

Planning Committee
3 October 2022



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, Md. Harun Miah, Amanda Morris, Colin Murdoch, Barry Taylor and Candy Vaughan

Quorum: 2

Published: Friday, 23 September 2022

Agenda

- 1 Introductions**
- 2 Apologies for absence and notification of substitute members**
- 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 Minutes of the meeting held on 25 July 2022 (Pages 5 - 8)**

- 5 Urgent items of business.**

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

- 6 Right to address the meeting/order of business.**

The Chair 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.

- 7 24 Hurst Road. ID: 220566 (Pages 9 - 20)**

- 8 The Counting House, Star Road (The Rainbow Public House). ID: 220220 (Planning Permission) and 220284 (Listed Building Consent) (Pages 21 - 32)**

- 9 Date of next meeting**

To note the next meeting of the Planning Committee is scheduled to be held on Monday, 17 October 2022.

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 by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Thursday 29 September**. Requests made beyond this date cannot normally be accepted. Please provide your name, address and contact number, the application number and the proposed development to which it refers. You need to make clear whether you wish to speak in favour or against the application and your relationship to the site.

The Public Speaking Scheme rules place a limit on the numbers of public speeches allowed and time allotted apply. So up to 2 members of the public can speak (up to 1 objector and 1 supporter) on a first come first served basis and that one person can act as spokesperson for a group. In addition, the ward member will be allowed to speak. 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. Those who are successful, will receive an email to formally confirm their request to speak has been granted. The speech should take no longer than 3 minutes (which is approximately 500 words).

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.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting and will be advised which microphone to use.

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)

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).

Democratic Services

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 25 July 2022 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

Councillors Jane Lamb, Md. Harun Miah, Amanda Morris, Colin Murdoch, Barry Taylor and Candy Vaughan.

Officers in attendance:

Neil Collins (Senior Specialist Advisor for Planning), Leigh Palmer (Head of Planning First), Helen Monaghan (Lawyer, Planning), and Emily Horne (Committee Officer).

12 Introductions

Members of the Committee and Officers present introduced themselves to all those who were present during the meeting.

13 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Diplock.

14 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.

None.

15 Minutes of the meeting held on 30 May 2022

The minutes of the meeting held on 30 May 2022 were submitted and approved as a correct record, and the Chair was authorised to sign them.

16 Urgent items of business.

There were no urgent items. An officer addendum, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

17 2 Burrow Down. ID: 220109

Section 73a retrospective application for single storey side/rear extension, open sided glass roofed covered walkway to rear and gated parking area at

front of property with new vehicular access and alterations to first floor extension approved under ref: 180360 – **OLD TOWN**.

The Senior Specialist Advisor (Planning) presented the report. The application had been brought to the Committee following issues relating to the retrospective proposals and the number of objections received. It was noted the proposal description had been revised to take into account the works undertaken on the property.

The Committee was advised by way of an Addendum that no further representations had been received since the publication of the report. Paragraph 11.9 was amended to refer to condition 4, paragraph 11.5 instead of paragraph 11.6 (Programme of Works).

The Senior Specialist Advisor (Planning) advised verbally that Paragraph 11.5 (Programme of Works), would be brought forward from 3 months to 1 month of the date of permission.

Councillor Ungar, East Sussex Ward Councillor, addressed the Committee as a near neighbour and on behalf of the local residents in objection to the application. Councillor Ungar left the room after speaking as he had a prejudicial interest in the matter.

The Committee raised concerns regarding the unauthorised alterations and the visual impact, colour, windows, bulk, height and drainage. It was felt that further landscaping would soften the visual impact.

The Committee questioned the restriction of further development. Officers advised that the retrospective application was permissible and that enforcement measures would be applied if the conditions were breached.

Councillor Taylor proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Miah and was carried.

RESOLVED: by (6 votes to 1 against) to delegate to the Head of Planning for Officers to negotiate improvements to the appearance of the building and then to grant planning permission, subject to the conditions set out in the officer's report (taking account of amended plans) and for the submission of the Programme of Works be brought forward to 1 month of the date of the permission.

18 41 Brampton Road. ID: 210882

Change of use of existing building from light industrial to storage and distribution (Use Class B8) and erection of bulk storage facility – HAMPDEN PARK.

