</sup> )	
	2 bed 4 person (70 m <sup>2</sup> )	
		TOTAL = 22 Units

## 6 Consultations

### 6.1 Specialist Advisor (Planning Policy):

- 6.1.1 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.

- 6.1.2 The development would be in contravention to Employment Land Local Plan Objective 5 – Promote Sustainable Employment Locations with the loss of the B1a Office floorspace in a sustainable location. However, as Eastbourne Borough cannot achieve a 5 year housing land supply, there is a presumption in favour of sustainable development, as stipulated in the NPPF. This complies with paragraph 121 of the NPPF, which states that “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework...” As half of the building has been vacant for two years, it is highly unlikely that this development would ‘undermine key economic sectors’.
- 6.1.3 Planning Policy raises no objections against the proposal.
- 6.2 Specialist Advisor (Regeneration):
- 6.2.1 Older office accommodation does not offer the same benefits and adaptability as more modern buildings.
- 6.2.2 In accordance with the Thresholds for Development detailed on page 11 of the Local Employment and Training Supplementary Planning Document adopted on 16 November 2016, the above proposal qualifies under Residential as a major development – 10 or more gross units. Regeneration requests that should planning permission be granted it be subject to a local labour agreement.
- 6.3 SUDS:
- 6.3.1 The proposed extension will not result in an increase in the impermeable area or the discharge rate from the development. The current drainage strategy proposes to reuse the existing drainage system which discharges through the use of soakaways. As there is no increase in impermeable area, and the application re-uses the existing building, this is acceptable in principle subject to an investigation into the surface water drainage system.
- 6.3.2 BSG data indicates that the site is at risk of groundwater flooding occurring at the surface. As a result, the basement is intended for use for parking. The basement will manage any flows that exceed the design capacity of existing soakaways. This is acceptable provided no other uses are proposed for the basement.
- 6.3.3 The County Council has no objection to the proposal subject to the application of appropriately worded planning conditions.
- 6.4 ESCC Highways:
- 6.4.1 The provision of a travel plan was welcomed. Some concern has been raised in

regards to parking provision for the development. This is fully addressed in section 8.9 of this report.

**6.5**      Specialist Advisor (Conservation):

6.5.1      My overall assessment is that the proposal does not create an adverse impact on the integrity, character and appearance of the conservation area but that the incorporation of the full flank green wall would represent a major improvement that elevates it from the satisfactory to the inspirational. No objection.

**6.6**      Conservation Area Advisory Group (CAAG):

6.6.1      The Group expressed a range of opinions and did not come to a shared view.

**7**          **Neighbour Representations:**

7.1          Letters of objection have been received from 5 unique addresses. A summary of comments made is provided below:-

- Insufficient parking;
- Would increase on-street parking and make it harder for visitors to access nearby services;
- More levels of car parking should be provided;
- Resident parking permits should not be issued to future occupants;
- Building not in-keeping with the Conservation Area;
- Loss of business space;
- An overdevelopment of the site;

**8**          **Appraisal**

**8.1**          Principle:

8.1.1      Para. 11 of the revised Revised NPPF (2019) 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.

8.1.2      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.

8.1.3      Currently, Eastbourne is only able to demonstrate a 1.57 year supply of land. This proposal, for 22 additional units, would make a contribution towards increasing the number of year's supply of housing land.

8.1.4      Para 85 (f) of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.

- 8.1.5 Para. 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.
- 8.1.6 Para. 123 of the NPPF states that, 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities'. Part a) of the paragraph states that a significant uplift in residential densities within town centres is required. Policy B1 of the Eastbourne Core Strategy recognises the Town Centre Neighbourhood as a sustainable neighbourhood and Policy C1 suggests development of 180 dwellings per hectare as being an appropriate density.
- 8.1.7 It is therefore considered that the site represents an appropriate location for high density residential development, subject to accordance with relevant up-to-date policies within the Core Strategy and Eastbourne Borough Plan.
- 8.2 Loss of Office Floor Space:
- 8.2.1 The existing building currently provides office space although it is noted that, at present, only two of the floors are occupied. Policy B11 of the Eastbourne Borough Plan (saved policies) and Policy D2 of the Eastbourne Core Strategy both seek to prevent unnecessary loss business uses as a result of change of use development.
- 8.2.2 Notwithstanding this, it is important to note the contents of para. 4.1.9 of the Eastbourne Employment Land Local Plan (EELLP) which was adopted in 2016. In this paragraph it is recognised that:-
- 8.2.3 'The office market within Eastbourne is relatively static and is dominated by older, outmoded stock within the town centre. In its current state, much of the office stock in Eastbourne does not meet occupier demand as it would be difficult to accommodate the IT and servicing infrastructure needed by office occupiers, and is expensive to refurbish to meet modern standards.'
- 8.2.4 As such, land has been allocated for new office development within the town centre which would provide more adaptable and functional premises. This approach is confirmed through Policy EL3 of the EELLP.
- 8.2.5 It is also noted that the building could be converted from offices to residential use under prior approval rights and that this may result in residential accommodation of a lesser standard due to the constraints of having to utilise the existing, dated building.
- 8.2.6 Given that the existing building is not fully occupied, is somewhat dated - with more land already allocated for more modern facilities and could likely be converted under prior approval rights, it is considered that the principle of providing residential properties on site is acceptable.

8.2.7 Furthermore, Currently, Eastbourne is only able to demonstrate a 1.57 year supply of housing land and, given this falls below the requirement for a 5 year supply, local plan policies are of limited weight, as per para. 11 of the Revised National Planning Policy Framework (2019).

### 8.3 Density of the Proposed Development:

8.3.1 The overall site area is approximately 595 m<sup>2</sup> (0.06 hectares). As such, the provision of 22 residential units would result in a density of approximately 367 dwellings per hectare, which is considerably higher than the suggested upper threshold for residential density within the Town Centre Neighbourhood Zone, as specified by Policy B1 of the Core Strategy, which is 180 dwellings per hectare.

