

## Planning Committee

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**MEMBERS:** Councillor Ungar (Chairman); Councillor Harris (Deputy-Chairman); Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor

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## Agenda

- 1 Minutes of the meeting held on 16 April 2013 - Previously circulated.**
- 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 (please see note at end of agenda).**
- 4 Urgent item(s) of business**

The Chairman to notify the Committee of any item(s) of urgent business to be added to the agenda.

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

Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting. The order of business to be otherwise as indicated below unless there is some pressing reason for change

- 6 Report of Development Manager on Applications** (Pages 1 - 166)
- 7 South Downs Nation Park Authority Planning Applications - Verbal Report**
- 8 Edmond Evangelical Church Site - Appeal Decision - Report 08.** (Pages 167 - 168)
- 9 Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013). Report of Senior Head of Development and Lawyer to the Council - Report 09.** (Pages 169 - 174)
- 10 The Park Close Conservation Area Appraisal and Management Plan. Report of Specialist Advisor - Conservation and Design - Report 10.** (Pages 175 - 178)
- 11 Amendment to the Town and Country General Permitted Development Order - Residential Extensions / Change of Use. Verbal Report (Guidance note and report attached for Members only).** (Pages 179 - 202)

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a 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). If a member has a DPI he/she may not make representations first.

## **Further Information**

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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## Eastbourne Borough Council

### Planning Committee

21 May 2013

### Report of the Head of Planning

#### List of Planning Applications for Consideration

**1) 81-83 SEASIDE, EASTBOURNE**

Change of use from A2 (Financial and Professional) to D1 (Non residential institution) (additional information).

EB/2012/0816(FP), DEVONSHIRE

Page 5

**RECOMMEND:** APPROVE CONDITIONALLY

**2) LAND AT KINGS DRIVE, EASTBOURNE**

Variation of condition 8 (approved layout) of permission EB/2010/0003 for Outline Application for residential development of the land comprising two options; Original Scheme (Option A) for 137 dwellings (Including 30% affordable), plus associated access and parking, open space, play areas and allotments; Alternative Scheme (Option B) for 119 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments. Variation proposed: various alterations to approved layout.

EB/2012/0823(DOC), UPPERTON

Page 13

**RECOMMEND:** APPROVE CONDITIONALLY

**3) 92 SEASIDE, EASTBOURNE**

Change of use from A2 (Financial and professional services) to C3 (single private dwelling).

EB/2013/0026(FP), DEVONSHIRE

Page 35

**RECOMMEND:** APPROVE CONDITIONALLY

**4) NHSBSA DENTAL SERVICES TEMPLE GROVE, COMPTON PLACE ROAD, EASTBOURNE**

Change of use of land from office (B1) to mixed use comprising non-residential education (D1) staff residential units (C2) and office (B1) and demolition of existing single-storey prefabricated building and erection of sports hall, three-storey extension and enclosed entrance court with associated landscaping and play and sports space.

EB/2013/0038(FP), UPPERTON

Page 39

**RECOMMEND A:** APPROVE CONDITIONALLY + s106

**RECOMMEND B:** REFUSE – IF NO s106

**5) LAND AT THE CORNER OF, FIRLE ROAD & BELTRING TERRACE, EASTBOURNE**

Demolition of house and garage at No. 60 Firle Road and garage at 13 Beltring Terrace. Erection of 7 No. one bedroom flats with one parking space.

EB/2013/0062(OL), DEVONSHIRE

Page 95

**RECOMMEND:** REFUSE

- 6) THE PUBB, 24 MOUNTFIELD ROAD**  
 Redevelopment of site comprising demolition of public house and erection of 14 affordable units with associated parking, comprising 7 no.1 bed flats, 2 no.3 bed houses, 4 no.2 bed houses and 1 no.2 bed wheelchair-accessible flat.  
 EB/2013/0082 (FP), HAMPDEN PARK Page 107  
**RECOMMEND:** APPROVE CONDITIONALLY
- 7) 1-6 THE COURTYARD, WHARF ROAD, EASTBOURNE**  
 Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard..  
 EB/2013/0090(FP), UPPERTON Page 118  
**RECOMMEND:** APPROVE CONDITIONALLY
- 8) 28 GRANGE ROAD, EASTBOURNE**  
 Demolition of existing building and erection of 9 two-bedroom flats with 5 parking spaces with alteration to vehicular access (renewal of planning application EB/2009/0705(FP)).  
 EB/2013/0099(FP), MEADS Page 123  
**RECOMMEND:** APPROVE CONDITIONALLY
- 9) ELM PARK HOTEL, CAVENDISH PLACE, EASTBOURNE**  
**&** Removal and replacement of the roof to provide additional residential  
**10)** accommodation in the roofspace (1 one bedroom flat and 4 studio flats), reconfiguration of previously approved residential accommodation under EB/2012/0398 to provide 7 additional residential units and a three storey extension above 97-99 Seaside Road to provide 6 studio flats (18 additional units in total).  
 EB/2013/0108(FP) & EB/2013/0109(LB) Page 133  
**RECOMMEND:** REFUSE
- 11) THE DRIVE PH, VICTORIA DRIVE, EASTBOURNE**  
 Demolition of conservatory and infilling side elevation at ground floor level. EB/2013/0119(FP), OLD TOWN Page 143  
**RECOMMEND:** APPROVE CONDITIONALLY
- 12) 1 CHATHAM GREEN, EASTBOURNE**  
 Two-storey side extension, and re-positioning of entrance on front elevation. EB/2013/0120, SOVEREIGN Page 147  
**RECOMMEND:** APPROVE CONDITIONALLY
- 13) THE DRIVE PH, 153 VICTORIA DRIVE, EASTBOURNE**  
 Exterior alterations and modifications..  
 EB/2013/0139(FP), OLD TOWN Page 153  
**RECOMMEND:** APPROVE CONDITIONALLY
- 14) THE DRIVE PH, 153 VICTORIA DRIVE, EASTBOURNE**  
 Ventilation and extraction units..  
 EB/2013/0140(FP), OLD TOWN Page 157  
**RECOMMEND:** APPROVE CONDITIONALLY

**15) 39 UPPERTON LANE, EASTBOURNE**

Change of use from vehicle repair workshop to a single private dwelling, together with external alterations, including the provision of a pitched roof with dormer to the rear..

EB/2013/0158(FP), UPPERTON

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**RECOMMEND:** REFUSE

Leigh Palmer  
Manager – Case Management

21 May 2013

## **Planning Committee**

**21 May 2013**

### **Report of the Planning Manager**

#### Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.



**Eastbourne Borough Council**

**Planning Committee**

**21 May 2013**

**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 21 May 2013**

**Item 1**

<b>App.No.:</b> EB/2012/0816	<b>Decision Due Date:</b> 09/02/13	<b>Ward:</b> Devonshire
<b>Officer:</b> Suzanne West	<b>Site visit date:</b> Numerous	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 18/01/13		
<b>Neigh. Con Expiry:</b> 09/02/13		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s) Expiry:</b>		
<b>Over 8/13 week reason:</b> Volume of local interest		
<b>Location:</b> 81-83 Seaside Eastbourne		
<b>Proposal:</b> Change of use from A2 (Financial and Professional) to D1 (non residential institution)		
<b>Applicant:</b> Fegans		
<b>Recommendation:</b> Approve conditionally		

**Planning Status:**

- Town Centre & Seafront Conservation Area

**Eastbourne Borough Plan 2001-2011**

BI1	Retention of B1, B2 and B8 Sites and Premises
BI4	Retention of Employment Commitments
HO9	Conversions and Change of Use
HO20	Residential Amenity
NE18	Noise
TR2	Travel Demands
TR6	Facilities for Cyclists
TR11	Car Parking

TR12	Car Parking for those with Mobility Problems
UHT1	Design of New Development
UHT15	Protection of Conservation Areas
LCF20	Community Facilities

### **Core Strategy**

B1	Spatial Development Strategy & Distribution
B2	Creating Sustainable Neighbourhoods
C3	Seaside Neighbourhood
D1	Sustainable Development
D2	Economy
D5	Housing
D8	Sustainable Travel
D10	Historic Environment

### **Relevant Planning History:**

EB/1969/0087 Incorporate rear of shop at 83 into adjacent bank at 81 Approved 06/03/1969

EB/1971/0109 Conversion of 83 as an extension of bank Approved 04/03/1971

EB/1990/0458 Conversion of existing maisonette into 1X 1bed flat and 1x3 bed maisonette Approved 16/10/1990

### **Proposed development:**

The application relates to the ground floor of the former bank building No 81/83 Seaside and proposes the change of use of the property from A2 Use (financial and professional services) to D1 Use (non residential institution). The proposed ground floor layout will be used as a reception area and consultation/meeting, office and staff rooms.

In support of their application the applicant has submitted a statement that in summary makes the following comments:-

- **Fegans is a Child and Family Care** service providing a unique and holistic range of local services designed to support children and families – emotionally, physically and spiritually. The services provided
- **Advice, information and support to Parents.** We deliver Parenting Courses for small groups of parents with courses lasting on average 6 sessions. These are usually held in the early evening or sometimes day time and can be provided within our own premises or through churches, schools etc. Participants are individuals who see the need to increase their parenting skills and we anticipate we would be providing a maximum of two per year at our own venue.
- **Support to Schools** We are experienced in providing one to one counselling and also emotional support to children in 'Talk-time' sessions within schools. Recent developments include school based play therapy sessions for referred children and possible future activity programmes for children based at schools in holiday periods. We also provide input to children through assemblies and special presentations

- **Counselling.** This is usually provided to individuals either the child or parent and always by appointment at our premises. We have been working out of the Seaside Centre in Eastbourne providing this service on Tuesdays only, since May 2011. It is anticipated that these sessions will take place on up to three days a week at our Eastbourne base with counsellors also working in schools in the town and in the Heathfield area too. Occasionally we are able to offer couple counselling and family therapy. This is again by appointment and designed to help address various needs including the impact of e.g. bereavement. These sessions are mostly provided during the normal working day and approximately five clients could attend for individual counselling per day. Sessions last for up to an hour. We offer some early evening sessions on one evening per week (latest appointment 7.00pm) for any parents whose work commitments prevent them from accessing day time appointments.
- **Family Support** This service has expanded since October 2012. We have been providing a range of input to local families to help them improve relationships and impact on school performance. Much of this work is undertaken in families own homes. We also plan to offer two x two hour day time sessions most weeks for a small group of parents and pre-school children to help with play and general advice.
- **Training** Over the years we have provided training to professionals to assist them in their work with children and families. These are short courses, with limited numbers of participants and are often provided in partnership with other organisations in such places as local churches who host these events with us. Topics have included Building self esteem, children and grief, safeguarding, impact of loss etc.
- **Staffing** Fegans staff team consists of eight part time employees (working between one and four days per week) supported by a very small number of volunteers that cover reception duties, assist with schools work etc. The staff team is very experienced and fully qualified to deliver the above services. We are mindful of our responsibilities professionally and publicly to the local community. We have never encountered any serious issues regarding our client's behaviour and this includes the period of time we have worked out of Eastbourne for the past 21 months. We operate with an approved minimum staffing level ensuring that there is at least two staff available at all times when we have client appointments.
- **Other Properties** We have been searching for suitable full time accommodation for some time and 7 properties have been considered in the last year. These are:-
  - Shop in Cavendish Place (too small)
  - Former club in Pevensey Road (unsuitable layout)
  - Old Cinema in Seaside (Additional work needed, higher costs and short rental period)
  - Shop in Seaside Road (unsuitable layout)
  - Restaurant/Cafe in North Street (too small)
  - Trinity Centre (unsuitable layout)
  - Shop/Office in Seaside Road (too small)

- **Application Property** 81-83 Seaside provides the most appropriate accommodation at the best price in a central location and on good bus routes. This ensures there is equality of access to the accommodation all of which is on the ground floor.
- **Access Parking** Staff and clients using our proposed premises are likely to use a combination of cars or public transport to reach the venue. Overall the number would be much less than when the premise was an operating Bank. We are mindful of the parking difficulties in the area and also of the need to see the area regenerated with the empty shops etc brought back into use.

**Consultations: at 09/04/13**

**Planning Policy:** No objection

**East Sussex County Council Highways:-** No objection

Context:- This site is located on the A259 in an area that has a number of shops which operate without any on site parking. The area is within walking distance of the town centre and is on a well served bus route which links the site to the town centre as well as large parts of the town.

The previous use was as a bank with a floor area of approximately 164m<sup>2</sup>. Using the ESCC, Parking Guidelines the likely parking demand is 5/6 spaces, however the site does not provide any car parking due to the site layout.

The proposed use therefore cannot provide any on site parking. The applicant has provided additional information on the likely maximum staffing levels which shows that up to 5 staff will be on site at any one time.

There will obviously be visitors to the site to attend counselling sessions, etc but these are to be by appointment with each counsellor seeing up to 4 clients each day.