The Senior Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum that no further representations had been received since the publication of the report, the proposal description had been revised to omit Use Class B1, an additional condition at paragraph 10.9 was added regarding secure and covered cycle parking facilities, the numbering at paragraph 6.8 was corrected to 6.4, and the wording at paragraph 6.4 (6.4.2) was amended.

A revised schedule of conditions was circulated prior to the start of the meeting which included: cycle storage facilities, EV charging facilities, site operation and parking, and micro renewables.

Councillor Miah proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Taylor and was carried.

RESOLVED: (unanimously) to delegate the Head of Planning to liaise with East Sussex County Council (ESCC) Highways with regard to any proposed heads of terms for S106 and any additional conditions, and on conclusion of this consultation process to approve with conditions, subject to S106 Agreement to secure a) Local Labour Agreement and b) any ESCC Highways requested heads of terms as set out in the officer's report, the additional conditions listed in the revised schedule of conditions and any further conditions requested by ESCC Highways.

19 Unit 7, The Crumbles. ID: 211058

Change of use of former cinema (sui generis) to Class E(a) and erection of external garden centre - **SOVEREIGN**.

The Senior Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of the regeneration consultation response dated 29 December 2021, that had been missed from the officer's report.

The Committee welcomed the proposal.

Councillor Lamb proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Morris and was carried.

RESOLVED (unanimously): that Planning permission be approved subject to a S106 agreement for a Local Employment and Training Agreement and monitoring fee and the Travel Plan Monitoring Fee of £6,000 and the conditions, as set out in the officer's report.

20 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 22 August 2022.

The meeting ended at 7.15 pm

Councillor Jim Murray (Chair)

Agenda Item 7

Report to: Planning Committee
Date: 3 October 2022
Application No: 220566
Location: 24 Hurst Road, Eastbourne
Proposal: Demolition of existing dwelling and erection of 3no. 3-bedroom dwellings (resubmission of refused planning application 220216)

Applicant : Miss C Christie
Ward: Upperton
Recommendation: Approve Subject to Conditions
Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor
E-mail: chloe.timm@lewes-eastbourne.co.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 This application is presented before planning committee due to the level of objections received on the proposed scheme (23 objections received).
- 1.2 The submission comprised the demolition of the existing unoccupied bungalow on site and the erection of 3no detached three storey dwellings, set at lower ground, ground and first floor levels. The scheme includes the provision of off-road parking to the front and landscaped gardens to the rear.
- 1.3 The application is a resubmission of planning application 220216, which was refused under delegated powers. The design of the scheme has been amended regarding the front elevation and details have been included on the biodiversity of the site.
- 1.4 The application is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 2: Achieving sustainable development
- 4: Decision making
- 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 Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C2 Upperton Neighbourhood Policy
- C5 Ocklynge & Rodmill Neighbourhood Policy
- D5 Housing
- D8 Sustainable Travel
- D10 Historic Environment Archaeological Notification Area
- D10a Design

2.3 Eastbourne Borough Plan 2001-2011:

- HO1 Residential Development within the Existing Built-Up Area
- HO2 Predominantly Residential Areas
- HO6 Infill Development
- HO7 Redevelopment
- HO20 Residential Amenity
- NE4 Sustainable Drainage Systems

NE28 Environmental Amenity
TR11 Car Parking
UHT1 Design of New Development
UHT4 Visual Amenity
UHT7 Landscaping
US1 Hazardous Installations.

3. Site Description

- 3.1 The application site comprises a single storey bungalow on a corner plot with Hurst Road and Rossington Close. The building currently onsite sits towards the rear of the site, is in a run-down state and currently unoccupied.
- 3.2 Hurst Road slopes downwards from South to North and West to East with the application site itself sloping from West to East.
- 3.3 The existing property has a concrete driveway situated to the south side of the site and heavy vegetation surrounding the property and there is evidence of this recently being cleared and the cutting down of trees.
- 3.4 The site is neither located within a designated Conservation Area, nor is the building statutorily listed.
- 3.5 The application site is within an archaeological notification area and is within 50m of a high-pressure gas line.
- 3.6 Hurst Road is mainly comprised of two storey terraced properties with the exception of the application site and two pairs of semi-detached properties, adjoining the site and opposite the site.
- 3.7 Immediately north of the site are semi-detached two-storey dwellings (ground and lower ground floor levels) and opposite the site are three-storey semi-detached dwellings. The properties on the western side of Hurst Road sit above the properties on the eastern side due the topography of the road.