8.3.2 In this situation, it is considered that the nature of the site would allow for development at a higher density due to a number of factors. The site is located within the inner town centre where there are high levels of access to public transport, shops and other services as well as public amenity space. The propose building would be occupied by small residential units which means that, in terms of habitable rooms per hectare, the intensity of the development is not as great. These small units do not attract the same requirements for on-site amenity space and level of car parking as larger units would and, as a result, there is a lower requirement for additional space on site other than that occupied by the proposed building. The site is also in an area of the town centre where buildings taller, multi-storey buildings are more commonplace and this allows for the development of larger volume buildings on smaller footprints by way of increased height, without compromising the character of the area.

### 8.4 Affordable Housing:

8.4.1 As the development would result in a net increase of over 10 dwellings, there would be a requirement for provision of affordable housing as per Eastbourne Borough Council's Affordable Housing SPD (2017). The Town Centre neighbourhood is identified as a low value market neighbourhood and, as such, the ratio of affordable housing required would be 30% of the overall development, amounting to 6.6 units. The tenure mix should be 70% rented, 30% Shared Ownership. Although the SPD requires a dwelling mix that includes a proportion of 3 and 4 bedroom units, it is considered that the constraints of the site and the environment in which it is located would mean that it is best suited for provision of smaller units.

8.4.2 The applicant has offered to provide 2.93 affordable units (2 units within the development and a commuted sum for 0.93 units). However, given the development is within an area identified as a low value market neighbourhood, and consists of one and two bed units, there is no requirement for the commuted sum to be paid as one and two bedroom units within low value neighbourhoods are identified as having negative viability within the Affordable Housing SPD. This would also be the case for the 0.6 of the unit if the full 6.6 unit provision was brought forward.

8.4.3 The stated reason for the reduced provision of affordable housing is the parts of

the building that are currently not in use qualify for a vacant building credit, which means the requirement for affordable housing provision would only be applied to the additional floorspace being created and parts of the building already in use. On this basis, the proposed development meets the requirements to provide a 30% provision/contribution for affordable housing. This would be fully assessed as part of the Section 106 process, ensuring that the legal agreement made for affordable housing secures the maximum provision of affordable housing.

## 8.5 Design & Impact on Visual Amenity:

- 8.5.1 The existing building, at four-storeys in height, is one of the taller structures on Gildredge Road, along with the adjacent building to the south, Berkeley House, which is a five-storey office block. The building is prominent due to its height as well as its positioning on a corner plot at the junction between Hyde Gardens and Gildredge Road. However, it does not possess any particular architectural merit and it is not considered that its loss would have a detrimental impact on the character and appearance of the surrounding area.
- 8.5.2 The expansion of the floor plate of the building would increase the proportion of the site that is built upon and would also bring elevation walls closer to Gildredge Road, Hyde Gardens and the service road to the rear of the site. Gildredge Road does not have any formal building line as plots have been developed and redeveloped over a period of time. However, there is a general trend for building frontages to be close to the pavement and the extension to the floor plate of the building would be consistent with this pattern.
- 8.5.3 The density of development on Gildredge Road is high and it is common for a large proportion of an individual plot to have been developed. Hyde Gardens has a more rigid building line. The properties on the southern side of the road, which are all designated as Buildings of Local Interest, project further towards the road than the existing Eastbourne House building. The northern elevation of the proposed structure would align with these buildings. It is therefore considered that, in spatial terms, the proposed building would be in keeping with the scale and pattern of surrounding development and would not appear disruptive or disconnected from its surroundings.
- 8.5.4 It is noted that vertical extensions to buildings are encouraged by para. 118 (e) of the revised NPPF. However, this is with the caveat that the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. Policy TC11 of the Town Centre Local Plan (2013) recognises the importance of limiting building height within the town centre to between 3 and 5 storeys in height in order to preserve the character and identity of the town centre.
- 8.5.5 It is considered that the proposed extended building would be visually consistent with taller buildings within the surrounding area, including the neighbouring 5-storey building at Berkley House. It is therefore considered that the building would not appear incongruous or overly dominant within the street scene by reason of being of excessive height.

8.5.6 The main access to the building would remain to the front, facing onto Gildredge Road, ensuring that it continues to fully engage within the surrounding street scene.

8.6 Impact Upon Conservation Area:

8.6.1 The site is located within the Eastbourne Town Centre and Seafront Conservation Area, which features a number of historic buildings. On Gildredge Road, these are interspersed with more modern structures of varying architectural merit and, due to this, there is an established character of diversity in building designs within this part of the Conservation Area. The general appearance of the proposed building as a multi-storey flat roof structure is compatible with the more recent buildings within the surrounding area and the modern design is considered to provide a pleasing juxtaposition with the more historic buildings nearby, which include buildings of local interest. This relation is preferred to a 'pastiche' scheme that would attempt to mimic these buildings. It is crucial that high quality materials that are sympathetic towards the character and appearance of the surrounding buildings are utilised.

8.6.2 Due to the relatively modest size of the site, combines with the amount of building and hard surface coverage, it is considered that a certain level of landscaping should be incorporated into the scheme in order to provide urban greening and to create a sympathetic relationship towards Hyde Gardens, which provides an important sense of relief within this highly urban area and is a valuable amenity feature within the context of the Conservation Area. The submitted scheme shows a green wall stretching around parts of the northern and western elevations. It is considered that this would have the potential to strengthen visual integration of the building within the surrounding Conservation Area. Full details of the green wall and any other suitable planting would be secured through the use of a planning condition.

8.7 Impact on Amenities of Nearby Residents:

8.7.1 The presence of a sizeable building on the site is an established feature. The adjacent building to the south, Berkeley House, is a former office block which is currently undergoing conversion to residential use following the grant of prior approval for this change of use. It should be noted that prior approval has been granted for the conversion of this building to residential use. Windows on the southern elevation of the proposed development would generally be secondary, with a single bedroom window on each floor. The final layout for the Berkeley House conversion has not been confirmed but of the three windows on each floor on the northern elevation, one per floor would serve the stairwell and others serve flats with other aspects available.

8.7.2 Windows on the eastern elevation of the building would look towards the flank elevation of 19 Hyde Gardens, which does not contain primary windows and, in any case, accommodates offices rather than residential dwellings. These windows would also look towards parking and servicing areas to the rear of properties on Hyde Gardens and Lushington Road. Other windows would look out towards Hyde Gardens and Gildredge Road, with a sufficient distance maintained between them and residential windows at neighbouring properties to

prevent intrusive views from arising.