The parking demand for the proposed use is going to be similar to the previous use and the total number of visitors to the site each day is going to be less, as a bank operates on both an appointment and drop in basis.

Bearing in mind the above as well as paragraph 32 of the National Planning Policy Framework which states that '*Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe*' there are no grounds for a refusal on highway issues in this instance. It has been demonstrated that the proposal will have a similar or lesser impact on the highway than the previous use which could restart without any consent required. Also the requirement for a Travel Plan Statement will put in place procedures/proposals to encourage walking, cycling and public transport use.

**Public Meeting:-**

A public meeting was held at the Town Hall on the 1<sup>st</sup> March where those interested in the application discussed the issues. In broad terms the topics discussed related to:-

The Applicant

- outlining their business operations
- for them this is the only building within the area that meets their operational needs
- Will not be any local disturbance locally given the very low volumes of staff and customers/client likely to use the facility.

Other issues

- to parking pressures in the area,
- the potential for noise and disturbance
- and the potential for an increase in anti social behaviour arising from the likely tenants

**Councillor Wallis:-** Would have a negative impact upon the character of the character of the area, tourist accommodation area, car parking problems, would be contrary to the aims and vision of the Core Strategy for Seaside 'defending existing tourist accommodation from losses and inappropriate development', should secure a more appropriate location

27 addresses were consulted as part of this application and as part of this consultation the following summary responses were received:-

OBJECTION	SUPPORT
16 letters and emails received	14 letters and emails received
<ul style="list-style-type: none"> <li>• Not fit with the area</li> <li>• Tourist area</li> <li>• Families with young children</li> <li>• Late night opening could cause disturbance 08.00 – 18.00 more appropriate</li> <li>• Would not support the economic development of the area</li> <li>• Parking problems</li> <li>• Anti-social behaviour</li> <li>• New residential in the area which would detract further form the tourist area.</li> <li>• May become a drop in centre for needy people from outside of Eastbourne</li> <li>• Would impact upon the livelihood of the 12 guesthouses that are trading locally</li> <li>• The locality is not a needy area</li> <li>• Not a deprived area</li> <li>• Not the right use for the area</li> </ul>	<ul style="list-style-type: none"> <li>• Fully support the proposal</li> <li>• For those who help to diffuse local tensions and restoring creative family life deserve support; Fegans tend to work with small individual and family groups within a counselling environment and should not cause any impacts upon the local community</li> <li>• Support for locally people in vulnerable need should be supported</li> <li>• Currently share the Seaside Advice Centre fro 18months never any occasions for troublesome unruly behaviour, much of the work is family related, there is no likelihood of gangs and or crowds gathering.</li> <li>• A well trusted local charity that meets the needs of the local</li> </ul>

<ul style="list-style-type: none"> <li>• Would increase the risk of accidents</li> <li>• Secure a temporary consent so that issues can be monitored</li> <li>•</li> </ul>	<p>population</p> <ul style="list-style-type: none"> <li>• This type of service is needed in Eastbourne as it has been absent for a number of years</li> <li>• Building is larger than their current office share and would meet their needs</li> <li>• Many local families that would benefit from this facility, low cost support organisation</li> <li>• Long standing of helping the people in Sussex and Kent</li> <li>• Fegans can only enhance this environment and will serve to bring both help and peace into the area and the loves of individuals who seek their services</li> <li>• Would not cause anti social behaviour</li> </ul>
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**Appraisal:**

The material planning considerations in relation to this application relate to:-

- **Loss of the existing commercial floorspace**

The application site is identified within a 'Predominantly Residential Area' within the Town Centre and Seafront Conservation Area and located opposite Seaside District Shopping Centre as identified by the Local Plan.

As the location of the property is not within the commercial centre the loss of the commercial floorspace is not objectionable in principle planning policy terms, moreover Policy LCF20 of the Local Plan supports community uses in locations at the edge of district, local or neighbourhood shopping centres.

Given the above a refusal based on the loss of commercial floorspace (A2 financial and professional services) could not be justified.

- **Proposed Use** In acknowledging the concerns from the occupiers of neighbouring properties the applicants have outlined in their supporting statement that there will not be any anti social behaviour as a result of this proposed change of use. The applicants identify that their operations have been operational from the Seaside Centre for a period of time without any issues arising.

The proposed use is considered appropriate and its location in a former commercial building is also considered acceptable.

- **Parking**

The application site is located within Seaside, which is identified in the Eastbourne Local Plan (Core Strategy) as a sustainable neighbourhood, close to town centre services and public transport. Given the support to the proposal from East Sussex County Council Highways Officer and its sustainable location a refusal based on the lack of off street parking could not be substantiated.

- **Tourist Accommodation**

It is accepted that the location of the application site is in close proximity to tourist accommodation and some concerns have been received relating to the proposed use adding to the parking pressures in the locality and thereby impacting upon the viability of local tourist businesses.

In response to this issue the applicants in their supporting evidence have outlined the intensity of the use including the number of staff and likely number of clients involved and their intention to use an appointment system. Given this set of circumstances a refusal based on the impacts upon the viability of the tourist accommodation could not be justified.

- **Community use**

The 'Seaside Vision' within the Local Plan Core Strategy aims to further improve the sustainability of the neighbourhood, by reducing deprivation in the community through regeneration.

In bringing back into a viable use this proposal would help to support the regeneration aims of the area and the proposed community use will help achieve this vision.

- **Conclusions**

As with any application the planning merits of a scheme rests with an assessment of material planning considerations relating to it. In this case greater weight has been given to the wider community benefits that this use would/could bring than the issues raised over the potential impacts from anti social behaviour and lack of parking.

- **Human Rights Implications:**

S149 (1) of the Equality Act 2010 provides that:-

A public authority must in the exercise of its functions, have regard to:-

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In terms of S149 of the Equalities Act the applicant has outlined the nature of their work and that they provide services for those sectors of the community who may need them.

In this context the potential client groups that are assisted by this application are considered to be given material weight in the assessment of this application. Notwithstanding this it is considered that the proposed use and its location are considered acceptable and appropriate in normal planning terms.

**RECOMMEND:** Permission be granted subject to the following conditions:

- 1) Time limit
- 2) In accordance with Plans & Supporting Statements
- 3) Opening Times:-  
08:00 – 21:30 Mon Fri  
08:00 – 13:00 Sat  
Not at all on Sundays, bank or public holidays

#### SUMMARY OF REASONS FOR DECISION

The proposed scheme by virtue of the use and location would not materially affect the character of the site and surrounding area. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

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



## Committee Report 21 May 2013

### Item 2

**App.No:** EB/2012/0823      **Decision Due Date:** 19 March 2013      **Ward:** Upperton

**Officer:** Lisa Rawlinson      **Site visit date:** Numerous      **Type:** Variation of Condition

**Site Notice(s) Expiry date:** 27 February 2013

**Neigh. Con Expiry:** 21 February 2013

**Weekly list Expiry:** 13 February 2013

**Press Notice(s):** 27 February 2013

**Over 8/13 week reason:** There is considerable planning history associated with the site and application required detailed evaluation of submitted documentation

**Location:** Land at Kings Drive

**Proposal:** Variation of Condition 8 (approved layout) of permission EB/2010/0003 for outline application for residential development of the land comprising two options; original scheme (Option A) for 137 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments; alternative scheme (Option B) for 119 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments. Variation proposed: Various alterations to approved layout.

**Applicant:** Bovis Homes Ltd

**Recommendation:** Approve

### **Executive Summary:**

This application seeks consent to vary Condition No.8 attached to outline planning permission EB/2010/0003(OL) which was granted on appeal in October 2010, to replace the previously approved site plan with a new layout drawing proposed by Bovis Homes Ltd. Whilst there are minor differences between the approved site layout and the proposed layout, the key characteristics and guiding principles of the development as originally approved remain the same.

### **Planning Status:**

- Archaeological Site
- Willingdon Levels Flood Storage Compensation Area

## Relevant Planning Policies:

The **National Planning Policy Framework** (NPPF) was published in March 2012 and supersedes Planning Policy Guidance Notes and Planning Policy Statements and provides a concise policy document. The NPPF introduces a '*presumption in favour of sustainable development*' although it still requires proposals to be determined in accordance with the development plan.

Regarding housing, the NPPF requires Local Planning Authorities to demonstrate a five year supply of deliverable housing sites.

The **Eastbourne Core Strategy Local Plan** (2013) was adopted by the Council in February 2013 and the following policies are considered relevant to this application:

B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C5: Ocklynge and Rodmill Neighbourhood Policy  
D1: Sustainable Development  
D5: Housing

The following 'saved' policies of the **Eastbourne Borough Plan** are considered to be relevant to this application:

NE1	Development Outside the Built Up Area Boundary
NE3	Conserving Water Resources
NE4	Sustainable Drainage Systems
NE5	Minimisation of Construction Industry Waste
NE6	Recycling Facilities
NE7	Waste Minimisation Measures in Residential Development
NE15	Protection of Water Quality
NE22	Wildlife Habitats
NE28	Environmental Amenity
UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT5	Protection of Walls/Landscape Features
UHT6	Tree Planting
UHT7	Landscaping
HO18	Wheelchair Housing
HO20	Residential Amenity
TR1	Locations of Major Development Proposals
TR2	Travel Demands
TR4	Quality Bus Corridors
TR5	Contributions to Cycle Network
TR6	Facilities for Cyclists
TR7	Provision for Pedestrians
TR8	Contributions to Pedestrian Network
TR9	Home Zones
TR11	Car Parking
TR12	Car Parking for those with Mobility Problems
TR17	St Anthony's/Upperton Farm Links

LCF4	Outdoor Playing Space Contributions
LCF17	Educational Requirements
LCF23	Library Requirements
US1	Hazardous Installations
US2	Water Resource Adequacy
US3	Infrastructure Services for Foul Sewage and Surface Water Disposal
US4	Flood Protection and Surface Water
US5	Tidal Flood Risk
US10	Underground Ducting

**Site Description:**

The application site, covering approximately 3.24 hectares, is a greenfield site adjacent to the boundary of Eastbourne Park. It is bounded to the north and west by main routes into and out of the town, Kings Drive and Cross Levels Way and to the east by low lying open fields that form Eastbourne Park. It is broadly triangular in shape and comprises grazed grassland interspersed with trees and shrubs. The topography of the site is such that it slopes from northwest to southeast and west to east, with the southern tip being approximately 4.5 metres below Kings Drive.

Beyond its immediate boundaries the site lies at the edge of an established residential area which is characterised by a mix of building heights and varying house types, most set within spacious plots. Within this development the houses step down towards Kings Drive with groups of houses served by cul-de-sacs being interspersed by areas of open space which are known locally as 'green fingers'.

Although the area is predominantly residential to the south and west and open parkland to the east, other uses and facilities form part of the context of the area. For example Eastbourne District General Hospital (DGH) is approximately 370 metres to the north of the site and a parade of shops is located some 280 metres north west of the site in Framfield Way. There are also bus stops adjacent to the site providing direct access into the town centre which is located some 1.5 kilometres south of the site.

As mentioned above, the application site is located adjacent to the boundary of Eastbourne Park. The Park is a multifunctional area of green space providing a 'green heart' for the town. A particular feature of the area is the views that are possible when walking or driving down some of the cul-de-sacs across the application site and to Eastbourne Park beyond, views that are also possible from some of the 'green fingers'.

**Relevant Planning History:**

Planning application EB/2008/0253(FP), sought planning permission to erect 140 dwellings, including 30% affordable housing, associated landscaping, public open space and parking provision with a new vehicle and pedestrian access proposed off Kings Drive.

The application was refused by the Council's Planning Committee on 15 July 2008 for the following reasons:

- (1) The proposed development of 140 dwellings would, by reason of its design, form and layout, not make a positive contribution to either the street scene or surrounding area. As such, the proposal is contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.
- (2) The proposal would lead to additional traffic on the highway network, increasing traffic hazards on Kings Drive and having an unacceptable impact on Rodmill Roundabout to the detriment of highway users conflicting with Policy TR3 in the Structure Plan.

The applicants appealed against the decision and after a Public Inquiry that lasted 4 days in June 2009, the appeal was dismissed.

In January 2010 an application was submitted on behalf of the Trustees of the Chatsworth Settlement for the erection of 140 dwellings (including 30% affordable) plus associated access and parking, open space, play areas and allotments. Approval was only sought for matters of access and layout with all other matters reserved for subsequent approval (EB/2010/0003 (OL)).

The initially submitted scheme was revised in February 2010, following a requirement by the Environment Agency for an 8 metre-wide buffer along Lottbridge Sewer. This resulted in amendments to the layout and the subsequent loss of three dwellings. The description of development was therefore amended from "140 dwellings" to "137 dwellings" and was thereafter referred to as Option A.

Further concerns were raised by the Case Officer and third parties concerning the scale, impact and massing of a proposed four-storey block of apartments on the northern part of the site. Following discussions between the Case Officer and the applicant's agent, revised drawings were submitted in April 2010 for an alternative scheme; this scheme was thereafter referred to as Option B. Option B sought outline planning permission for the erection of 119 dwellings.