4. Relevant Planning History

- 4.1 220216:
Demolition of existing dwelling and erection of 3no 3-bedroom dwellings
Planning Permission
Refused
Decision Date: 27 May 2022.

5. Proposed Development

- 5.1 The application is seeking permission for the demolition of the existing bungalow on site and the erection of 3no dwellings.
- 5.2 The proposal is for 3no three bedroom, three-storey detached dwellings with lower ground, ground and first floor levels with a gross internal area of 132m² approximately.

5.3 The layout for each dwelling will have a bedroom with ensuite and direct access to the garden at lower ground floor level, open plan kitchen/dining/living space with balcony leading to stairs down to the garden, w.c. and study at ground floor level. At first floor level will be two bedrooms and a family bathroom.

5.4 The proposal includes off road parking to the front.

6. Consultations

6.1 Specialist Advisor (CIL)

6.1.1 The application is CIL Liable.

6.2 Specialist Advisor (Arboriculture)

6.2.1 Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in relation to T1 and G1 and to include ground protection methods and construction exclusion zone (CEZ) where applicable.

6.2.2 Tree Group 1 (G1) in relation to concrete hard standing adjacent this tree group. Root Protection Areas (RPA's) are to be shown. If excavations are to be undertaken, they must be done so under arboricultural supervision. It is advised that trial pit excavations are undertaken along this location to identify tree root presence and density or lack of. Photographic evidence and report of findings are to be submitted. Working methods as per Volume 4: NJUH+G Guidelines for the Planning, Installation and Maintenance Apparatus in proximity to trees (Issue 2), gives guidance when excavating in close proximity to trees. Supporting documentation is to demonstrate arboricultural protection methods when working in close proximity to trees.

6.3 County Archaeology

6.3.1 The proposed development site lies within an archaeological notification area (a non-designated heritage asset) associated with Saxon burial, a possible medieval and post-medieval milling. In 1993, an *in-situ* human burial dating to the later Anglo-Saxon period was discovered at 27 Hurst Road, just c.70m South-West of the application site. In my opinion, any groundwork undertaken outside the footprint of the building that currently occupies the site have the potential to expose below ground in-site archaeological features, deposits and artefacts including further inhumations perhaps associated with a wider Anglo-Saxon cemetery.

6.3.2 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a ***programme of archaeological works***. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved *in-situ* or, where this cannot be achieved adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

- 6.3.3 In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and the provide a brief setting out the scope of the programme of works.
- 6.3.4 The **written scheme of investigation**, referred to in the recommended condition wording, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

7. Neighbour Representations

7.1 23 letters of objection have been received and cover the following: (Up to 02/08/2022 09:00).

- Design fails to harmonise with the character of the area
- Scale and bulk
- Over development
- Detrimental impacts to 72 Hurst Road
- Impacts to privacy
- Impacts to light
- Parking issues
- Impact highway safety
- Loss of biodiversity
- Disturbance during development works.

7.2 Objections also included loss of view and impacts to the value of properties in the area. These are not material planning considerations and do not form part of the decision-making process.

8. Appraisal

8.1 Principle of Development

8.1.1 Eastbourne are currently unable to demonstrate a 5-year housing land supply and as such planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole.