8.7.3 The increased floor plate would bring the built area of the site closer to the eastern site boundary. The nearest property to the east is 18-19 Hyde Gardens which is also occupied by offices and, again, in any case the relationship between the proposed building and the property in terms of amenity impact would not be significantly different. The extension of the building towards the east would also bring the building closer to the rear of properties on Lushington Road, the majority of which are either wholly or partially within residential use. Given the distance of separation that would be maintained between the proposed building and these properties, the relatively modest increase in the site coverage of the building, and the minimal increase in its height, it is not considered it would appear significantly more imposing towards these properties than the current building.

8.7.4 It is not considered that the proposed balconies would allow for undue levels of overlooking and they are also not of sufficient size to allow for sustained use by large congregations of people. As such, it is not considered their presence would result in adverse impacts upon the amenities of neighbouring occupants, subject to the installation of relevant screening, which can be secured by planning condition.

## 8.8 Living Conditions for Future Occupants:

8.8.1 The proposed development complies with the DCLG's Technical housing standards – nationally described space standard as is demonstrated below.

Building Level	Unit Type	Unit Size	Required GIA
Ground Floor	1 bed 2 person	55 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	62 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	53 m <sup>2</sup>	50 m <sup>2</sup>
	2 bed 4 person	89 m <sup>2</sup>	70 m <sup>2</sup>
First Floor	1 bed 2 person	60 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	56 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	62 m <sup>2</sup>	50 m <sup>2</sup>
	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
Second Floor	1 bed 2 person	63 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	55 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	59 m <sup>2</sup>	50 m <sup>2</sup>
	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
Third Floor	1 bed 2 person	59 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	55 m <sup>2</sup>	50 m <sup>2</sup>
	1 bed 2 person	63 m <sup>2</sup>	50 m <sup>2</sup>

Fourth Floor	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
	2 bed 4 person	78 m <sup>2</sup>	70 m <sup>2</sup>
	2 bed 3 person	61 m <sup>2</sup>	61 m <sup>2</sup>
	2 bed 4 person	70 m <sup>2</sup>	70 m <sup>2</sup>
	2 bed 4 person	70 m <sup>2</sup>	70 m <sup>2</sup>

8.8.2 Each unit has an uncomplicated layout that avoids long, narrow corridors and awkwardly shaped rooms. Habitable rooms within units are well served by clear glazed windows which would allow suitable access to natural light and ventilation and would also provide an acceptable level of outlook for occupants. Whilst there is no communal amenity space, the majority of the proposed flats, including all of the larger 2 bedroom units, would have access to private balcony space. It is considered that this arrangement is acceptable in this instance due to expected tenure of the smaller units proposed, which are unlikely to be occupied by families, as well as the proximity of the site to public open spaces, the seafront and the town centre.

8.8.3 The application is accompanied by a noise assessment which recommends a number of mitigation measures, including use of external materials, provision of insulation and ventilation measures that would ensure that future occupants are not subjected to excessive levels of noise generated outside of the building. A planning condition would be used to secure these measures.

8.8.4 All levels of the proposed building would be served by a lift and the main entrance to the building, which is at basement level, would be served by ramped access as well as a platform lift.

## 8.9 Highways:

8.9.1 The site is located beside Gildredge Road, which forms a section of the A259. There is existing vehicular access to the site provided via a service road which runs to the rear of the building, also serving Berkeley House and the rear of buildings on Hyde Gardens and Lushington Road. The service road can be accessed from Lushington Road, Hyde Gardens and Connaught Road. The building is served by an existing basement level car park which is accessed via a ramp. There is adequate room for turning within the parking area to enable vehicles to enter and leave the site in forward gear. The access and car park arrangements are to be maintained for use by the proposed development, with a total of 9 car parking spaces being provided within the basement.

8.9.2 It should be noted that the existing office space, which provides approximately 942 m<sup>2</sup> Gross Internal Area (GIA) would be anticipated to generate a demand for 31 car parking spaces, as per ESCC Guidance for Parking at Non-Residential Development (1 space required per 30 m<sup>2</sup> GIA). The proposed development would represent a reduction in demand.

8.9.3 Whilst the predicted demand for parking generated by the proposed scheme would be 13 spaces (based on the ESCC car parking demand toolkit), this figure is based on an aggregate taken from the entire Meads Ward, which includes areas a significant distance from the town centre and with reduced accessibility

to public transport and services. In this instance, the site is within 200 metres of Eastbourne Railway Station as well as bus stops which are frequently served and Eastbourne Town Centre with its wide amount of shops and facilities.

- 8.9.4 As a result of the highly sustainable nature of the site, it is considered that the provision of 9 off-street car parking spaces is adequate to serve the proposed development. This is consistent with other development permitted within, and close to, the town centre by the Local Planning Authority. It is also noted that car parking spaces in the immediate surrounding area are controlled between 08:00 and 18:00 Monday to Saturday. Permits would not be issued for future residents if there was insufficient capacity and this would help discourage car ownership and prevent unacceptable parking stress on surrounding streets.
- 8.9.5 A covered, secure parking area for 22 cycles would be provided within the basement parking area, providing suitable facilities for cyclists and encouraging the use of this form of transport.
- 8.9.6 The application also includes a Travel Plan which makes a commitment to provide a Travel Plan Co-Ordinator for the development whose role would be to monitor the way in which occupants travel to and from the site and promote sustainable travel, public transport, local services and car sharing. The implementation of this plan and the provision of a Travel Plan Co-Ordinator would be secured by way of a Section 106 legal agreement.
- 8.10 Drainage:
- 8.10.1 Whilst the size of the building floorplate would increase as a result of the proposed development, the impermeable area of the site would not as it is currently hard surfaced in its entirety. The applicant has stated that the existing drainage system would be utilised to dispose of surface water and the Lead Local Flood Authority have raised no objections to this arrangement, subject to the submission of a survey of the condition of the drainage system and the provision of management and maintenance details for site drainage.
- 8.11 Landscaping:
- 8.11.1 The site does not currently possess any significant landscape features. The proposed development provides the opportunity for landscaping, primarily in the form of a green wall, to be provided that would assist visual integration towards the landscaped area on Hyde Gardens, provide an important and viable contribution towards urban greening and would also soften the visual impact of the building. The provision of the green wall, as well as other suitable landscaping, would be secured by way of a planning condition.
- 8.12 Prior Approval Rights:
- 8.12.1 As an office block, the current building would benefit from prior approval rights to convert the existing building to residential, as is the case with the neighbouring building, Berkeley House, which is currently undergoing conversion. It is considered that the submitted scheme, which is subject to the full scrutiny of the planning process, represents an opportunity to improve the appearance of the

building and provide better quality living accommodation than would necessarily be provided if the prior approval route is followed.