In May 2010, an appeal was lodged by the Trustees of the Chatsworth Settlement, against the Council's failure to determine the application within the statutory sixteen week period for major applications subject to an Environmental Impact Assessment (EIA).

The application was considered by the Council's Planning Committee on 20<sup>th</sup> May 2010. At the Committee, Members unanimously resolved that had the appeal against non-determination not been lodged, planning permission would have been refused for both Option A and Option B.

Members resolved that Option A would have been refused for the following reasons:

*That the proposed development is contrary to the provisions of the up-to-date emerging LDF: Core Strategy Development Strategy.*

*That the proposed 2 No. four-storey blocks of apartments on the northern part of the site, by reason of their height, scale, form and massing will have a detrimental impact on the character and appearance of the area and views through the site towards Eastbourne Park. As such the proposal is contrary to Policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan 2001-2011.*

Members resolved that Option B would have been refused for the following reason:

*That the proposed development is contrary to the provisions of the up-to-date emerging LDF: Core Strategy Development Strategy.*

The planning appeal was heard at an Inquiry that took place on 21-23 September 2010. In consideration of the appeal, the Inspector gave full regard to the significant local opposition to the proposed development, emerging planning policy and other planning considerations including, traffic, flooding, ecology, archaeology and the appearance of the development. The Inspector concluded that on balance, the appeal should be allowed and outline planning permission was granted for 119 dwellings (Option B) subject to conditions and a unilateral undertaking which related to the provision of affordable housing and contributions towards highway improvements, archaeology, flood storage and public open space.

**Proposed development:**

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks permission to vary Condition No. 8 attached to the outline planning permission granted on appeal which states:

*'The development shall not be carried out unless in strict accordance with the approved plan: STH2382-016.'*

This plan was therefore the approved site layout plan for the proposed development.

Permission is now sought to vary the Condition and to replace the previously approved site plan with an amended site layout (Drawing No. KDEB/001/Sk-B).

The table below summarises the similarities and differences between the approved layout and the proposed layout.

	<b>Approved Layout</b>	<b>Bovis Homes Ltd. Layout</b>
Housing Numbers	119 dwellings were proposed.	119 dwellings are proposed.
Affordable Housing	35% affordable units were proposed.	35% affordable units are proposed.
Parking	170 parking spaces were proposed, with an additional 10 reserve parking spaces.	170 parking spaces are proposed, with an additional 10 reserve parking spaces.
Road Layout	A central spine road with perpendicular spur roads and a single access junction (with additional emergency access junction) with Kings Drive were proposed.	The road layout is exactly as the approved layout.
Pedestrian Connectivity	An additional pedestrian connection from Kings Drive was provided in the southern part of the site.	This connection remains exactly as proposed.
Open Space	A LLAP (play area) and community orchard were proposed in the northern part of the site, along with the use of the Hollow Way as a landscape feature. A LAP (play area) was proposed in the southern part of the site. 'Green fingers' were proposed in the central part of the site as an extension of the 'green fingers' on the Rodmill estate.	All areas of open space are provided in the same form and in the same location, and the overall provision is 0.68 hectares compared to 0.47 hectares on the approved layout.
Allotments	Allotments were proposed at the rear of the most northern 'green finger'.	Allotments continue to be proposed in the same location and at the same size.
Built Form	The apartment blocks were located in the northern part of the site. The houses were located in the central and southern parts of the site.	The apartments remain in the north and the houses in the centre and south. One of the apartment blocks is replaced by houses but the location of the built form is the same. The houses in the central part of the site follow the

		same lines of built form as the approved layout but are not on the exact same footprints. The houses in the southern part of the site remain on almost identical footprints, although some of the terraces are broken up.
Drainage Strategy	A sustainable drainage system was proposed that used swales and a balancing pond.	No change – the location of the swales within the 'green fingers' and along the roads would be the same. A balancing pond continues to be proposed in the same location.

The only other differences that are not referred to above are as follows:

- the amended layout proposes slightly more houses than flats (78 are shown on the proposed layout and 74 were previously approved).
- at the rear of a number of the terraced houses in the centre of the site, it is proposed to provide 11 No. two bedroom flats over car ports.
- These were not proposed as part of the previously approved scheme.
- A couple of the plot sizes are smaller.
- The pumping station has been moved to the southern part of the site so that it is further away from residential properties.
- An additional swale/pond is proposed in the southern part of the site.

### **Applicant's Points:**

The applicant's agent has confirmed that there are some minor differences in the siting of the proposed dwellings (as detailed in the table above), but the overall concept and site layout follow the same principles established through the outline planning permission. The same principles have also been adopted in the height of the proposed development. In addition, the agent has confirmed the following

### **'Analysis of the Schemes**

*'Layout' as a 'reserved matter', or as a detail for approval, is defined in the General Development Procedure Order 1995 as meaning "the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development". The Bovis Homes Ltd. layout is the same as the approved layout in all of these respects. It maintains the relationships between the internal roads, open spaces and houses/apartments that were established in the approved layout, and the footprints of these elements are essentially the same as their comparative footprints in the approved scheme.*

*The internal road layout and connection points to Kings Drive are identical (apart from the turning head in the southern part of the site). The location and amount of open space (including play areas and amenity areas) is almost identical. The location of the open spaces follows the same principles as the approved layout, with a central landscaped area provided in the northern part of the site (including a LLAP and community orchard), and green fingers in the central part of the site which provide a continuation of the green fingers on the adjacent Rodmill Estate.*

*The apartment blocks along the northern boundary of the site are within the same footprints of the apartment blocks on the approved layout. The third apartment block at the junction where the spine road meets Kings Drive is proposed to be replaced with houses, but these are also predominantly within the same footprint as the apartment block on the approved layout.*

*The terraced houses in the central part of the site follow the same principles as the approved layout, in that they run parallel to the spur roads, to follow the line of development that flows from the Rodmill Estate. The design of the houses in this area is proposed to change so that the houses front onto the green fingers rather than onto the spur roads. The amended layout (with houses fronting the open spaces) will create an active frontage that maximises the benefit of the open spaces, as well as creating natural surveillance.*

*The houses in the southern part of the site also follow the same lines of development in the approved layout, with the majority of the terraced houses falling within the same footprint as the houses in the approved layout.*

*The drainage principles set out in the drainage strategy for the site would not change and swales continue to be proposed as a feature of a sustainable drainage system. An additional swale/pond is proposed in the southern part of the site next to the relocated pumping station. The pumping station is proposed to be moved to that part of the site so that it is further away from residential properties. This would result in a slightly different arrangement for the adjacent turning head and parking bays.*

### **Decision Letter Analysis**

*In order to help establish that the new proposals accord with the key issues assessed by the Planning Inspector at appeal, we have undertaken an analysis of the appeal Decision Letter (DL) to establish the basis on which the Outline scheme was assessed and consented.*

*The Inspector had regard to a number of site specific issues in reaching his decision to approve the appeal proposals. The following is therefore not an exhaustive list:*



- **Balancing pond and swales.** *The Inspector supported the proposed use of a balancing pond and swales within the scheme (DL para 42). The drainage principles in the Bovis Homes Ltd. scheme are the same, as is the design standard for run off.*
- **Ecological Mitigation.** *The Inspector noted (DL Para 44) that the proposed site layout "offers mitigation to protect habitat for bats, lizards and slow worms" and that the "layout is designed to mitigate the ecological impact of development". The Outline application was prepared following extensive ecological survey work, and the proposed layout sought to retain existing tree and hedge features where appropriate, to provide on-site areas of undeveloped land including the green fingers but also extensive areas of buffer, within which ecological mitigation features are provided. The Bovis Homes Ltd. layout follows the Outline Planning Permission unwaveringly in this respect.*
- **Tree and screen planting.** *The Inspector noted (DL Para 45) that the layout "would facilitate tree and screen planting on and around the site". Landscaping is a Reserved Matter, and therefore details are not shown on approved plan STH2382-016. However, the indicative landscaping detail shown on other plans flagged potential locations for new planting and these are very similar to arrangements indicated on the Bovis Homes Ltd. scheme. The scope for submitting landscape detailing through the Reserved Matters process to identify suitable tree and screen planting on and around the site is not compromised.*
- **Hollow Way.** *The northern part of the planning permission site is transected by an archaeological feature referred to as the Hollow Way. The scheme layout prepared for the Outline application acknowledged this feature and the proposals approved on appeal provided "an ample gap between buildings, to avoid encroachment on this feature" (DL Para 46). The Bovis Homes Ltd. scheme does likewise.*
- **The Green Fingers Concept.** *One of the key urban design features established under the Outline Planning Permission and supported by the Inspector (DL Para 48) is the concept of green fingers across the site from Kings Drive towards Eastbourne Park. These green fingers are retained in the same form and location on the Bovis Homes Ltd. scheme.*
- **Heights.** *The Inspector assessed the scale of built development at Paragraph 52 of the DL. It is clear that he assessed the scheme on the basis of 2-storey development being most appropriate at the bottom end of the site (south) and 3-storey development in the middle and higher parts of the site. The Bovis Homes Ltd. scheme does not depart from this principle. In any case, 'scale' is a reserved matter.*
- **Design Coding.** *The Inspector referred to the submitted design statement, and in a very cogent phrase at Paragraph 53 of the DL noted that "clearly, the grant of Outline Permission opens the door to developers who may have their own concept.*

*But this permission is exclusive to the specific layout drawing ... and a Masterplan Design Code will inform subsequent developers and help to shape the character of their schemes". However, the Inspector fell short of proposing a Condition referring specifically to the submitted Design Code. Nevertheless, many of the principles referred to in the Design Code are reflected in the Bovis Homes Ltd. scheme.*

- **Affordable Plots.** *The Inspector noted at Para 57 of the DL that affordable housing was proposed on selected plots defined on the Unilateral Undertaking plan. The Bovis Homes Ltd. scheme proposes that dwellings in different locations are to constitute the affordable provision. This however does not impact on the layout principles. It will be a straightforward matter of a Deed of Variation to the Unilateral Undertaking, to refer to the new plan to secure the affordable provision in the same way.*

*It is clear from analysis of the Inspector's Decision Letter that there is nothing that the Inspector regarded as material to his decision as far as the layout is concerned, that is not fully reflected in the Bovis Homes Ltd. scheme.*

### **Summary**

*This S.73 application proposes an amended Condition 8 to refer to the new block plan drawing number. Provided the Local Planning Authority are satisfied that the amendments to the layout are acceptable (and the layout approved under the Outline Planning Permission is an important material consideration in that respect), then it should issue an approval. Condition 8 is the only Outline Planning Permission condition that would need to be amended.'*

### **Consultations:**

**Southern Water** has confirmed that it has no objections in principle to the proposed development, however the pumping station should be adopted.

The **Environment Agency** has confirmed that having screened the planning application with regard to the low risk of the development type and location of the proposal, they have no comments to make.

**Natural England** has confirmed that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

The **County Archaeologist** has confirmed that his recommendation for the previous application remains, namely that should planning permission be granted, the site should be subject to a comprehensive programme of archaeological mitigation, including excavation, recording, publication of the results and local curation and display of artefacts.

The **Highways Officer at East Sussex County Council** has confirmed that this application is purely for the variation of Condition 8 (approved layout) and does not alter the number of dwellings, parking spaces or traffic movements associated with the site from that already approved. These comments therefore only relate to the alterations to the road layout.

Under this proposal the road layout is broadly similar, with only minor alterations with the locations/layouts of parking spaces and turning heads, and a slight realignment of the road in the south eastern corner of the site.

All of these amendments are acceptable and the Highways Officer has therefore confirmed that he does not wish to restrict grant of consent.

**Sussex Police** have confirmed that the revised scheme will not impact upon crime prevention or community safety.

**East Sussex Fire & Rescue Services** have confirmed that there will be a need to improve the availability of water with the provision of fire hydrants on a suitable size water main.

The **Senior Planning Policy Officer** has confirmed the following:

*'The application relates to a variation of condition on an application site that was granted planning permission on appeal for 119 dwellings (including 35% affordable housing), which relates to Option B of the application description.*

*The application site, for the purposes of the Local Plan, is located within the Ocklynge and Rodmill neighbourhood and is a greenfield site, being a former housing allocation in the Eastbourne Borough Plan (2003) and is an identified site in the adopted Eastbourne Core Strategy Local Plan (2013).*

*The principle of the quantum of residential development on the site (119 dwellings) has been confirmed through the granting of planning permission at appeal in October 2010. Since this time, planning policy considerations have been developed further through the publication of the National Planning Policy Framework (NPPF) [2012] and the formal adoption of the Eastbourne Core Strategy Local Plan (known as the "Core Strategy") [February 2013]. These two policy documents provide greater planning policy support in favour of the application. The NPPF supports the proposed development (and its variation to conditions) by:*

- ensuring that identified sites can be brought forward for development to meet the Council's 5 year housing land supply targets, and*
- ensuring development is financially viable.*

*The Core Strategy further strengthens the proposal as the site is identified for development, and is in conformity with the Neighbourhood vision and policy (Policy C5) especially in relation to the 'creation of affordable housing'.*

*The application only seeks to vary the layout of the residential accommodation on the site and does not make any fundamental amendments that would change the principle of residential development, nor impact the overall level of market or affordable housing delivered. In conformity with the National Planning Policy Framework, the proposal would provide sustainable development and should be permitted.'*

The **Council's Strategic Housing Manager** has confirmed that the scheme provides much needed housing and should provide a mix of dwelling types and consideration should be given to ensure that the housing provided is acceptable to all income groups and should meet all local needs.