8.1.2 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.1.3 Any presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 120), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 130) and ensuring development does not compromise highway safety (para. 113).
- 8.1.4 This is reinforced within the Local Development Framework, with one of the key primary development principles being to provide at least 60% of new residential development within the existing built-up area in well-designed schemes that make efficient use of urban land. Policy HO1 also states that planning permission will be granted for residential schemes in 'predominantly residential areas', one of which the site is located.
- 8.2 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:
- 8.2.1 The proposed dwellings are not considered to have a negative impact on the amenity of the occupiers adjoining or the surrounding area.
- 8.2.2 The layout for each plot has been considered to ensure minimum impact to the neighbouring occupiers in terms of loss of light, overshadowing and loss of privacy.
- 8.2.3 New views will be available from the rear of the properties into surrounding gardens, the current building on site is a two storey (ground/lower ground) building, anything of larger design will impact in some way. It is not uncommon for neighbouring properties to have a view into surrounding gardens.
- 8.2.4 Concerns have been raised with regards to overshadowing to the adjoining properties of 72 Hurst Road and 143 Burton Road. 143 Burton Road is set at a lower land level than the application site, due to be approximately 30m distance from the proposed properties there are no concerns raised regarding overshadowing or loss of light.
- 8.2.5 The side elevation of plot 3 will be set approximately 5m from the side elevation of 72 Hurst Road. As the site currently there are not building located along the boundary with 72 Hurst Road, the proposed dwelling may cause some overshadowing to the side elevation of the property however the level of impact is not thought to have a detrimental impact and mainly impact the paved area to the side of the property.
- 8.3 Impact of the proposed development on amenity of future occupiers
- 8.3.1 The proposal is for the erection of 3no three storey, three-bedroom detached dwellings with an approximate gross internal area (GIA) of 132m². Nationally described space standards advise the minimum

requirement for a three storey three-bedroom property for six persons is 108m². The proposal exceeds the minimum requirement for GIA and the requirement for the provision of bedspaces being a minimum of 2.15m wide and floor area of 7.5m².

8.3.2 The proposal includes two parking spaces to the front of the property along with hedging to the boundaries. To the rear is landscaped garden with a patio area, turf, a tree and hedging. Plot three will have additional shrubbery and trees to the north side of the rear garden. The plot boundaries will be enclosed with a 1800mm height close board fencing.

8.3.3 The proposed dwellings are considered to provide a good level of accommodation for future occupiers.

8.4 Design

8.4.1 The proposal is for the erection of 3no detached dwellings, the design of the proposal has been amended since the previous refused scheme to include bay window design to the front which is felt to harmonise better with the properties surrounding.

8.4.2 The properties will be set further forward than the current bungalow on-site. The existing building on site and the property of 72 Hurst Road both have a single storey appearance when viewed at street level, this design is not a common characteristic within the street scene of Hurst Road with other properties being formed of two storey terraced housing or semi-detached properties.

8.4.3 The layout of the existing site with the building to the rear is also not a common feature, the application site being the only property set towards the rear of the site, away from the highway, all other properties form a building line much closer to the highway with limited amenity space to the front.

8.4.4 The site for the proposed dwellings forms the end plot of Hurst Road on the junction to Rossington Close and Selby Road. Being situated at the end of the road gives way for a differing design to be acceptable.

8.4.5 The design of the front elevation has been amended following the refusal of application 220216 to include bay window to the front, a common feature on properties in the area. The scheme now includes some soft landscaping to the front as well.

8.5 Impact to the highway network

8.5.1 The proposal includes off road parking to the front of the proposed dwellings, this would remove current on street parking. The East Sussex highways parking calculator advises a total of 6.79 spaces should be provided for the development, the proposal includes 6 spaces, this is an acceptable level of parking.

8.5.2 The proposal includes off road parking for the new dwellings, concerns have been raised that this will impede on highway safety,

however it should be noted that there is already vehicular access on to the site as it currently stands.

8.6 Biodiversity

8.6.1 The application site has been cleared of some vegetation and that a loss of biodiversity from the site may have occurred. Due to this application taking place after the site being cleared, the level lost is hard to determine.

8.6.2 It is however noted that if the site had not been left to fall into disrepair and the outdoor areas over grow, it is probable that the level of biodiversity may not have been at such a high level.

8.6.3 The proposal includes hard landscaping in the form of paving to the front for the parking and walkway areas and soft landscaping in the form of hedging along the boundary lines. To the rear a soft landscaping scheme with a patio area has been proposed.

8.6.4 The landscaping scheme has been reviewed by the Councils arboriculturist, who has raised no concerns or requested any amendments or additional requirements.

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 This application is recommended for approval subject to the below schedule of conditions:

10.2 **Timeframe:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

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

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

Drawing: 01 Rev E – Location, Block and Site Plan

Drawing: 02 Rev G – Proposed Plans Plot 1

Drawing: 03 Rev G – Proposed Plans Plot 2

Drawing: 04 Rev G – Proposed Plans Plot 3

Drawing: 07 Proposed Site Plan

Drawing: Landscaping Plan.