## **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 approved, subject to the conditions listed below and the signing of a Section 106 Legal Agreement to secure Affordable Housing, Local Labour Agreement and the adoption of a Travel Plan.

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:-

A-TP-(00)-002 Rev P2 – Site Block Plan;  
17755 GA (10)000 Rev 6 – Basement Area Plan;  
17755 GA (10)001 Rev 5 – Ground Floor Plan;  
17755 GA (10)002 Rev 5 – First Floor Plan;  
17755 GA (10)005 Rev 2 – Roof Plan;  
17755 GA (10)0007 Rev 2 – Basement Floor Plan;  
17755 GA (10)008 Rev 2 – Ground Floor Plan;  
17755 GA (10)0010 Rev 2 – Second Floor Plan;  
17755 GA (10)0011 Rev 2 – Third Floor Plan;  
17755 GA (10)0012 Rev 2 – Fourth Floor Plan;  
17755 GA (10)0013 Rev 2 – Second Floor Plan;  
17755 GA (10)0014 Rev 2 – Third Floor Plan;  
17755 AS (11)010 Rev 1 – Fire Strategy Basement;  
17755 AS (11)011 Rev 1 – Fire Strategy Ground Floor;  
17755 AS (11)012 Rev 1 – Fire Strategy First Floor;  
17755 AS (11)013 Rev 1 – Fire Strategy Second Floor;  
17755 AS (11)014 Rev 1 – Fire Strategy Third Floor;  
17755 AS (11)015 Rev 1 – Fire Strategy Fourth Floor;  
17755 AS (11)016 Rev 1 – Fire Strategy Roof;  
17755 AM (10)0001 Rev P3 – Basement Level GIA Comparison;  
17755 AM (10)0002 Rev P3 – Ground Floor GIA Comparison;  
17755 AM (10)0003 Rev P3 – Level 01 GIA Comparison;  
17755 AM (10)0004 Rev P3 – Level 02 GIA Comparison;

17755 AM (10)0005 Rev P3 – Level 03 GIA Comparison;  
17755 AM (10)0006 Rev P3 – Level 04 GIA Comparison;  
17755 AS (11)001 Rev 5 – Elevation A;  
17755 AS (11)002 Rev 3 – Elevation B;  
17755 AS (11)003 Rev 3 – Elevation C;  
17755 AS (11)004 Rev 3 – Elevation D;  
17755 A-GA (12)-001 Rev 1 – Section A-A;  
17755 A-GA (12)-002 Rev 1 – Section 20;  
Noise Impact Assessment – SHF.1610.001.NO.R.001;

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

3) No external finishes shall be applied to the development hereby approved until a schedule of all materials to be utilised for external walls, roofing, window and door frames and balcony screening have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with these details and maintained in that condition unless agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the surrounding Conservation Area in accordance with policies D10 and D10a of the Eastbourne Core Strategy (2013) and saved policies UHT1 and UHT15 of the Eastbourne Borough Plan.

4) 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 basement plan drawing 17755 GA (10)000 Rev 6 unless agreed in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide suitable car-parking space for the development in accordance with saved policy TR11 of the Eastbourne Borough Plan.

5) No part of the development shall be occupied/brought into use until at least four of the car parking spaces have been provide with electric vehicle charging apparatus, which shall be retained for use thereafter.

Reason: In order to encourage the use of more sustainable forms of transport in accordance with policy B2 of the Eastbourne Core Strategy and Chapter 2 of the Revised NPPF.

6) The development hereby approved shall not be occupied until full details of hard and soft site landscaping including:

- (i) hard surfacing materials;
- (ii) planting plans (including green walling);
- (iii) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (iv) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (v) refuse and recycling collection facilities;

(vi) implementation timetables.

Have been submitted to and approved by the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to first occupation of the development.

7) All works shall be 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with saved policies UHT1 and UHT7 of the Eastbourne Borough Plan.

8) 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 estimated amount of spoil to be removed from the site and 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with saved policy NE28 of the Eastbourne Borough Plan.

9) The development hereby approved shall incorporate the range of mitigation measures set out in the Noise Impact Assessment (ref: SHF.1610.NO.R.001).

Reason: In the interests of the amenities of future occupants in accordance with saved policy NE28 of the Eastbourne Borough Plan.

10) Prior to first occupation of the development, the condition of the existing drainage system shall be investigated and improvements should be implemented if required. Details of maintenance shall be submitted to the Local

Planning Authority, to include the following:-

- Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains;
- Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: In order to ensure the site is adequately drained and to minimise risk of surface water flooding in accordance with saved policy US4 of the Eastbourne Borough Plan.

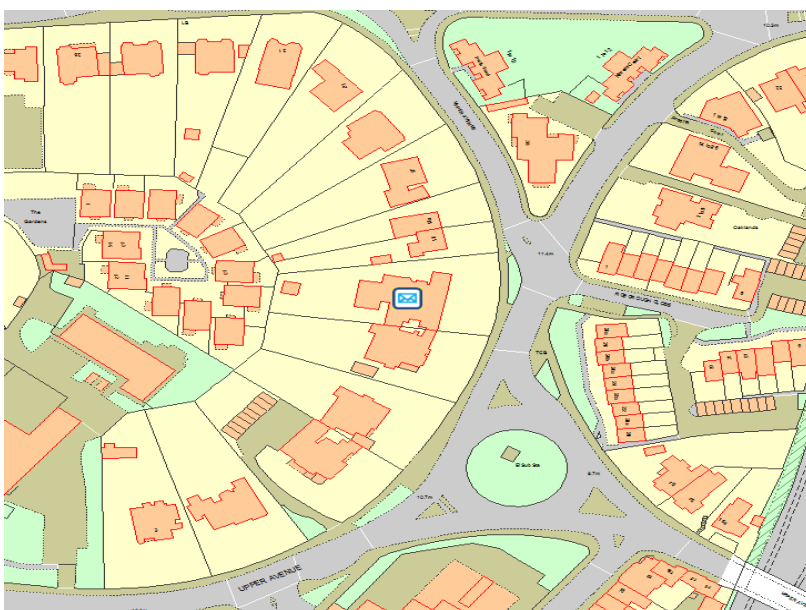
## **11 Appeal**

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.