### **Neighbour Representations:**

More than 400 letters of notification were sent to occupiers of surrounding residential properties as well as to those who had made representations on the two previous planning applications and appeals. In response, 37 letters/emails of objection have been received and the objections can be summarised as follows:

- Kings Drive is a busy road
- The development will result in increased traffic
- The density of the development is too high
- The development will result in the loss of open space
- There will be damage to wildlife and conservation
- The proposals represent an overdevelopment of the site
- Localised flooding issues need to be checked out given the high water table
- The site is unsuitable for residential development being on the edge of the floodplain
- The development is out of character with existing properties and the surrounding locality
- The proposals will result in loss of outlook and increased overlooking
- The development will result in the loss of a green lung of open space
- The proposals would harm a key entrance into Eastbourne
- All sustainable drainage needs to child proof
- Kings Drive is an accident blackspot
- Young families would increase the traffic flow during school run times
- The bus stop and pedestrian crossing locations would increase the localised congestion
- The development would result in visual intrusion from the large buildings
- The loss of trees would be damaging
- Global warming would increase the risk of flooding
- The proposal is contrary to the Local Plan Core Strategy allocation
- There are issues regarding emergency vehicle access and congestion problems
- The development will result in increased light pollution and increased CO2
- Lack of parking on site would increase parking in the surrounding streets
- The pasture land should be protected
- The proposed development will place increased pressure on local schools
- The development will have an impact on the Quality Bus Corridor
- Local decisions should be kept local

- If flooding increases then insurance premiums would increase
- The new properties should be sold and not rented
- Cycle paths need to be provided
- Bats and owls on the site will need to be relocated
- All schools are full and infrastructure is at capacity
- Current application is not much different to the Wimpey application
- Access to the site should be from the roundabout off Cross Levels Way
- If permitted the traffic on Rodmill Drive would increase substantially
- There is significant congestion at peak times and gridlock at the DGH roundabout
- Height of flats will have a significant visual impact
- The density is too high
- The site borders Eastbourne Park which is a haven for wildlife
- Concerned about the loss of trees
- The Council should give permission to build affordable housing in many areas of Eastbourne
- Design of development at the roundabout is incongruous.

Bespoke have confirmed that the Eastbourne Cycling Strategy identifies the need for a route along Kings Drive on land which is contained within the application site. The current route is unsuitable and unsafe and there is therefore an opportunity within this development to provide a cycle path.

Councillor Belsey objects to the proposed changes to the layout on the grounds that the whole scheme is detrimental to the area and also that the amount of flooding that happened on or close to the site over recent months should mean a rethink.

### **Appraisal:**

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Permission is sought to vary Condition No.8 attached to outline planning permission EB/2010/0003(OL) which was granted on appeal in October 2010.

This condition states:

*'The development shall not be carried out unless in strict accordance with the approved plan: STH2382-016.'*

The applicant Bovis Homes Ltd, seek to replace the previously approved layout with their own and therefore wish to add their new drawing number to the outline consent.

Section 73 applications enable development to proceed without compliance with a condition or conditions attached to a previous consent. Section 73 (2) (a) provides that on such an application, the Local Planning Authority shall only consider the condition(s) in question and should grant planning permission if they consider that the conditions(s) should be amended or discharged.

Section 73 (2) (b) provides that the Local Planning Authority should refuse planning permission if they think the original condition should stand.

While these applications are commonly referred to as applications to 'amend' they do in fact leave the original planning permission intact. The Local Planning Authority's powers under Section 73 are more limited than on a normal application for full planning permission. However, the Local Planning Authority has to look at the full merits of the application and if the application is approved, a wholly new planning consent is issued. What this means is that if this application is approved, the outline planning permission granted on appeal still stands and a second almost identical consent for Bovis Homes Ltd will stand alongside it.

Section 73 does not enable a Local Planning Authority to rewrite other parts of the consent. Although what is being applied for is a new consent, the Local Planning Authority is required only to consider the planning merits relating to the condition in question.

Whilst it is acknowledged that there remains opposition to residential development on the Kings Drive site, the principle of allowing a housing development on the land has already been established by the granting of outline consent on appeal. At the appeal the following issues were considered at length by the appointed Planning Inspector:

- The principle of the development having regard to adopted and emerging planning policy
- The layout of the proposed development
- Access and parking considerations
- Flood risk
- Ecology and
- Archaeology

As such, the debate into the planning merits or otherwise of the principle of development, cannot be reopened.

The only matter that can be considered in the determination of this application is whether it is acceptable to replace the previously approved site layout drawing with the proposed new site layout plan.

Whilst it is acknowledged that there are minor differences between the approved site layout and the proposed layout, as detailed above, the key characteristics and guiding principles of the development as approved remain the same. Namely, the number of units proposed including affordable housing units, parking provision, road layout, pedestrian connectivity, the provision of play space, 'green fingers' and allotments, the built form and the drainage strategy for the site.

For these reasons, it is considered that the minor amendments proposed as part of the new site layout do not materially affect the principles of the approved layout and as such it is considered that permission should be granted to vary Condition No.8 attached to outline planning permission EB/2010/0003(OL) and replace drawing number STH2382-016 with drawing number KDEB/001/Sk-B.

As referred to above, in granting consent the original planning permission is re-issued with the new drawing number listed. However no other conditions are changed. Therefore, Condition No.3 of the outline consent that requires submission of reserved matters within three years from the date of consent, gives a deadline of 27 October this year for submission of details relating to appearance, landscaping and scale of development.

In addition, when outline planning permission was granted it was subject to a unilateral undertaking which included a plan showing the siting of the proposed affordable housing units. As the siting of the affordable units has changed as part of the new site layout plan, a deed of variation will be required.

It is therefore recommended that permission is granted subject to the required deed of variation to the unilateral undertaking.

### **Legal Advice**

*'The principle of development of this scale on the land was approved by the Inspector in the October 2010 appeal decision.*

*The approved scheme is a weighty material consideration. It significantly restricts the Committee's discretion in determining this application. The Committee can only consider the differences between the approved scheme and the current scheme. These have been set out clearly by the Senior Specialist Advisor in this report.*

*In the event of a refusal and appeal it is inevitable that the issue of costs would arise. Para B29 of the Costs Circular 03/09 sets out examples of circumstances which may lead to an award of costs against a Local Planning Authority. This includes:-*

*'Persisting in objections to a scheme or part of a scheme which the Secretary of State or Inspector has previously indicated to be acceptable'.*

*Members are requested to take this advice into consideration in the determination of this application.'*

### **Human Rights and Equality and Diversity Implications:**

It is considered that the proposal would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property. Furthermore the proposals will not result in any breach of the Equalities Act 2010.

### **Conclusion:**

The proposal to vary Condition No.8 attached to the original outline planning permission that was granted on appeal is considered acceptable as the minor amendments proposed to the approved site layout are not considered to materially affect the key characteristics and guiding principles of the previously approved scheme.

**Recommendation:**

That permission be granted to vary Condition 8 attached to EB/2010/0003 and that the outline planning permission be re-issued with the Condition amended and new drawing number added, subject to the prior conclusion of a deed of variation to the previously agreed unilateral undertaking to include reference to the new drawing number and subject to the remaining conditions confirmed by the Inspector at appeal as detailed below.

**Conditions:**

- (1) Details of the appearance and scale of buildings and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- (2) Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance and scale of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.
- (3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- (4) The development hereby permitted shall be begun either before the expiration of five years from the date of approval of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (5) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- (6) No earthmoving, site clearance or building operations shall take place except between the hours of 0800 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays or at any time on Sundays or Bank/Public Holidays.
- (7) No development shall take place before details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- (8) The development shall not be carried out unless in strict accordance with the approved plan: KDEB/001/Sk-B.
- (9) No development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include:-
  - proposed finished levels or contours;
  - means of enclosure including areas of open space, orchards, allotments, and balancing pond;
  - car parking layouts; vehicle and pedestrian access and circulation areas;
  - hard surfacing materials;



- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, fire hydrants, pipelines, etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant;
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- implementation timetables;
- lighting and means of control of lighting.
- tree protection plan to include details of any root protection and foundation construction.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the recommendations of British Standards. The works shall be carried out 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 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 written consent to any variation.

(10) No tree shall be removed unless in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All trees on and immediately adjoining the site shall be protected in accordance with BS5837:1991 for the duration of the works on site. In the event that any tree dies, or is removed without the prior consent of the Local Planning Authority, it shall be replaced not later than the end of the first available planting season with trees of such size, species and in such number and positions as may be agreed with the Authority.

(11) All existing trees, shrubs and other natural features not scheduled for removal shall be safeguarded during the course of the site works and building operations in accordance with BS 5837:1991. No work shall commence on site until all trees, shrubs or features to be protected are fenced. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

(12) No works shall commence on site until details of the building foundations and layout, service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved by the Local Planning Authority. Soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered. The works shall be completed in accordance with the approved scheme.

(13) Details of all works to or affecting trees on or adjoining the site shall be submitted to and approved by the Local Planning Authority, and shall be carried out in accordance with the relevant recommendations of BS 3998: 1989 (Recommendations for Tree Work). The works shall be completed in accordance with the approved scheme.

(14) A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development. The management plan shall include a schedule of landscape maintenance for a minimum of a five year period, arrangements for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. No dwelling shall be occupied before the management plan is operative and in effect. Maintenance shall be carried out in accordance with the approved plan.

(15) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of the provision to be made for storing domestic refuse and for access to the stores by the occupiers of the buildings and collection vehicles. The development shall be carried out in accordance with the approved details and the facilities made ready for use prior to the first occupation of each of the units to which they relate.

(16) No development shall commence before details of the boundary treatment for the building plots hereby approved are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(17) No development shall commence until details of the roads, footpaths, cycle routes, street lighting, pedestrian access ramp and associated retaining structures and drainage are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(18) All car parking areas and access thereto shall be marked out in accordance with the approved plans and shall be made available for use before the dwellings to which they relate are occupied and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose.

(19) No site clearance, building works, earth works, importation or exportation of spoil shall take place until a Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The traffic management plan shall include a vehicle haulage route, arrangements for loading and unloading, wheel wash facilities, the siting of the storage compound, routing of all services and parking arrangements for construction traffic and site staff. The development shall be carried out in strict accordance with the approved details.

(20) The building envelope of the apartments in the northern part of the site shall be constructed so as to provide sound attenuation in habitable rooms against external noise, to attain a maximum daytime level not more than 35dB Laeq 16 hour; and to provide sound attenuation in bedrooms against external noise, night time level not more than 30dB Laeq 8 hour; 45dB Laeq, MAX in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(21) Details of noise insulation on all residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Insulation shall thereafter be installed in accordance with the approved details prior to the first occupation of each dwelling.

(22) No development shall commence until details of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority and the work shall be carried out strictly in accordance with such details.

(23) No development shall commence until details of the new vehicular access off Kings Drive in the form of a priority junction and right turn lane have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the commencement of development.

(24) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2007 and Addendum dated December 2009; and no development shall commence before a plan indicating overland flood flow routes for excessive events has been submitted to and agreed in writing with the Local Planning Authority. The following mitigation measures shall be carried out as detailed within the documents:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site: including appropriate allowances for climate change.
- Details of the capacity and rate of discharge of the proposed balancing pond.
- Finished floor levels to be set no lower than either 2.9 m above Ordnance Datum (AOD) or 300mm above existing ground levels, whichever is the higher.

(25) No development shall commence until details of the restoration of the Lottbridge Sewer adjacent to the site boundary (Classified Main River) have been submitted to and approved in writing by the Local Planning Authority. No development shall commence until details of the proposed removal of approximately 20 metres of culverted watercourse to be replaced with an open channel (located on the eastern boundary) have been submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority.

(26) No development shall commence until a scheme for provision and management of a buffer zone around rivers, watercourses and ditches on and directly adjacent to the site is submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- plans showing the extent and layout of the buffer zones
- habitat recommended for retention to be fenced during construction works and then incorporated into the landscaping of the site following construction;
- details of maintenance access routes through the site to the buffer zones, with gates and crossing points provided where necessary;
- details of any planting schemes.
- details demonstrating how the buffer zone will be protected, managed and maintained thereafter.