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

10.4 **Arboriculture:** Prior to the commencement of works a Tree Protection Plan and Arboricultural Method Statement to include ground protection methods and construction exclusion zones in relation to T1 and Tree G1 are to be submitted and approved in writing by the local planning authority.

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

10.5 **Demolition/Construction Management Plan:** Prior to commencement of development, including any ground and demolition works, a Demolition Construction and Environmental Management Plan (DCEMP) shall be 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 demolition/construction period. The Plan shall provide details as appropriate, which shall address but not be restricted to the following matters:

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- storage of plant and materials,
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality;
- air quality monitoring;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

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

- 10.6 **Archaeology:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.7 **Archaeology:** The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.8 **Rainwater Goods:** Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host properties and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

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

- 10.9 **Electric Vehicle Charging Point:** Details of electric charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 10.10 **Car Parking:** Prior to first occupation of the development, hereby approved, the car parking spaces shall be provided and clearly marked in accordance with approved drawing No: 07 (Proposed Site Plan). The parking spaces shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned shall be used for no purpose other than for the parking and turning of vehicles.

Reason: To ensure adequate parking provision for the development and to prevent overspill to on street car parking in accordance with Policy TR11 of the Eastbourne Borough Plan (2007).

11. **Appeal**

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

12. **Background Papers**

12.1 None.

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Agenda Item 8

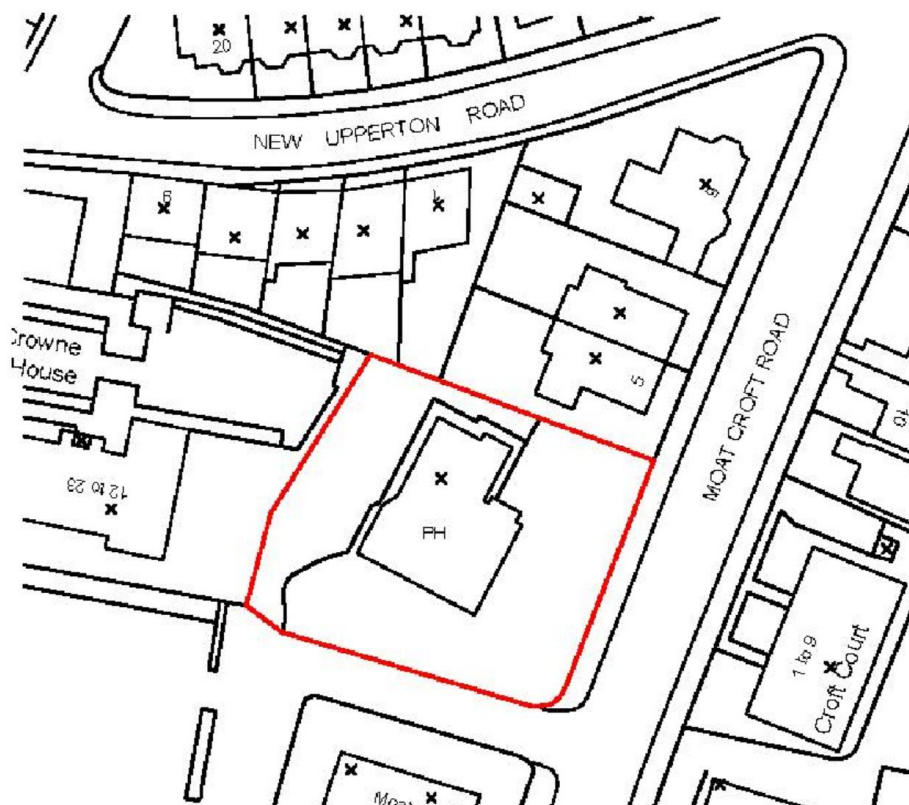
Report to: Planning Committee
Date: 3 October 2022
Application No: 220220 (Planning Permission) & 220284 (Listed Building Consent)
Location: The Counting House, Star Road, Eastbourne
Proposal: Erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.