<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 26 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 back to the Planning Committee following its previous consideration at the meeting on 25th June 2019.
- 1.2 The Committee resolved to defer the application for consideration at a future Planning Committee meeting, with the stipulation that Officers negotiated the following amendments to the scheme:
  - A reduction in the maximum number of individuals living within the proposed HMO;
  - The incorporation of dedicated managers accommodation; and
  - The provision of a communal living room for the occupants of the building.
- 1.3 The applicant has agreed to the amendments and amended plans have been received, which include the changes above. A manager's live-in apartment has been created beside the manager's office as a self-contained unit at the front of the building. This is considered to be an effective location to manage any potential noise disturbance from activity associated with the building. A communal living area has also been created in a location next to shared kitchen/dining/laundry spaces. This would provide residents with an alternative communal area and would be an improvement in the standard of proposed housing accommodation.
- 1.4 Creation of the manager's apartment and communal living room would result in a loss of 3 double occupancy bedrooms (6 persons). Together with an additional change of 2 double-occupancy bedrooms to single occupancy (loss of 2 further persons), the resulting total occupancy would be reduced to 26 persons; a reduction of 8 compared to the scheme previously considered by the Committee. This capacity has been reflected in the amended Proposal Description and is controlled through the imposition of a dedicated condition.
- 1.5 Officers consider that the proposed amendments would result in a managed development that would provide a high quality for this type of housing accommodation, which would both provide for the needs of future occupants of the building and protect the residential amenity of neighbouring occupants.
- 1.6 Since the application was considered by the Committee, no further representations have been received in respect of the application.
- 1.7 It should be noted that the following report remains unchanged from that which has already been considered by the Committee, in the interest of transparency in the decision making process.

## **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):
- 6.1.2 No objection to the proposal.
- 6.2 ESCC Highways:
- 6.2.1 No objection to the development.
- 6.3 Sussex Police Secured By Design:
- 6.3.1 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.

8.4.5 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.

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

8.5 Other matters:

8.5.1 Refuse/Recycling storage facilities:

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.

8.5.2 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:-**

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 C, received 9<sup>th</sup> July 2019;
- Proposed Site Plan and Elevations – SK03 Rev A, received 22<sup>nd</sup> May 2019.

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

3) No more than 26 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 C 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 drawings showing a revised parking layout have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be marked out in accordance with the approved details prior to first occupation of the development, hereby approved, and shall be retained solely for the parking of motor vehicles for the lifetime of the development.

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.

## Key to Appeals Reporting

**Method of decision**  
**Appeal method**

All are delegated decisions unless otherwise specified  
All are through written representations unless otherwise specified

**Allowed** A  
**Dismissed** D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
180892	EBC	Land between the garage (facing Kinfauns Avenue) of 70 Churchdale Road and rear of 68 Churchdale Road	Proposed demolition of detached garage and store and erection of a 1bed detached dwelling with associated facilities on Land between the garage (facing Kinfauns Avenue) of 70 Churchdale Road and rear of 68 Churchdale Road.	<b>D</b> 03 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The appeal site is within an established residential area characterised by semi-detached two-storey dwellings of a consistent form, with bay windows and pitched roofs, and construction materials of brick, render, tile-hanging and tiles. The dwellings are set back from the road with reasonably generous front gardens and side pedestrian accesses to their rear gardens giving a consistent pattern of development. Although there are small differences between the dwellings reflecting the preferences of their owners, overall there is uniformity in form, massing, scale, design and materials.</li> <li>The appeal site is currently occupied by the middle one of three separate single garages between the rear boundary of 68 Churchdale Road and 37 Kinfauns Avenue. The form and size and, with the exception of the garage to the north-east of the appeal site which has a tiled roof, the roofing materials of these garages are not consistent with those of the dwellings around them. The appeal property therefore does not contribute positively to the character and appearance of the area in its form, materials or appearance. However, it is set back from the road and it is not prominent in views along Kinfauns Avenue. Consequently, it does not detract to any significant degree from that overall character or appearance of the area.</li> <li>The proposed development would occupy the full width and length of the site at ground-floor level, which would not reflect the characteristic form of development in the area. Although the box-shaped form of the proposed dwelling would reflect the basic form of the garage to the south-west and, less so, that to the north-east, it would clearly be of a different scale in both length and height. Moreover, these garages do not reflect the prevailing character of the area and are therefore inappropriate as models for the form of new dwellings.</li> <li>The proposed dwelling would be prominent in views along Kinfauns Avenue as it would project forward of the established pattern of development on</li> </ul>				

the north-west side of the street at both ground and first floor levels, notwithstanding the lowering of the ground floor below street level. In these views the rectilinear form would be obvious and would jar with the distinctive pitched roof forms of the other dwellings in the locality.