(27) No development shall commence until a bat survey has been carried out in the appropriate survey period, if trees with medium to high potential for bat roosts need to be felled or pruned. The survey shall be carried out by an accredited ecologist. The results, together with details of any works required for mitigation and a timetable for completion, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved timetable.

(28) Prior to the commencement of any works which may affect slow worms and common lizards or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy.

(29) No development shall take place until an Ecological Mitigation Strategy [EMS] has been submitted to and approved by the Local Planning Authority in writing. The EMS shall include:

- A strategy for the mitigation of the effects of the development and for the maintenance of the ecological value of the site;
- Tree planting and trees to be retained;
- Method statements for carrying out the mitigation works;
- A phasing plan to show what preliminary measures are required to be carried out in advance of the implementation of this planning permission;
- A monitoring and management plan to secure the long term implementation of the ecological measures contained in the EMS.

Development shall not commence until the measures required by the EMS have been completed in accordance with the approved scheme. Monitoring and maintenance shall continue to be implemented in accordance with the EMS so long as any of the dwellings hereby permitted continue to be occupied.

(30) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sampling, full and detailed open area excavation, analysis, reporting, public engagement and outreach.

(31) Before the commencement of development details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(32) No development shall commence until a Stage 1 Safety Audit has been completed, submitted and approved in writing by the Local Planning Authority. The development shall be carried out in compliance with recommendations of the audit.

(33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, walls or fences of any kind shall be erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority.

(34) The three storey apartment blocks in the northern part of the site shall be no higher than 9m above finished ground floor levels, unless otherwise agreed in writing by the Local Planning Authority.

(35) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- arrangements for the management of the affordable housing;
- arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposal is considered acceptable for the following reasons:

The minor amendments proposed to the approved site layout are not considered to materially affect the key characteristics and guiding principles of the previously approved scheme. In addition, the proposal complies with the relevant guidance and policies of the National Planning Policy Framework, the adopted Core Strategy Local Plan and the Eastbourne Borough Plan.

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

## Committee Report 21 May 2013

### Item 3

**App.No.:** EB/2013/0026      **Decision Due Date:** 22/03/13      **Ward:** Devonshire  
**Officer:** Chris Cave      **Site visit date:** 05/03/13      **Type:** Change of Use

**Site Notice(s) Expiry date:** 06/03/13

**Neigh. Con Expiry:** 06/03/13

**Weekly list Expiry:** 06/03/13

**Press Notice(s)- :** n/a

**Over 8/13 week reason:** Application is within the target date

**Location:** 92 Seaside

**Proposal:** Change of Use from A2 (Financial and Professional Services) to C3 (Single Private Dwelling)

**Applicant:** Mr and Mrs S McCarthy

**Recommendation:** Approve

#### **Planning Status:**

- Predominantly Residential Areas

#### **Relevant Planning Policies:**

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

H020: Impact on Residential Amenity

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D4: Shopping

D5: Housing

**Site Description:**

Application property, is currently a semi three storey building with an A2 use on ground floor level and the upper floors are currently a self contained maisonette. Externally, the ground floor comprises of a blue painted frontage which is predominantly boarded up and the upper floors are rendered white with a tiled roof.

**Relevant Planning History: N/A****Proposed development:**

Change of Use from A2 (Financial and Professional Services) to C3 (Single Private Dwelling).

Existing Layout

## Ground Floor:

A shared communal space, a shared kitchen area, three stores, a w.c. and an external store.

## First Floor:

Two bedrooms, a living room and a landing

## Second Floor:

Three bedrooms and a landing

## Third Floor:

Two bedrooms a landing and a floor

Proposed Layout

## Ground Floor:

An open plan area, a kitchen area, a larder cupboard, two utility spaces an external store

## Upper Floors:

To remain the same as the existing layout

**Consultations:**

None received

**Neighbour Representations:**

None received

**Appraisal:**Impact on Residential Amenity

It is considered that the impact on residential amenity is acceptable. As there are existing residential flats in the area, above the commercial premises on the retail street, then a complementary residential use is seen to be acceptable.



### Impact on Retail Area

It is considered that the impact on the retail area is acceptable, although the premise is allocated in the Seaside District Shopping Area and its last known use was as a financial business, the ground floor element has been used as an hmo for over four years and therefore its conversion to a single private dwelling is considered acceptable.

**Human Rights Implications:** None

### **Conclusion:**

This application is recommended for approval. The impact on residential amenity is considered to be acceptable as there other residential uses in the locality and therefore a residential use is deemed to be appropriate and the loss of an A2 use is considered acceptable as the ground floor has been a HMO for four years and therefore its conversion to a single private dwelling is considered to be acceptable.

### **Recommendation:**

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Plan References.

### SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It does not adversely impact on residential amenity or the retail area and therefore complies with the relevant policies in the Eastbourne Borough Plan 2011 and the NPPF 2001.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representation.**



## Committee Report 21 May 2013

### Item 4

<b>App.No.:</b> EB/2013/0038	<b>Decision Due Date:</b> 21/05/2013	<b>Ward:</b> Upperton
<b>Officer:</b> Lisa Rawlinson	<b>Site visit date:</b> 04/02/2013	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b> 22/03/2013		
<b>Neigh. Con Expiry:</b> 23/03/2013		
<b>Weekly list Expiry:</b> 20/03/2013		
<b>Press Notice(s)-:</b> 27/03/2013		
<b>Over 8/13 week reason:</b> Major application requiring detailed internal and external consultation and the detailed evaluation of the submitted scheme and associated documentation		
<b>Location:</b> Former NHS Dental Practice Board, Compton Place Road		
<b>Proposal:</b> Change of use of land from office (B1) to mixed use comprising non-residential education (D1) staff residential units (C2) and office (B1) and demolition of existing single-storey prefabricated building and erection of sports hall, three-storey extension and enclosed entrance court with associated landscaping and play and sports space		
<b>Applicant:</b> Gildredge House Free School		
<b>RECOMMENDATION A:</b> Approve subject to the prior conclusion of a S.106 Agreement to secure the proposed off-site highway improvements (zebra crossing), a Travel Plan and associated audit fee, local employment initiatives and associated monitoring fee and subject to conditions		
<b>RECOMMENDATION B:</b> In the event that the S.106 is not signed by 30 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.		

### Executive Summary:

The proposals represent a sustainable form of development as they will bring a currently vacant site back into use and provide new education facilities in the town.

The proposals will have no detrimental impact on the visual amenities of the locality and will ensure long range views of the South Downs are maintained and enhanced.

The proposals are acceptable in terms of their impact on the highway network. The development will have no significant detrimental effects on the amenities of occupiers of surrounding residential properties. For the above reasons, the proposals are acceptable and conform with all relevant planning policies.

**Planning Status:**

- Archaeological Notification Area
- Source Protection Zone 3
- Tree Preservation Order 139
- Adjacent to South Downs National Park

**Relevant Planning Policies:**

The **National Planning Policy Framework** (NPPF) was published in March 2012 and supersedes Planning Policy Guidance Notes and Planning Policy Statements and provides a concise policy document. The NPPF introduces a '*presumption in favour of sustainable development*' although it still requires proposals to be determined in accordance with the development plan.

The **Eastbourne Core Strategy Local Plan** (2013) was adopted by the Council in February 2013 and the following policies are considered relevant to this application:

- Policy B1 Spatial Development Strategy and Distribution
- Policy B2 Creating Sustainable Neighbourhoods
- Policy C10 Summerdown and Saffrons Neighbourhood Policy
- Policy D7 Community, Sport and Health
- Policy E1 Infrastructure Delivery

The following 'saved' policies of the **Eastbourne Borough Plan** are considered to be relevant to this application:

- NE3 Conserving Water Resources
- NE4 Sustainable Drainage Systems
- NE5 Minimisation of Construction Industry Waste
- NE6 Recycling Facilities
- NE14 Source Protection Zone
- NE18 Noise
- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT2 Height of New Buildings
- UHT3 Setting of the AONB
- UHT4 Visual Amenity
- UHT5 Protecting Walls/Landscape Features
- UHT6 Tree Planting
- UHT7 Landscaping
- UHT15 Protection of Conservation Areas
- HO2 Predominantly Residential Areas
- HO9 Conversions and Change of Use
- HO20 Residential Amenity
- BI1 Retention of Class B1, B2 and B8 Sites and Premises

- TR1 Locations for Major Development Proposals
- TR2 Travel Demands
- TR5 Contributions to the Cycle Network
- TR6 Facilities for Cyclists
- TR7 Provision for Pedestrians
- TR8 Contributions to the Pedestrian Network
- TR10 Safer Routes to Schools
- TR11 Car Parking
- TR12 Car Parking for Those with Mobility Problems
- LCF2 Resisting the Loss of Playing Fields
- LCF16 Criteria for New Schools
- US3 Infrastructure Services for Foul and Surface Water Disposal

**Site Description:**

The former Dental Practice Board buildings including playing field and car park is a 4.3 hectare site. Vehicular access to the site is provided from Compton Place Road, which also forms the eastern boundary of the site. Paradise Drive runs along the site's southern boundary, beyond which lies the Royal Eastbourne Golf Club. Eastbourne College's War Memorial playing field and athletics ground, are located on the western boundary and the residential streets of Beechwood Crescent, Park Close and Churchill Close form the site's northern boundary.

Love Lane, a pedestrian path, marks the western boundary of the site from which there is a pedestrian access to the site but this is predominantly for use by the emergency services and is kept closed at all times. Looking further west, there are distant views of the South Downs.

Approximately one third of the site is covered by existing buildings (1.3 hectares) with a playing field and car park occupying the remainder of the site. A protected tree belt extends the full length of the southern boundary.

The site slopes from the northern boundary southwards towards the centre of the site. The existing built form is located in the northern quarter of the site and along the western boundary.

A large car park providing for 200 vehicle spaces fronts Compton Place Road, separated from the public highway by a low stone and brick wall. There are further small car parks interspersed throughout the site. An existing Multi Use Games Area (MUGA) is also provided on site, near to the western boundary. This comprises tennis and netball courts.

The site consists of 8 main buildings interlinked around a large sports field. The buildings range in age from 1877 through to the 1980's. None of the existing buildings are Listed or locally Listed.

### **Relevant Planning History:**

The buildings on site have been subject to extensions and alterations over time.

The site was acquired in 1877 for the construction of New College boys' school and the Main Building was erected shortly after. Following this, in 1891, the Master's House and the Sanatorium were constructed.

The site was taken over by Temple Grove Preparatory School in 1907. The School remained on the site until 1935 when it moved to Heron's Ghyll near Uckfield. The site was then empty until September 1939 when the buildings were taken over by the National Amalgamated Approved Society (NAAS). This organisation administered national insurance payments and remained until the Dental Estimates Board (DEB) was set up in July 1948.

The playing field was reopened in 1957, after being turned over to agriculture during the war. A cricket pavilion was subsequently built during the 1970's. The single-storey prefabricated Block G was added in the 1970's and offered essential storage space.

To accommodate increasing staff numbers, a major extension was added in 1952 (Block D) and further accommodation was then built in the 1960's (Block F).

The site has been in established B1 office use since 1939. There have been numerous minor applications over the years including installation of ventilation and ducting plant on some of the flat roof buildings and replacement of ageing timber windows with UPVC units.

In 1986, planning permission was granted for the erection of a three storey extension to existing offices (Block H) (EB/1986/0079)). The most recent application was approved in 2001 and was for the erection of a first floor bridge link to provide access to a new reception area (EB/2001/0327).

### **Proposed development:**

Full planning permission is sought for the proposed change of use of the former NHS Dental Practice Board site for use as a Free School together with the conversion of the Masters House into residential and office use. The development will include the demolition of an existing single-storey prefabricated building and erection of a new sports hall, three-storey extension to an existing building, a new glazed entrance and conversion of existing buildings. Associated landscaping and outdoor play space including the provision of a Multi Use Games Area is also proposed.

In February 2012 the (now titled) Gildredge House Free School governing body submitted an application to the Department for Education for a new Free School in the East Sussex area for 2013.

Gildredge House Free School is proposed to be an all-through school providing pre-school, primary, secondary and 'post-16' education for 1,232 pupils aged 4-19 and of all abilities and backgrounds. It is envisaged that the school would be formed of three groups:

- The Lower School for those aged between four and eight (Reception to Year 3)
- The Middle School for those aged between eight and thirteen (Year 4 to Year 8) and
- The Upper School for those aged between thirteen and sixteen (Year 9 to Year 11) plus sixth form students in Years 12 and 13 (aged seventeen to nineteen).

Approximately 128 staff will be employed (approximately 106 full-time), consisting of 84No. teaching staff and 44No. non-teaching staff.

It will be a non-residential school with core opening hours between 8.30am and 3.00pm for the lower school, whilst the middle and upper school will remain open until 4.00pm, with extra-curricular sessions continuing on until 5.00pm. This offers parents the opportunity to collect their children within their normal working day. As a result there will be a gradual departure of pupils and staff from the site, rather than one peak departure time as is the case with many schools. School gates will open for pupils at approximately 8.00am so children can arrive for morning groups, which will again create a more gradual arrival pattern. In addition, it is proposed that the school facilities will be available for use by the community outside normal school hours.