Applicant: Mr Paul Hind
Ward: Upperton
Recommendation:

1. Grant planning permission subject to conditions
2. Grant Listed Building Consent subject to conditions

Contact Officer: **Name:** Emma Wachiuri
Post title: Specialist Advisor (Planning)
E-mail: emma.wachiuri@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 These applications are presented to the Planning Committee in line with the Scheme of Delegation as a total of 7 letters of objection have been received.
- 1.2 The applications for planning permission and listed building consent relate to the erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.
- 1.3 The proposed development could be integrated without significantly altering the character of the site and its relationship with neighbouring residential properties provided appropriate management and mitigation measures are put in place in regard to noise, light and air emissions. This could be used to control the hours of use of the garden area.
- 1.4 The proposal would not result in any loss of historic fabric/value and the cabin structures and planters are free standing and removable, allowing the site to revert to its current position. The new surfacing will cover existing tarmac, with no adverse impact on historic slabs or paving. Although coverage outdoors is now substantial, the proposed works would not create such substantial harm to the Listed Building as to challenge the significance of the building, and, therefore, no objection is raised.
- 1.5 It is therefore recommended that the applications are approved subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

- 2. Achieving sustainable development
- 4. Decision making
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14: Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- C4: Old Town Neighbourhood
- C5: Ocklynge & Rodmill Neighbourhood Policy
- D8: Sustainable Travel – A2021 Quality Bus Corridor
- D10: Historic Environment
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- UHT1. Design of New Development

UHT4. Visual Amenity
UHT5. Protecting Walls and Landscape Features
UHT13. External Floodlighting
UHT15. Conservation Areas
UHT17. Protection of Listed Buildings and their Setting
HO2. Predominantly Residential Areas
HO20. Residential Amenity
NE18. Noise
NE28. Environmental Amenity
NE14: Source Protection Zone.

2.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016).

3. **Site Description**

- 3.1 The site is occupied by a Grade II Listed two-storey detached building (with an additional floor formed within the roof space). The building is listed as Court House.
- 3.2 The building was constructed in the 17th Century as a dwelling and was converted to a public house around the end of the 19th Century/beginning of the 20th Century. The original building has three gable ends formed within the southern roof slope, over the building frontage. The building was extended to the north during the early 20th Century in the form of a two-storey structure with a gable valley roof, orientated east to west. The external walls are finished in flint cobbles with red brick window surrounds in most places other than the central gable on the southern elevation, where stone surrounds remain in place. A red brick and flint single-storey hipped roof extension, which houses the cellar and wc's, has been added to the north-west of the original building. A landscaped beer garden extends to the east and south of the building whilst there is a hard surfaced car park to the west.
- 3.3 The site is positioned adjacent to Moatcroft Road, which flanks the eastern site boundary. However, the site level is lower than that of the road, creating a sunken impression to the site. A service road passes to the south, providing access to a car park serving the public house as well as the car park serving the adjacent supermarket. Pedestrian access is also taken from this service road, with wrought iron gates in place at the pedestrian entrance. The majority of the site is enclosed by a low flint and brick wall other than either side of the pedestrian entrance where it is marked by metal railings mounted on a flint and brick plinth.
- 3.4 The site is located within Old Town Conservation Area. Surrounding development is predominantly residential, in the form of a mix of residential dwellings and low-rise blocks of flats. Mature street landscaping and flint and brick walls are a consistent visual feature. There is a supermarket and associated car park to the south-west of the site.

4. **Relevant Planning History**

- 4.1 220284 - Erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area. – Concurrent Listed Building Consent application.
- 4.2 200084 - Internal works, Garden Works, Provision of Access Ramp and External Lighting. - Approved conditionally 31st March 2020.
- 4.3 200085 - Internal works, Garden Works, Provision of Access Ramp and External Lighting. - Approved conditionally 31st March 2020.
- 4.4 950028 - Single-storey extension to beer cellar and bottle store at side and rear. Approved conditionally 19th December 1995.
- 4.5 110127- Extension of existing pergola - Approved conditionally 6th May 2011.

5. **Proposed Development**

- 5.1 The proposed development relates to the erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.
- 5.2 An application for Listed Building Consent for the works, is currently being considered under application 220284.