- Whilst walls or fences could be erected under permitted development rights along the side boundaries of the appeal site which would have essentially the same visual effect as the proposed ground floor, these would serve little or no practical purpose. I therefore consider that this is not a likely fall-back position and give it little weight.
- The proposed dwelling would therefore be harmful to the established character and appearance of the area, contrary to saved Policies HO6 and UHT1 of the Eastbourne Borough Plan 2001-2011 (EBLP) and Policy D10A of the Eastbourne Core Strategy Local Plan 2013 (ECSLP). Collectively, these require new developments to be well designed and respect local character, local distinctiveness and sense of place.
- The rear of the proposed dwelling would be very close to the boundary with 70 Churchdale Road. The proposed large rear window of the dwelling could afford direct views of a significant proportion of the private rear garden of that property. To avoid this, the proposed development includes a timber privacy screen across the lower two-thirds of the window. This would negate the main purposes of a window to provide light and outlook. Even if physically preventing casual overlooking, the occupants of No.70 would still feel that their garden was overlooked with a consequent loss of privacy.
- The appellant has suggested that the internal layout of the first floor could be reversed so that the bedroom and large window are to the front of the property, with the room to the rear lit only by a window in the roof. However, this is not the scheme which was available for public consultation nor the scheme on which the Council based its decision, and it is not before me for determination.
- Because of its height and proximity to the garden of 70 Churchdale Road the proposed dwelling would also result in a significant loss of outlook for the occupiers of that property. The proposed dwelling would extend across the full width of the garden of 68 Churchdale Road. The outlook from the rear garden and ground floor rear window of No.68 is currently compromised by the existing pitch-roofed garage between the property and the appeal site. However, the proposed dwelling would be of significantly greater bulk than that garage and would substantially intrude into the current outlook from the rear of No.68.
- I therefore consider that the appeal proposal would harm the living conditions of the occupiers of 68 Churchdale Road through loss of outlook and of the occupiers of 70 Churchdale Road through loss of privacy and outlook. The proposed development would therefore be contrary to saved Policy HO20 of the EBLP, which requires new development proposals to respect residential amenity, including privacy and outlook.
- The appeal development makes no provision for off-street parking. Saved Policy HO6 of the EBLP requires new infill development to provide adequate car parking and refers to saved Policy TR11 of the same document, which requires compliance with approved maximum car parking standards. With the removal of the need for vehicular access onto the site, an on-street parking space would become available.

- This would be able to meet the minimum dimensions for parking spaces in the East Sussex County Council Guidance for Parking at New Residential Development. It would therefore meet the demand for one parking space that the development would generate and so I consider that this provision would be adequate to satisfy saved Policies HO6 and TR11.
- The appellant submits that the Council is not able to demonstrate a 5-year supply of deliverable housing sites, which is not disputed by the Council. Although the shortfall in housing supply renders the relevant policies which are most important for determining this appeal out-of-date, this does not mean that they carry no weight. Notwithstanding, the provision of an additional dwelling would only make a very modest contribution to the supply of housing.
- It is recognised that the appeal site is ‘brownfield’ land, that its redevelopment is acceptable in principle and that it has good access to services and facilities of the Roselands and Bridgemere Neighbourhood. The proposed dwelling would incorporate measures to reduce carbon emissions, principally in the form of photovoltaic panels, and to enhance biodiversity with a living wall and sedum roof. The appellant has not provided any evidence on the specific energy saving or benefit to biodiversity from these proposed measures. However, these measures conform with the Framework’s approach to planning for climate change and conserving and enhancing the natural environment.
- The appellant has submitted photographs and brief details of five small dwellings that have been permitted elsewhere. These demonstrate that it is possible to have an acceptable small dwelling on a site that previously contained garages. However, the relevant issues in this appeal as I have identified above are specific to this proposed development and site. Moreover, full details of those other schemes have not been provided but in any event, I have to consider this appeal on its individual merits.
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, in reaching my decision I have had regard to the policies of the development plan and other considerations. These include the Council’s inability to demonstrate a 5-year supply of housing sites and consequently the application of the ‘tilted balance’ in accordance with paragraph 11 of the Framework. I have also considered the contribution of the proposed development to the Council’s housing supply, that the site is currently developed and the good access to services and facilities, all of which weigh in favour of granting permission.
- However, weighing against these benefits is the harm to the character and appearance of the area and the harm to the living conditions of the occupiers of 68 and 70 Churchdale Road that I have identified above. This harm renders the proposed development in conflict with the policies of the development plan and the policies of the Framework relating to design. I consider that this harm significantly and demonstrably outweighs the benefit of one additional dwelling.
- Accordingly, the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
181069	EBC	Land adjacent to 84 St Philips Avenue and 21 Roselands.	Outline application to demolish existing garage and construct 1no. 1 bedroom dwellinghouse and parking area adjacent to 84 St Philips Avenue and 21 Roselands.	<b>D</b> 03 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The application was submitted as an outline application with all matters reserved for future approval. The main parties have confirmed that the proposed location plan and block plan shown on drawing ref DD/stphillips/02 and proposed site layout plan, ground floor plan, first floor plan and elevations shown on drawing ref DD/stphillips/01 were submitted with the application for indicative purposes only. The application was determined, and I have determined this appeal, on that basis.</li> <li>The Council's decision notice refers to Policy D10 (Design) of the Eastbourne Core Strategy Local Plan 2013 (ECSLP). However, Policy D10 relates to the historic environment; the policy on design is Policy D10A. It is clear from the Council's Delegated Officer Report that design rather than heritage is the Council's main concern. I have therefore determined this appeal with regard to Policy D10A rather than Policy D10. Policy D10A has been submitted with the appeal documentation so neither party is prejudiced by my consideration of it.</li> <li>The main issue is the effect of the proposed development on the character and appearance of the area.</li> <li>The appeal site is located within a mature residential area, characterised by predominantly two storey semi-detached dwellings set back from the road in narrow but deep plots. To one side of the appeal site is Sussex Court, a three-storey complex of flats set in spacious grounds and to the other side there is a row of terraced dwellings which benefit from sizeable gardens. Planting in these grounds and gardens and on some frontages adds to the character and appearance of the area.</li> <li>The appeal site is substantially smaller than the prevailing plot sizes in the locality and is particularly narrow at the back. The restricted size of the plot would result in any dwelling being tight to at least three of the site boundaries, a substantially greater ratio of building to plot size than elsewhere in the area and little opportunity for soft landscaping. I consider that this would result in a cramped and unsatisfactory form of development that would be incongruous and detract from the prevailing character of the area. The indicative plans do not demonstrate that a sympathetically designed dwelling could be accommodated, particularly with regard to layout.</li> <li>The indicative plans do not persuade me that it would be possible to develop a dwelling on this site that would harmonise with the character and appearance of the locality in terms of its layout, siting and setting or positively contribute to local distinctiveness and sense of place. The proposed development would therefore be contrary to saved Policies UHT1 and HO6 of the Eastbourne Borough Plan (2001-2011) and</li> </ul>				

Policy D10A of the ECSLP, which in combination seek to protect the character and appearance of the area.