The proposed redevelopment of the site retains the majority of the existing buildings with the focus on refurbishment. The Masters House (Block A) will provide office and residential accommodation linked to the school use.

As referred to above, the proposed scheme includes some essential new build, notably a new entrance space, a three-storey extension and a new sports hall for indoor activities. Due to the requirements of a school with both primary and secondary levels, a suitable sports hall could not be accommodated in the existing buildings. The proposed sports hall and extension are to be sited on the western part of the site, so that the sports pitches can be retained along with views to and from the South Downs and it is the part of the site that is furthest away from any residential properties.

In addition, it is proposed that the single storey prefabricated building (Block G) which is both unsightly and unsuitable for modern school use should be demolished along with the pavilion on the playing field.

Vehicular access to the site will remain as existing from Compton Place Road which leads into the existing car park at the front of the site which is also to remain as existing.

The existing sports pitches will be retained for playing field and sports use. An unused section of this 'green space' will be lost to make way for a new MUGA behind which will be the space vacated by the demolished Block G and the removed existing hard play area. It is proposed to accommodate this area with a new Lower School hard play space, Lower School outdoor learning space and play garden and to provide an access route to the new sports hall and changing room facilities.

The new sports hall will be positioned lengthways from east to west running adjacent to the tree belt along the southern boundary of the site.

A three-storey extension is proposed to Block F along its southern elevation.

Enclosed courtyard spaces created by the built form of the existing Block D, which are currently used for landscaped socialising space and car parks, will be utilised for 'Curriculum Spaces'. These will be used for supervised external classes during warm periods of the year and there will be no more than 30 pupils with a teacher at any time. There will be no unsupervised use of these spaces and they will not double as social/gathering space for pupils outside of class times or school hours.

An external dining area is also proposed for warm periods of the year. Again this space will be restricted in terms of pupil numbers and supervised by staff at all times.

Block J will remain as it is but the unused and dated bike sheds to the west of this Block will be removed. This space will be left open but will not be used for any outdoor activity as it is adjacent to the locked and gated emergency access to the site from Love Lane and will be left vacant for use in the event that emergency vehicles require access.

There are no alterations proposed to the external elevations of any of the building to be retained apart from the south end of Block F as this is where the proposed three storey extension is proposed.

New external lighting will be kept to a minimum across the whole site, and focused at the new entrance and entrance plaza. This will be low-level, low voltage lighting above doors and pedestrian routes to improve the legibility of the spaces during the evening. There is not proposed to be any floodlighting on any part of the application site.

### **Sports Hall**

The sports hall will be rectangular in shape with a shallow pitched roof. The building will measure approximately 55 metres in length by 22 metres in width and will extend to 10 metres in height at its highest point. The external walls will include a brick plinth up to a height of approximately 3 metres with coloured render above this.

The front (east facing) elevation will be punctuated by a single-storey foyer/pavilion element that will have a flat roof and glazed facade.



The building will comprise four courts providing space for numerous sports including tennis, basketball, volleyball, netball, badminton, 5-a-side football and indoor cricket.

The new building is also proposed to comprise storage space, new changing facilities, toilets, a foyer and a pavilion (to replace the existing dated pavilion that is proposed to be demolished).

### **Three Storey Extension to Block F**

The proposed three storey extension to Block F will accommodate a Main Hall and Reception Classes 1 and 2 at ground floor. At first floor there will be rooms for Classes 1 and 2 of Year 1 and 2No. art classrooms. At second floor level there will be 4No. rooms for Classes 1 and 2 of both Years 2 and 3.

The extension will provide approximately 300sqm of internal floor area on each floor.

The building will measure 31 metres in length by 10 metres in width and will extend to a maximum height of 13 metres.

The design of the proposed extension has regard to the scale, form and proportions of the existing adjacent 19<sup>th</sup> Century buildings but at the same time has a contemporary appearance. The existing flat roof design will be retained.

New large openings will be punctured into the existing building fabric and repeated on the extension to create large windows into internal spaces. This will allow for high levels of natural light into the recesses of the rooms.

### **New Entrance Court**

The new entrance will be created by covering and enclosing an existing external courtyard space that is used for storage and provides access to the surrounding buildings. It is currently an unattractive space that detracts from this part of the site. It is proposed to create a light, covered, double height space that welcomes pupils, staff and visitors into the school buildings.

As well as serving as an entrance and reception, it will also provide a large social space and performance area. Steps will lead from the main floor up to the dining hall at first floor level in Block F which will double up as a seating area when performances take place.

The existing courtyard covers an area of approximately 370sqm on an L-shaped footprint. This area will be covered to provide the new entrance.

The structure will be of a similar height to the surrounding buildings (13metres) and the roof will be supported by the existing adjacent buildings and will therefore sit slightly higher than the adjacent roofs. However, the height of the frontage of the structure will mirror that of the buildings either side.

The front elevation of the new entrance will be glazed in order to provide maximum natural light to the entrance and the internal parts of Blocks B and F beyond.

### **Masters House**

It is proposed to use the Masters House, or Block A as it is otherwise known, for a mix of residential and office accommodation. There will be no alterations to the external appearance of the building.

It is proposed that the residential units will be for occupation by school staff strictly during their term of employment only. The office units are intended to serve as starter units for new business enterprises, with preferential terms for those started by graduates of the school or linked with the school's extra-curricular initiatives.

The Masters House will provide approximately 1,224sqm gross floorspace, split between the two uses. Residential accommodation will provide 4No. flats and 4No. bedsit units at the second and third floors. Office accommodation will occupy the ground and first floors and provide 5No. units of varying sizes with associated storage and meeting facilities.

### **Sports Pitches/MUGAs**

The existing playing field, which covers an area of approximately 1.4ha, will be retained (with the exception of the unused area that is to be occupied by the new MUGA). This provides space for both summer and winter sports as follows:

#### **Summer**

- Cricket – the existing cricket provision is undersized. The location is to be repositioned to suit MUGA but will include all-weather crease and grass creases outside of football pitch parameters.  
6 Pitch Square 19.2 metres by 18.3 metres (to Sport England requirements).
- Multi Use Games Areas – 3No. Tennis 23.77 metres by 10.97 metres with 5.49 metres end run off and 3.66 metres side run off to Sport England requirements.  
3No. Netball 30.5 metres by 15.25 metres with 2 metre run off (end and side).

#### **Winter**

- Football – 90 metres by 45.5 metres minimum (U17-U18/Senior) with 3 metre run off (end and side) to Sport England requirements.
- Multi Use Games Areas – 3No. Tennis 23.77 metres by 10.97 metres with 5.49 metre end run off and 3.66 metre side run off to Sport England requirements.  
3No. Netball 30.5 metres x 15.25 metres with 2 metre run off (end and side).

## **Parking and Access**

The existing route into the car park fronting Compton Place Road will remain, however, the layout of the car park will be subject to minor amendments. A total of 207No. parking spaces, (including 7No. spaces for disabled drivers and 7No. spaces for motorcycles), will be provided whilst also creating space for the proposed pupil drop-off and collection point and associated footpath adjacent to the playing field.

The row of 50.No parking bays along the western side of the car park will be managed as dual-purpose and provide space for the drop-off area; it will only be used for parking during hours outside of the start and end of the school day. The drop-off area will be for the use of parents and buses. A looped in-out system will ease traffic through the car park and allow access and egress at the same time. The access off Compton Place Road is wide enough for two vehicles side by side.

Larger vehicles such as delivery vans, school minibuses, refuse and emergency vehicles will be directed to the existing access drive that leads to the entrance plaza. This route currently caters for such vehicles. The existing in-out system provided by the two parallel driveways will remain but will be shortened to account for the introduction of the entrance plaza. Parking for the school minibuses can be accommodated adjacent to this location. There will also be an element of disabled parking bays in this space, amounting to 7No. bays and the covered bicycle parking shelter here will cater for 120No. cycles. This includes 4No. spaces for use by the office units in the Masters House. The level of provision will be subject to review through the School's Travel Plan and may be increased in line with demand should that be necessary in the future.

Parking for visitors to the sports hall out of school hours (community use) could also be catered for in this location. This would avoid the need to walk from the main car park across the site to the sports hall when there is little natural surveillance and security in the evenings and at night.

As confirmed previously, the existing car parks within the courtyards at the centre of the site are to be replaced by landscaped curriculum spaces. This is with the exception of the access and a small turning head between Blocks A and B, which will be retained for emergency and refuse vehicles. The loss of these parking areas will result in the net loss of 50No. spaces overall on site.

Independent informal parking provision for the residential and office uses at the Masters House will be retained in the existing car park to the front of the building. In combination with spaces in the main car park, it is considered this will provide sufficient spaces for the number of units and uses proposed.

As part of the application, it is proposed that a zebra crossing should be provided across Compton Place Road. This will be sited adjacent to the road that leads from Compton Place Road to Gildredge Park to provide a safe crossing point for those walking through the park, which it is anticipated will be the main walking route from the east.

This position takes account of the desire line along that route and is therefore likely to be the most popular route for pedestrians. The precise location and detailing of this will be agreed with East Sussex County Council as Highway Authority. Routes from the north and west are unlikely to cross Compton Place Road at this wide section.

In response to comments received at the Public Consultation event, there are also proposed to be new signs on the site at the exit of the car park to encourage drivers to turn right onto Compton Place Road. The intention here is to reduce the likelihood of drivers turning left and using Borough Lane and the narrow carriageway there. A proposal to provide a reduced left kerb radii on the exit may also serve to discourage vehicles from turning left.

Pedestrian access will be from the existing pedestrian access off Compton Place Road. This will be the only point of entry and exit from the site. Access from the north, south and west, specifically from Love Lane, will be prohibited and no new accesses will be created.

### **Phasing of Development and Intake of Pupils**

If planning permission is granted for the proposed development, it is hoped that the school will be able to be opened in September of this year. To enable this start date it is proposed to develop the school in phases, increasing the pupil roll year on year.

The initial pupil intake proposed for September 2013 would be 56 Reception Year pupils (age 4+) plus 120 Year 7 pupils (age 11+). The remaining 1,056 pupils would be introduced over each successive year in increments, with a total capacity of 1,232 achieved in September 2019.

The total of 1,232 pupils will be accounted for as follows:

- Reception Year to Year 6 (primary education) – 392
- Year 7 to Year 11 (secondary education) – 600
- Year 12 and Year 13 (sixth form secondary education) – 240

An initial 'Phase 1' redevelopment programme is necessary to accommodate the first 176 pupils in September 2013. If planning permission is granted, it is intended that the associated redevelopment work will commence in June and July and will focus on half of Block D and all of Blocks H and J (the Sanatorium). This work involves the refurbishment of those sections of the existing buildings and the associated external areas during a two to three month programme of work to prepare teaching and ancillary space for the first intake and for teachers and staff.

Once this first phase is completed, the redevelopment will continue through the remaining sections of the site (Phase 2) until completion of the demolition/construction programme and the buildings and grounds are finished. This is estimated to be in the latter half of 2014.

## **Environmental Impact Assessment Screening Opinion**

An **Environmental Impact Assessment Screening Opinion** request was submitted prior to the submission of the application. From the information provided, the Council confirmed that the proposed development did not need to be accompanied by an Environmental Statement as outlined by the Town and Country (EIA) (England and Wales) Regulations 2011.

As part of the planning application and in order to fully assess the proposed development, the following documents have been submitted:

- Planning, Design & Access Statement
- Arboricultural Development Report
- Public Consultation Report
- Access Statement
- Archaeological Desk-Based Assessment
- BREEAM Pre-assessment
- Drainage Strategy
- Ecological Appraisal
- Landscape Strategy
- Landscape & Visual Appraisal
- Flood Risk Assessment
- Noise Impact Assessment
- Acoustic Strategy Report
- Soiltechnics Preliminary Investigation Report
- Draft Travel Plan
- Transport Assessment
- Waste Minimisation Statement
- General Statement of Demolition and Construction Methodology
- Sustainability Statement
- External Lighting Design Strategy and Management Plan

### **Planning, Design & Access Statement**

This statement provides details of the application and confirms that permission is sought for the redevelopment of a brownfield site, currently redundant in nature, for a mixed use scheme including a new Free School, residential units and office space, and the erection of a new sports hall, extension and entrance court.

The statement considers relevant national and local planning policy and guidance and confirms that early consultation was carried out with both the Borough and County Councils to consider key issues relevant to both planning and highways concerns. A public consultation event was also carried out, which sought the views of the community, as well as key stakeholders including local Ward Councillors, community groups and the local press. This event was met with almost unanimous support for the proposed scheme and the application as submitted has had regard to any concerns of planning merit where possible.

The statement confirms that the proposed development responds to the immediate and surrounding context and considers potential impacts upon protected local countryside.