6. **Consultations**

6.1 Specialist Advisor (Conservation):

6.1.1 This application seeks permission to introduce removable seating units and outdoor items at an area to the side of this listed building in Old Town now operating as a popular public house. This follows an extensive redevelopment in 2000, which saw the whole building refurbished and upgraded after an extended period of decline. The focus here is on an area to the side of the building currently used for parking and services, which is earmarked for additional seating, cycle parking and planting. No historic fabric is lost in the course of the works and the cabin structures and planters are free standing and removable, allowing the site to revert to its current position. The new surfacing will cover tarmac, with no adverse impact on historic slabs or paving. Although coverage outdoors is now substantial, I do not believe that the proposed works create such substantial harm as to challenge the significance of the building, and I will not, therefore, be registering an objection. The current additions are, however, felt to be sufficient and no further applications for new structures are anticipated in the short to medium term.

6.2 ESCC Archaeology (County Archaeologist):

6.2.1 NPPF 194. In determining applications, local planning authorities should require an applicant to describe the significance of any

heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.2.2 The Counting House is a Grade II Listed building of early 17th century origin (or perhaps even earlier). It is located within an Archaeological Notification Area (a non – designated heritage asset) associated with historic medieval and post-medieval Old Town. However, no background heritage information seems to have been submitted with the application. Indeed, the Historic Environment Record (HER) has not been consulted in spite of this being a minimum requirement under NPPF 194 (see above).

6.2.3 In the light of the potential archaeological interest of this site, it is my opinion, that it is important for the applicant/agent to follow the requirements set out within NPPF (the Government's planning policies for England) and to contact the Historic Environment Record for further advice.

6.2.4 This consultation and the submission of additional supporting heritage information, following the advice given by the HER Officer should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.

7. Neighbour Representations

7.1 7 letters of objection have been received. A summary of relevant content is provided below.

- No site notice erected
- Not all neighbours were consulted
- Removal of the loading bay.
- Increased amount of outside seating bound to increase the nuisance caused by noise to neighbours.
- Overdevelopment
- The existing development is more than adequate and profitable and more or less suitable to the neighbourhood.
- Loss of parking places on the site
- Disabled access only installed in the 2020 development would be rendered useless.
- Noise nuisance
- Loss of privacy
- Light pollution and general health and safety concerns.

7.1.1 OFFICER COMMENT: Whilst concerns relating to publicity of the application are noted, the LPA can confirm that neighbour letters were sent out to all relevant neighbours with an adjoining boundary to the application site and a site notice was erected adjacent to the site.

8. Appraisal

8.1 Principle of Development

8.1.1 The principle of development within the planning boundary is acceptable. Para. 92 of the Revised National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision of community facilities, of which public houses are listed as an example.

8.1.2 Para. 192 of the NPPF states that, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

8.1.3 This is echoed in National Planning Practice Guidance which states that 'putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation' whilst also providing interpretation as to what represents 'viable use' stating that 'it is important that any use is viable, not just for the owner, but also for the future conservation of the asset (para. 015).

8.1.4 The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration. Paragraph 11 sets out the presumption in favour of sustainable development.

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

8.1.5 Relevant NPPF sections include:

Section 16 Conserving and enhancing the historical environment.

Conserving and enhancing the historic environment (section 16); in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; and the desirability of new development making a positive contribution to local character and distinctiveness (para. 197 of the Revised NPPF).

8.1.6 Given the relatively modest scale of the proposed works and the fact that the original building would not be subject to any external alterations or modifications, it is considered that the proposed works would result in less than substantial harm upon the significance of the heritage asset. The planning application therefore needs to provide balance between ensuring a continued viable economic use of the building whilst also safeguarding the integrity of the site as a historic asset as per para. 197 of the Revised NPPF.

8.1.7 The application will also be assessed in how it would impact upon visual, residential and environmental amenities, as set out in relevant local and national planning policies.

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

8.2.1 The site is located in a predominantly residential area and the proposed garden bar would be sited within the existing rear parking and servicing yard.

8.2.2 It is considered that the new facilities could be integrated without significantly altering the character of the site and its relationship with neighbouring residential properties provided appropriate management and mitigation measures are put in place in regard to noise, light and air emissions. This could be used to control the hours of use of the garden area.

8.2.3 The structures themselves are all of modest height and would be largely screened from view from the neighbouring property due to the presence of the site boundary wall as well as the fact that the application site is at a lower level than that of the neighbouring property.

8.2.4 Therefore, subject to conditions the proposal is not considered to result in harmful effects on amenities of adjoining occupiers and the surrounding area.