- In its decision notice, the Council has referred to Policy D5 of the ECSLP, however as this relates to affordable housing it is not relevant to the reason for refusal.
- For the reasons given above, the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
180352	EBC Committee	Savoy Court Hotel, 11-15 Cavendish Place	Planning permission for conversion of existing hotel into 15 residential self-contained flats (Listed Building Consent sought underapplication 180353)	<b>A</b> 08 July 2019

#### Inspector's Reasoning

- I allow the appeal and grant planning permission for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180352, dated 10 April 2018 and subject to conditions 1) to 8) on the attached schedule.
- I allow the appeal and grant listed building consent for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180353, dated 10 April 2018 and the drawings submitted with it, namely 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13, and subject to conditions 1) to 8) on the attached schedule.
- The hotel is within the Secondary Tourist Accommodation Zone and the loss of such accommodation complies with the Tourist Accommodation Supplementary Planning Document. The site is within a sustainable location close to town centre amenities, transport and shops, and is for that reason, suitable for residential use. The lack of car parking and there being no proposal for affordable housing or Community Infrastructure Levy payments are explained in the Officer's Report and the proposal is acceptable in those respects. It appears that numbers 3, 5 and 7 along with 20 to 24 Cavendish Place are now in residential use as flats.
- The premises consist of 3 mid terraced properties that were built as tall, narrow-fronted town-houses, but had previously been amalgamated into a single hotel use by the formation of openings through what would originally have been the party walls between houses. Further alterations have included the removal of one of the original 3 staircases from the upper floors of the middle house, the formation of a through cross-corridor between and within each of the houses at the upper floor levels, and major changes at lower-ground and upper-ground floors to provide the open spaces of bars and restaurant. Within the rooms, works have previously been carried out to provide *en-suite* facilities with partition walls which, in some cases, sub-divide principle front rooms and break-up the full

width of the bay windows.

- From all of this, together with the plans supplied and from what was seen at the site inspection when rooms were visited on each floor and in each of the former houses, it is concluded that serious harm has occurred to the architectural and historic significance of the listed building by removing features and fabric, by adding inappropriate partitions and by amalgamating the 3 former houses.
- The reversion to residential use is acceptable as previously stated but use as a single-family home of 5 storeys in this location would be an unlikely proposition, and in any event flats here would be acceptable. The reinstatement of the missing staircase to the top floors and of the integrity of the party wall are substantial improvements to the significance of the listed building. The layout of living rooms and kitchens on the front of the building allows the removal of the inappropriate and often angled partitions and would allow the full appreciation of the bay windows, removing also the external manifestation of those partition either from being visible or more likely, after dark when the width of the window would be lit from more than one light source, risking being seen as an unlit part and a lit part.
- There would remain some degree of partitioning of the rear rooms, but the reinstatement of the stair in the middle house would allow a more orderly arrangement where there is currently 2 rooms within the width which would revert to a single room, and in the other 2 houses the new partition locations, particularly with the removal of the lift in number 11, would be more efficient of space and be closer to the original room plan form.
- The closet wings would be used for bedrooms on the lower-ground floor, store rooms for each flat on the upper-ground floor and be incorporated within the flats on the first floor, the wings not reaching higher than that. This would remove the traditional relationship of these wings with the half-landings at mezzanine level at the first floor, but by incorporating this space into the flats, a larger rear bedroom results.
- To conclude on this issue, whilst the proposal does not set-out to fully reinstate all missing features and room proportions, the works would be highly beneficial to the architectural and historic significance of the listed building and its setting within the conservation area, so that any limited harm that would be caused would be considerably outweighed by the public benefits.
- The proposals would accord with Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the preservation of listed buildings, and the character or appearance of the conservation area. The same requirements set out in Policy D10 of the Core Strategy Local Plan 2013, and saved Policy UHT17 of the Borough Plan 2007 would be accorded with as would the statement in paragraph 193 of the 2019 National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets.
- The layout of the proposed flats is constrained by the size and layout of the floor plan, and the desirability of the proposals to reinstate the party wall between the original houses and to reinstate the original proportions of the front rooms without the harmful cross corridor.

The need to arrange sanitary accommodation within a rear room in all but the 3 first floor flats also reduces the original size and proportions of those rooms. In addition, on the upper ground floor there is a need to retain or reinstate the hallway corridor from the front door to the stair of each house, which reduces the size of the living-room/kitchen in the 3 flats on that floor.

- It is material to note that whilst not all units comply with the National Space Standards, the sizes are stated in the Report to be comparable with those approved at numbers 3, 5, 7 and 20 to 24 Cavendish Place. The proposed improvements to the access to the full width of the windows in the front rooms and the retention of access to light and air to the rear rooms would result in the opportunity for cross-ventilation that does not exist at present and the listed nature of the building along with the benefits accruing from the conversion outweigh the failure with regard to the Space Standards.
- The total numbers of people resident would be a function of bedroom occupancy, and the numbers of bed-spaces do not appear excessive, with reasonable-sized living and kitchen rooms accounting for much of each flat's floor area. As a result the proposal would not be an over-development of the site and would not result in harm to the living conditions of either prospective occupiers or neighbouring ones, such that Policy B2 of the Core Strategy Local Plan on creating sustainable neighbourhoods would be met.
- It is noted that whilst 5 conditions have been suggested in the Council's Appeal Statements for both the planning appeal and the listed building consent appeal, there is some unnecessary overlap between the lists. With regard to condition 2), the provisions for greater flexibility in planning permissions do not apply to applications and appeals under the Planning (Listed Buildings and Conservation Areas) Act 1990 and it is sufficient to list the drawings in the formal listed building consent. Condition 3) concerns both appeals as the doors and windows affect the external appearance, but conditions 4) and 5) concern works under the listed building consent only.
- However, the abbreviated list of conditions put forward in the Officer's Report goes beyond those in the Statement and conditions should be attached covering cycle and refuse storage, hard and soft landscaping, the production of a Construction Method Statement, details of new stairways and balustrade, external boundary treatment and decorations, rainwater goods and ventilation ducts and grilles. These are required in order to ensure the quality of the scheme and the preservation of the listed building and its setting.
- Since it is essential that some of these conditions are submitted and approved prior to commencement, agreement has been obtained from the appellant under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and in accordance with section 100ZA of the Town and Country Planning Act 1990.
- The proposals would reinstate the original division into 3 houses, albeit as flats, and would reinstate much of the original room plans, including to the front of the building where bay windows are a significant feature. The removal of inappropriate sub-divisions and the reinstatement of a missing stair to the top of the building would be major benefits. The layout and size of the resulting rooms would be acceptable and would take account of the listed nature of the building and the constraints of the floor plan.