The new school will respond to a current and anticipated shortfall in school places in Eastbourne at both primary and secondary level.

The site is within a sustainable location and the proposed use constitutes a sustainable form of development.

The statement confirms that increased community access to the site will benefit the local neighbourhood and traffic and parking concerns have been addressed.

Given the above, the applicant considers that the proposal meets the requirements of principal planning policies and as such requests that planning permission is granted.

### **Arboricultural Development Report**

This report confirms that the layout retains all trees subject to the existing Tree Preservation Order and respects the principal arboricultural features. These include the mature trees located at the entrance and access drive, the Beech located to the north west of the site and the woodland to the south of the site.

Whilst some tree loss will occur, the trees accrue limited visual amenity within the local or wider landscape. Adequate provision for soft landscaping including tree planting is proposed as mitigation. Replacement planting will maintain and enhance the future tree cover within the central site.

Whilst the impact of development on retained trees is minimal through the design layout, it is considered that existing trees shown for retention can be adequately protected throughout the development process and that protection and precautionary measures can be secured by condition.

### **Public Consultation Report**

This report provided details of the public consultation event that took place on 4<sup>th</sup> February 2013 (prior to the submission of the application).

Presentation boards displaying the proposals for the site were supplemented with a feedback form and 27 of these were completed.

The event was well attended by invited guests as well as local residents and the general consensus was positive and this was reflected in the completed forms.

Of the 27 completed feedback forms, 10 'fully supported' the proposals shown, 16 'generally supported' the proposals and 1 did 'not support' the proposals.

The response form that did 'not support' the proposed development raised concerns that a new school in Eastbourne would impact upon other schools in the area as it was submitted that many of the current schools are operating above capacity and many pupils are being taught in sub-standard facilities such as mobile classrooms.

The report acknowledges that this assertion is supported by investigations by both Eastbourne Borough Council and East Sussex County Council that identify a shortfall in primary education pupil spaces in the Eastbourne area.

This shortfall will pass on to secondary education and the deficiency will continue to increase as a result of a birth-rate increase over recent years.

The report therefore confirms that the proposed school can assist in responding to this deficiency and provide essential capacity in a modern, quality teaching environment.

### **Access Statement**

This report confirms that the Equality Act 2010 replaced a number of pieces of legislation, including the Disability Discrimination Act but not the Special Educational and Disability Needs Act 2001.

The *public sector duty* requires public authorities and those who act on their behalf; this includes maintained schools, academies, as well as pupil referral units to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

The applicant has confirmed that they are acutely aware of the importance of providing the most inclusive environments for all, including pupils with disabilities and those with special educational needs, also visitors, staff and third party users of the Academy. The report confirms that inclusive design needs to consider all disabilities and the design therefore caters for visually impaired people, those with poor manual dexterity, cognitive disabilities, as well as physical disabilities. Good practice design guidelines have been followed at all times.

The report acknowledges that there is always a balance to be struck with the pupil demographics, best practice guidance, the brief, affordability and site conditions. To enable the design to develop in an inclusive manner, a number of documents were used to design and monitor the accessibility of the scheme.

Regarding access to the site and buildings, the report confirms that adaptations are being undertaken to the existing buildings and new works to provide optimum access into the school. A new main entrance is being formed with a raised external plaza to provide level access.

The route to the new sports hall is provided with a level route using slopes with resting landings at appropriate intervals. Access to and between buildings has been considered to ensure accessible routes to all relevant functions.

Level access to the courtyards, from the existing buildings will be provided. The location of the new level access points will be positioned ensuring the most appropriate location for both day-to-day use and evacuation from ground floor. Works will also be completed to existing steps to ensure safety in use and accessibility.

There is limited space on the site for accessible parking adjacent to the Sports Hall, seven accessible bays have been provided adjacent to the school but positioned to reduce the travel distance to the Sports Hall.

All other parking is located to the south eastern corner of the site, this is some considerable distance and there is a change in level. A drop off point will be provided adjacent to the plaza and during events, the school will manage any increased demand for accessible parking and drop off.

Lighting will be provided from the accessible bays to the main School and Sports Hall entrances.

All the bays have level access directly to pedestrian areas and will be provided with the requisite blister paving.

Where works are being completed to highways, tactile surfaces to recognised national standards will be installed.

All cyclists will dismount on entry to the site and the parking is located close to the main entrance of the school.

All signage within the site will adhere to the Sign Design Guide.

All relevant internal arrangements have been considered to ensure the correct level of inclusion, including;

- Entrances
- Vertical circulation
- Sanitary provision
- Evacuation and means of escape

In summary, the report confirms that an holistic approach has been taken to the design of the grounds and the buildings to ensure the optimum solutions for movement around and within the campus are achieved. The design has sought to reduce 'travel time' for pupils with reduced mobility ensuring that they can fully engage with their friends whilst being able to reach class in an appropriate time. The aim is to create a school environment that provides integrated facilities that benefits all pupils and breaks down the perceived divide between special needs and mainstream educational requirements.

### **Archaeological Desk-Based Assessment**

This assessment established that there is archaeological interest within the Site. This is defined as the potential for the presence of buried archaeological remains, in particular relating to the presence of Bronze Age burials found within the Site boundary during excavations in 1969. Evidence relating to the Neolithic, Bronze Age and Iron Age are all well represented within the Study Area. Similarly Romano-British and Anglo-Saxon burial and settlement evidence were also identified. The medieval period is also well represented due to a medieval hamlet located to the immediate north of the Site.



The previous development of the Site with the construction of the New College Boys School in the late 19<sup>th</sup> century is likely to have damaged or removed archaeological features within the footprint of the buildings. Whilst the playing fields remain undeveloped there appears to have been some terracing within this area.

Given the fairly rich archaeological resource recorded within the Study Area and the existence of archaeological remains within the Site boundary, the Study identified that the site has the potential to contain buried archaeological remains. However, the presence, location and significance of any buried heritage assets within the site cannot currently be confirmed on the basis of the available information. As such it is likely that additional archaeological investigations may be required by the archaeologist for East Sussex Council, in particular in areas of the proposed new building's footprint which have not been subject to previous development.

Finally, the Assessment concluded that there are no overriding heritage issues which might prove a barrier to development.

### **BREEAM Pre-assessment**

This assessment was undertaken to establish the likely achievable score for the development of a sports hall for the Free School. A BREEAM rating of 'Very Good' is required for the development. A likely score of 55.84% has been determined, which is just above the 55% threshold for BREEAM Very Good.

The development will reduce carbon dioxide emissions through the use of renewable energy technologies. The scheme will also improve the environmental performance of existing buildings and maximise the use of sustainable construction technologies.

### **Drainage Strategy**

The Drainage Strategy confirms that in terms of surface water drainage, the hardstanding area produced by the new school is not greater than the existing. Areas that cover existing green spaces will be drained using sustainable drainage techniques such as porous paving to reduce the amount of surface water runoff.

New surface water run off produced by the sports hall, MUGA, school play areas and the proposed extension will not be discharged into the existing sewer but will be disposed of within the chalk sub soil using soakaways and gravel trenches.

Existing surface water drainage to the existing car park discharges into the sewer system via a petrol interceptor. There will be no alteration to this area.

Regarding foul water, the existing site was used as an office and storage facility and has a number of existing toilet and washing facilities. There will be a slight increase in flow rate based upon the number of new toilet and sink provisions for the new school. However, the existing sewer connection pipe is 225mm diameter and has sufficient capacity to support the proposed increase.

## **Ecological Appraisal**

The Ecological Appraisal concludes that there is unlikely to be any significant ecological effects associated with the development. However, it is acknowledged that there is potential for the presence of bats, nesting birds and badgers within the site and appropriate mitigation, avoidance and/or compensation measures should be incorporated into the development to compensate for any potential effects. The existing tree belt that runs along the southern boundary will remain unaffected by the proposal.

The site is separated from Eastbourne's stretch of the south coast shoreline and Pevensey Levels, identified as local areas of high ecological importance, by land and buildings. In light of the distance to/separation from the application site, together with the scale and nature of the proposed development, it is considered that these identified ecological sites would be unaffected by the proposal.

Having regard to the above, the Ecological Appraisal therefore recommends that, the following should be taken into account:

- The potential for the presence of bats within the building proposed for demolition
- The presence of badgers within the site
- The potential for the presence of nesting birds within the building proposed for demolition and the woodland immediately surrounding this.

It is therefore recommended that the following additional survey work is undertaken:

### **Bats**

- Two evening bat activity surveys and two dawn surveys at an appropriate time of the year (May- August). One dawn survey should immediately follow an evening activity survey.
- If the survey confirms the presence of a bat roost within any of the trees impacted, it may be necessary to obtain a European Protected Species Mitigation licence prior to the start of works.

In order to prevent disturbance to foraging and commuting bats, particularly associated with the woodland, it is recommended that:

- Post-development security and amenity lighting is kept to a minimum, with illumination over ground floor levels only. Lighting fixtures should not leak upwards or illuminate the foliage of boundary trees, particularly along the woodland edge.
- If plans alter to include the removal of any mature trees, they should first be inspected by a licenced ecologist for their potential for roosting bats. Depending upon the results of the inspection, further survey work may be required prior to the removal.

### **Badgers (and hedgehogs)**

In order to prevent harm to badgers (and hedgehogs) that will forage within the site and to avoid damage or disturbance to the sett, the following recommendations are given:

- Development works within the site should not encroach into the woodland. Heras fencing, or similar, may prevent any accidental damage during works.
- Demolition and development works are not to be undertaken within 30m of the area outlined as the active badger sett.
- Heavy machinery is kept to a minimum.
- Holes and excavations covered each night to prevent badgers (and hedgehogs) from falling in and becoming trapped and/or injured.
- The development site should be checked first thing each morning prior to the start of works that day.

In addition:

The site should be kept tidy: materials should be stored neatly and safely so as not to pose risk of injury badgers (and hedgehogs) and litter should be removed from site so as not to encourage these animals into the area of development works.

- If hedgehogs are found within the site they should be carefully moved to an area of the woodland that provides immediate cover.

### **Nesting Birds**

On the basis of the survey it is likely that birds will nest within and on the roof of the building due for demolition. In order to avoid disturbance to nesting birds it is recommended that:

Initial demolition works to the building are timed to avoid the bird nesting season (late March – early August).

- If this is not possible, the building and immediate surroundings should be checked for the presence of nesting birds by a suitably experienced ecologist prior to the start of works.
- If nesting/nest-building birds are discovered then no works should commence/continue within the vicinity that are likely to disturb the nest until the young have fully fledged.

### **Landscape Strategy**

The Landscape Strategy confirms that the landscape design will provide the following:

- a balanced range of well designed outdoor learning environments
- a safe and secure environment for all those that will use the school and its grounds
- conservation of the ecology of the site
- creation of a clear arrival sequence for the entrance to the school and
- defined clear routes for deliveries and services.

The Strategy also provides details of the palette of materials to be used in both the hard and soft landscaping of the site along with the proposed boundary and fencing treatments.

## **Landscape & Visual Appraisal**

This appraisal considers the likely physical and visual impacts arising as a result of the development. The appraisal includes details of landscape policy and describes the existing topography, drainage, land cover, vegetation, landscape features, landscape character and visual receptors of the local area.

The impact assessment is defined by the Zone of Visual Influence (ZVI) and broadly extends to 3km.

The Appraisal confirms that the proposed development has been laid out and designed to consider the physical constraints of the sloping topography towards the north of the site, the existing woodland to the south and individual trees within the site. The proposals include buffers along the northern boundary which will visually enclose views of the development from the receptors identified.

The Landscape constraints are confirmed as being:

- Existing trees and associated root protection areas
- Existing woodland situated along the southern boundary
- Adjacency to neighbouring dwellings
- Open and partial views inwards from adjacent housing
- Adjacency to inter visibility with Public Right of Way Bridleway
- Steeply sloping topography toward the north and south of the site

The recommended mitigation measures are confirmed as being:

- Retention and pro-active management of existing boundary vegetation
- Infilling of boundary vegetation
- Built form limited to single storey for the new sports hall and three storeys for the proposed extension to existing buildings
- Outdoor learning area opportunities
- Retention and enhancement of long distance views towards the South Downs.

## **Flood Risk Assessment**

This report has demonstrated that the site in question is at minimal risk of flooding from any source and is within Flood Zone 1. Therefore, the development passes the Sequential Test and can be developed from a flood risk perspective in accordance with the NPPF.

## **Noise Impact Assessment**

This Assessment acknowledges that construction activities can give rise to a degree of nuisance but this will be temporary and best practice methods of construction can be secured via a planning condition requiring a Construction Management Programme.

In addition, it is acknowledged that the scheme will result in a degree of noise generated by pupils, and careful consideration has been given to the siting of the proposed external learning spaces and recreational areas.

The Noise Impact Assessment confirms that external noise across the site has been recorded and at all locations, the site is suitable for educational use.