8.3 Impact on character and setting of listed building/s and conservation area:

8.3.1 This application seeks permission to introduce removable seating units and outdoor items at an area to the side of the listed building in currently used for parking and services, which is earmarked for additional seating, cycle parking and planting. The proposal would not result in any loss of historic fabric is lost in the course of the works and the cabin structures and planters are free standing and

removable, allowing the site to revert to its current position. The new surfacing will cover tarmac, with no adverse impact on historic slabs or paving.

8.3.2 The Conservation Advisor has advised that although coverage outdoors is now substantial, they do not believe that the proposed works create such substantial harm as to challenge the significance of the building, and thus no objection raised objection. They added that the current additions are, however, felt to be sufficient and no further applications for new structures are anticipated in the short to medium term.

8.3.3 It is therefore considered that the proposed development would have create substantial impact upon the integrity of the heritage asset and would improve the economic viability of the use and thereby support the continued maintenance of the building, thereby meeting the requirements of para. 197 of the Revised NPPF.

8.4 Parking

8.4.1 The proposal seeks to use the existing car park of the Public House to create an additional beer garden and external seating area. The existing car parking capacity is 11 car spaces which will be lost.

8.4.2 The property is in the vicinity of an extensive public car park serving the adjacent supermarket and local area and there is on-street parking available in the surrounding area and therefore the loss of parking cannot be a reason for refusal on its own.

8.5 Noise and light pollution

8.5.1 The Council's Environmental Health team was consulted on this matter and no objection was raised.

8.5.2 To control noise and disturbance on adjoining residential properties, it is considered that a planning condition controlling the hours of use would appropriately address this issue.

8.6 Other Matters

8.6.1 Archaeology details can be sought via a planning condition.

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 therefore recommended that the application is approved, subject to conditions.

10.2 **220220 - Planning Permission**

10.3 **Time Limit:** 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).

10.4 **Approved plans:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 21.023.SG.G 100 – Site Location Plan
- 21.023.SG.G 102 - Existing site plan
- 21.023.SG.G 103 - Proposed Garden Plan
- 21.023.SG.G 104 - Proposed site plan
- 21.023.SG.G 105 – Existing and Proposed Elevations
- 21.023.SG.G 106 – Proposed pods
- 21.023.SG.G 107 - Wrought iron fence and gates details

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

10.5 **Operation:** Prior to the first use of garden seating, hereby approved, a site management plan shall be provided to include the following details:-

- Hours of use
- Noise management measures
- Details of how noise and use will be monitored
- A named contact who can address any noise complaints made by neighbours.

The garden seating shall thereafter be operated in accordance with these details throughout the lifetime of its use.

Reason: In the interest of environmental, residential and visual amenities in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

10.6 **External lighting:** Prior to the installation of any external lighting, details of all new fittings including design, mounting, luminance and direction of illumination shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall thereafter be installed and maintained in accordance with the approved details. Other than any approved advertisements, the level of luminance of the building façade shall not exceed 10 cd/m².

Reason: In the interest of environmental and residential amenity and the setting of the Grade II Listed Building in accordance with saved policies HO20, NE28 and UHT17 of the Eastbourne Borough Plan and policy D10 of the Eastbourne Core Strategy and in accordance with the Guidance notes for the reduction of obtrusive light produced by the Institute of Lighting Professionals (2020).

- 10.7 **Archaeological works 1:** Prior to commencement of the development, hereby approved, a programme of archaeological works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.8 **Archaeological works 2:** Archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within three months of completion of any archaeological investigation and approved in writing, unless an alternative timescale for submission of the written record is agreed in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.9 **220284 - Listed Building Consent**

- 10.10 **Time Limit:** The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 10.11 **Approved Plans:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 21.023.SG.G.100 site location plan
- 21.023.SG.G.102 existing site plan
- 21.023.SG.G.103 proposed garden plan
- 21.023.SG.G 104 proposed site plan
- 21.023.SG.G.105 existing and proposed elevations
- 21.023.SG.G.106 proposed garden pod and drinking shelf units details
- 21.023.SG.G 107 - Wrought iron fence and gates details.

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

11. **Appeal**

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

12. **Background Papers**

12.1 None.

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