- Whilst not required in the balance in order to conclude that the appeals should be allowed, the fact that the Council is unable to demonstrate a 5 year supply of housing land adds further weight in favour of the grant of permission and consent, which would further the aims stated in paragraph 59 of the Framework to boost significantly the supply of homes. For the reasons stated above it is concluded that both appeals should be allowed.

#### Schedule of Conditions Appeal A, Planning Permission

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved details, 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13
- 3) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10 showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.
- 4) No part of the residential accommodation hereby approved shall be occupied until the cycle and refuse storage facilities shown on drawing 2995/3/11 have been provided and the facilities shall be retained available for the use of residents thereafter.
- 5) No development shall commence until a hard and soft landscaping scheme including measures for the protection of existing trees and proposals for boundary treatments, together with a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme.
- 6) No development shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the development.
- 7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.
- 8) No development shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.

#### Schedule of Conditions Appeal A, Planning Permission

- 1) The works hereby approved shall be commenced before the expiration of three years from the date of this consent.
- 2) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10

showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

3) No works shall take place until detailed information and drawings regarding the protection of historic features and how they will be incorporated into the proposed new wall, ceiling and floor finishes, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

4) No works shall take place until details and drawings of all new or replacement internal joinery, including doors, door linings, architraves, beading and skirting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

5) No works shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the works.

6) Prior to the manufacture and installation of the new staircase to number 13, full details of the method of construction and finish including all handrails and balustrades, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

8) No works shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be undertaken strictly in accordance with the details approved.

Planning Application No	Authority	Site	Description of Development	Decision
180931  APP/T1410/W/19/3222644	EBC Committee	Langney Shopping Centre, 64 Kingfisher Drive	Proposed change of use of part of the surface area car park to Langney Shopping Centre and construction of a single storey industrial building for use as a tyre fitting, tyre repair and wheel replacement premises containing 4 no. bays for customer vehicles and associated office, staff area and reception (Amended scheme following refusal of application 180257).	<b>A</b>  27 June 2019
<b>Inspector's Reasoning</b>				

The site forms a small part of the car parking area for the Langney Shopping Centre. It is situated at a lower level than Willingdon Drove where there is an embankment set to grass. The proposal relates to a change of use and the erection of a single storey tyre fitting workshop containing 4 bays for customer vehicles along with associated facilities.

- The character of the area is mixed and varied consisting of the shopping centre and car park with residential properties on its outskirts. The tyre fitting workshop would be situated within the confines of the existing car parking area, albeit in an area located away from the shopping centre itself. The proposed layout would take account of this existing car park context and layout. The building would be sited at a lower level than the road which also reduces the perception of a scale from this vantage point. It would therefore not appear conspicuous within the wider area or be an eyesore.
- I have little evidence to persuade me that the development would look out of place or spoil views from surrounding residential properties. The use of the materials would result in a building of relatively modern design that would make a positive contribution to the overall appearance of the shopping centre site and area.
- The tyre fitting workshop would therefore not be incongruous or discordant with the prevailing pattern of development in the area and would maintain local distinctiveness, given the mixed and varied character of the area, and so would not bring about significant change or inappropriate outside storage.
- The development would therefore not be harmful to the character and appearance of the area and would accord with Policy D10a of the Eastbourne Borough Council Core Strategy Local Plan, February 2013. This policy, amongst other things, requires the design and layout of development to take into account of context and for it to make a positive contribution to the overall appearance of the area.
- Whilst the tyre fitting workshop would not be a retail use, it would be situated at the edge of part of the existing car park. It would result in the loss of approximately 10 existing parking spaces which I am advised the Council equates to less than 2% of the spaces within the car park. A survey has also been undertaken which found that the car park is used at around 70% of its current capacity.
- I have little evidence to indicate that the introduction of the use, namely the activities associated with a tyre fitting workshop, or consequent loss of car parking spaces, would have an unacceptable adverse impact on the viability of the prime retail location, including the holding of weekly markets. Indeed, the introduction of the use may bring additional customers to the site and would benefit the shopping centre.
- I could see from my site visit that the shopping centre is currently being redeveloped, in-part, which indicates investment in the site that is likely intended to safeguard its retail function and long-term viability. The tyre fitting workshop would not be situated in a location that would prejudice any further intentions to comprehensively redevelop the site. I also have little evidence to indicate that current redevelopment would create significant further pressures for car parking or indeed place it at a premium.
- The development would therefore not harm the retail function and long-term viability of the shopping centre and would accord with saved Policies C8 and D4 of the Eastbourne Borough Plan, September 2007. These policies, amongst other things, permit development at Langney Shopping Centre providing it does not prejudice its comprehensive redevelopment and does not have an unacceptable adverse impact on viability.
- I appreciate a similar scheme was previously refused by the Council however I am not bound by this decision and have determined the appeal scheme on the evidence before me. There have been a number of representations objecting to the scheme, including in respect of noise and smell, access and safety and environmental and pollution concerns, however, these matters are not in dispute between the Council and appellant. Furthermore, the site is situated some distance from residential properties, with an intervening road in between. I am therefore not persuaded, on the evidence before me, that a different view should be reached in these regards. Planning conditions, which I shall address next, will also ameliorate impacts of the development.
- The conditions are those suggested by the Council. In addition to the standard time condition I have imposed a condition to ensure the proposal is carried

out in accordance with the approved details in the interests of certainty. A condition is also necessary to restrict opening hours to safeguard the living conditions of neighbouring occupiers and to accord with that specified in the planning application form. Finally, a condition is necessary and reasonable in order to secure appropriate planting, including necessary replacement of that planting within a two year period, in the interests of the character and appearance of the area.

- For these reasons and having regards to all other relevant matters raised, I conclude that the appeal should be allowed.

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