### **Acoustic Strategy Report**

This report confirms that sport pitches are present on the site and in apparent use despite the disuse of the buildings on the site and that the area is long associated with sport activity. As such the assessment of the grassed football and cricket pitches is not considered necessary as the use of these areas is not a new introduction in the area.

The assessment report considers the need to limit noise from mechanical plant to surrounding residential dwellings on Beechwood Crescent, those backing onto Love Lane and those on Compton Place Road. Operation of new items of mechanical plant is expected to require the selection of low noise equipment and installation of attenuation measures to comply with rating noise levels determined from lowest recorded background noise levels for day, evening and night operation. The existing boiler plant is to be retained.

Noise associated with proposed daytime (school hours) use of the MUGA is expected to result in noise levels in line with those currently experienced due to road traffic activity. This assessment considers a worst possible case and the use of a substantially larger multi-use sport pitch than that proposed for this scheme.

Existing and new accommodation is expected to have internal ambient noise levels comfortably within acceptable limits.

### **Soiltechnics Preliminary Investigation Report**

This report provides an evaluation of the potential for chemical and gaseous contamination on the site leading to the production of a risk assessment in relation to such contamination. The report also provides a preliminary engineering assessment with an indication of any likely construction abnormalities based solely on desk study information and site reconnaissance.

The report provides details of the geology and proposed foundation design.

### **Chemical and gaseous contamination**

No sources of contamination have been identified, however, given the constant development of the buildings on site, it is considered likely that a covering of Made Ground is present. Intrusive investigations will determine the presence, formation and extent of these soils.

Based on desk study information, no radon protection measures are necessary for the proposed extension. Again based on desk study information and site observations, it is not considered that the site is at a significant risk of being affected by landfill type gases.

### **Landfill classification**

The Made Ground is to be disposed of to landfill due to the limited space for retaining surplus material on-site, laboratory testing and interpretative reporting will be required to allow classification in accordance with current Environment Agency waste acceptance criteria and procedures. This will follow upon receipt of laboratory testing after intrusive investigations.

### **Draft Travel Plan**

The Draft Travel Plan has been produced to demonstrate commitment from the school to promote sustainable travel. The Travel Plan aims to minimise the impacts of the development on the surrounding environment, particularly in regards to vehicle trips and congestion. Objectives include the increased use of public transport, walking and cycling for both pupils and staff.

A Draft Plan has been produced as there are currently no pupils or staff at the school to provide a base mode share. Following initial operation of the school, a travel survey will need to be undertaken by pupils and staff. Considering the draft status of the Plan a measures based approach has been taken including an Action Plan for on-going progression towards sustainable travel.

As an on-going strategy to encourage sustainable travel, the Travel Plan will be monitored regularly via surveys and targets and will be reassessed periodically as appropriate. The management and promotion of the Travel Plan are key to its success, along with full commitment from those involved.

### **Transport Assessment**

The Transport Assessment (TA) confirms that the site is served reasonably well by non-car travel modes, including bus services which stop on the A259 to the north of the site within a 400 metre walking distance, and rail services which can be accessed on foot at a walking distance of approximately 1.1km. Local pedestrian routes through Gildredge Park also provide a safe short cut to the town centre. The proposals have therefore been found to accord with Government and local transport planning policy objectives, in particular those relating to the need to reduce car travel. A Draft School Travel Plan which has been produced in conjunction with this TA will be implemented to ensure future commitment to encourage sustainable travel.

There are proposals to change the vehicle access to the site as part of the development to discourage vehicles from turning left out of the site towards Borough Lane, which narrows near to the A259 junction. Given that the existing main access with Compton Place Road has no history of accidents which could be attributed to the highway layout there is no concern over the continued use of the site access. A zebra crossing is to be proposed on Compton Place Road just south of the school access, providing a direct link between the school and Gildredge Park and onwards to the town centre.

A total of approximately 207 car parking spaces could be provided on-site for use by the school, residential and office units, which would cater for the expected demand. A total of 120 cycle parking spaces are proposed for use by the school, with space allocated for additional spaces to be provided in the future if required, linked to the Travel Plan. The office units would be provided with 4 cycle parking spaces and cycle spaces provided for the residential units.

A road safety analysis has been undertaken that confirms there are no patterns of accidents that could be exacerbated by the proposals or present unacceptable risks to users of the proposals.

A vehicle trip attraction assessment has been undertaken using data collected from a range of sources to ensure a robust approach. Also assumed is a departure profile where all age groups depart at the end of the day broadly at the same time between 3:00pm and 4:00pm, as opposed to the split departure regime proposed.

Since at the present time the site is currently unoccupied, the existing vehicle trip attraction assumed the lawful use for B1 office development. These trip rates were set against the vehicle trip attraction for the proposed development assuming the school at full capacity in 2019, resulting in a residual increase by 284 two-way vehicle trips in the AM peak hour, 239 two-way vehicle trips in the inter-PM peak hour and a reduction by 113 two-way vehicle trips in the PM peak hour.

Following this, a multi-modal trip attraction was calculated for the proposed development. A mode split for the pupils was derived using data supplied in the Travel Plans for existing schools in similar locations, separated by primary and secondary education. This was assessed against the Gildredge House expressions of interest and Census population by ward data. The mode split for staff related to the school and proposed office units were considered using Census journey to work data.

Vehicle trip assignment and distribution analysis was undertaken using the Census data representing the proportion of the population in each of the electoral wards in Eastbourne. The likely route taken to each area was used to assign the vehicle trips through each of the junctions to be assessed. Consideration was given to vehicle trips already on the system travelling to the existing schools that may reroute to the new school.

The results of this assessment showed that in general the development would not be likely to have a significant impact on the local traffic network. The calculations identify the greatest impact to be a 7% increase in traffic movements at the A259/Summerdown Road junction during the AM and inter-PM peak hours for the 2019 with development scenario. As noted previously, the existing traffic flows recorded by the survey indicated that current levels are considered to be low for this type of road, and therefore the percentage increase would amount to a marginal level of additional traffic movement.

Junction capacity assessments were carried out for key local junctions identified at the TA scoping stage, assuming a future year of 2019 when the Free School is anticipated to be fully occupied and offset against the existing site office use trips. This concludes that the local traffic network is forecast to operate within capacity and with minimal impact from the development traffic. In terms of the NPPF the development is found not to result in severe transport impacts.

Other development impacts from non-car travel modes were assessed, which show that the proposed level of trip attraction would have no significant impact. A parking accumulation shows the demand for parking would be well within the level of parking proposed at the site and therefore it is considered that overspill parking will not be an issue.

The Transport Assessment therefore concluded that the proposals should not result in significant detrimental impacts in transport terms and therefore there should be no sound transport based objections to the proposals.

### **Waste Minimisation Statement**

The statement confirms that with this project much of the existing fabric of the building is being retained. This therefore minimises demolition and strip out where ever possible to reduce the production of waste.

Despite this there are aspects of demolition and fixture removal that must take place in order to provide suitable teaching space and to legally carry out the change of use from office to teaching space.

On site waste will be minimised through an organised building process, minimising over ordering, damage and such like.

Where waste is produced it will be segregated wherever possible to provide clean waste streams from timber, metal, inert, plasterboard etc. By doing the waste recycle rates are maximised and the waste directed to landfill is minimised. This principle will be applied to both the demolition and construction process.

### **General Statement of Demolition and Construction Methodology**

The statement confirms that the contractor is a multi disciplined company with a long standing reputation for construction excellence and providing safe environments for the construction process. They have a rigorously vetted supply chain to ensure their sub contractors adhere to their principles with regards to quality and safe building practices.

All of the sub contractors will be specialists in their field with an experienced workforce. Plant may only be driven by a qualified person.

The site will be suitably arranged to provide a secure building environment with hoarding/fencing to its full perimeter. Entrance to the site will be via manned gates or for pedestrians via a controlled turnstile.

Site offices will be provided for the staff. Toilets, canteen facilities and facilities will be provided to dry clothes and store valuables.

All operations will be covered by specific method statements and risk assessments produced by each sub contractor for their area of work.



## **Demolition**

The demolition on the project is not extensive and involves the removal of a single storey, semi permanent building, a single storey extension and interior non load bearing walls in various locations.

A refurbishment and demolition survey has been progressed on all areas of the site to establish the location, type and condition of any asbestos. All asbestos will be removed throughout the project prior to any works taking place. Services to buildings being demolished will be isolated and disconnected clear of the building footprint to allow the safe demolition and removal of foundations to take place.

The buildings will be soft stripped to remove as much as possible to maximise the segregation of waste and as such the percentage of waste diverted from landfill. Once complete the building will be demolished in an organised manner by mechanical means. Demolition areas will be segregated from the rest of site to ensure no unauthorised access and buildings will be inspected at the start of each shift to ensure no-one has gained access over night.

Noise levels will be monitored regularly to ensure they remain within acceptable levels and dust will be suppressed through the demolition phase with the use of hoses, free standing and connected to the demolition plant.

## **Construction**

Much of the remodelling and refurbishment element of this project can be classed as low risk. Key tasks will be rewiring, new ventilation systems, new security systems, new dry lined partitions and associated joinery. With the majority of works on the site to the north and east being internal there will be minimal noise and dust disruption to the adjoining properties, although the boundaries of site will be monitored.

The project will involve a number of lifting operations for plant on the roof, erection of steel frames for the sports hall, extension and atrium and cladding operations. In most instances this will be carried out via a mobile crane.

Roofing works will only be carried out in safe environments where roofs are fully protected to their perimeters via handrails and protected with either birdcages or safety netting.

Foundations are likely to be simple pad type as the under lying strata is chalk. It is therefore unlikely that piling of any type will be required. The scope of the foundations and heavy groundworks is to the south west corner of the site away from all adjoining properties and therefore vibration even at the minimal levels of personal perception is not considered to be a potential issue.

Scaffolding will be used throughout any new build areas to provide access and protection. Suitable means of escape and access will be installed to all areas and these will be clearly lit and defined.

## **Management**

The contractor will provide suitable qualified and experienced site managers to control and co-ordinate the construction process and to liaise with the client and design team. Regular meetings will be held with the sub-contractor supervisors to ensure the works are coordinated.

The site will be visited weekly by a health and safety manager who will review the site and make recommendations for improvement and ensure these are implemented. The site will be visited monthly by a group safety inspector who will thoroughly audit the process and associated paperwork to ensure the contractor complies with their policies and the law.

The project is split into two phases. Both commence at the same time but the intention with Phase 1 is to provide teaching space for 170 pupils for the start of the September 2013 term. The area will clearly be demarcated outside of the site boundary at the end of Phase 1 and the Phase 1 section of the building segregated from the Phase 2 section, via a fire wall. Both phases will have an interlinked fire alarm.

Access to the Phase 1 school has been agreed and a route to the reception area will take the pupils and staff along the footpath to the east of the Master's House.

## **Sustainability Statement**

Improvements to the existing mechanical and electrical systems are to be put in place to assist in achieving improved energy efficiency of the development.

The inclusion of a new efficient gas fired heating system will be installed to service the new build extension area. The efficient system will have reduced carbon dioxide emissions associated with the heating of these areas.

There is the potential to provide a new solar hot water calorifier for the new build that will provide an efficient renewable means of hot water heating.

Passive ventilation will be utilised where possible and so negating the requirement for cooling and reducing the energy demand for the building.

Upgrading the lighting in the refurbished areas of the development, where new luminaries are provided, is proposed within the design. Through the installation of energy efficient fittings, and improving the controllability of the lighting through a combination of automatic and intelligent controls, electricity consumption of the development will be considerably reduced. The improved longevity of the new fittings will also reduce maintenance costs in the future.

The building management system will meter and monitor the energy consumption of the development and will therefore encourage the building occupant to save energy.

Improvements to the heating, cooling, hot water services and the lighting strategy have been considered to ensure the needs of the building are met through sustainable, low emission means.

## **External Lighting Design Strategy and Management Plan**

This document outlines the proposed exterior lighting design criteria and scheme design proposals for the various distinct areas contained within the scheme. Also identified are the measures to be taken to limit light trespass and upward lighting distribution in accordance with current good practice design and recommendations from key lighting bodies. The report confirms that exterior floodlighting will not be provided for the sports pitches.

### **Consultations:**

**Southern Water** has confirmed that the existing development lies over a public sewer and that an investigation of the sewer is required to ascertain its condition, the number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for the sewer to be built over. The applicant is required to make a formal application for any new connection to the foul sewer. It is understood that the sewer runs along the northern boundary of the playing field and then alongside the Master's House and under Block D.

**Sport England** has confirmed the following:

*The application site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.*

*Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.*

*As part of the planning application, four new multi-use games areas (MUGAs) and a sports hall are proposed. Three of the MUGAs would be located on an area of grass playing field, a section of which currently accommodates part of the existing cricket pitch's outfield. The remaining area of playing field proposed for the development is unused. It is therefore proposed to move the cricket pitch eastwards in order to accommodate the cricket pitch. The plans indicate that the existing football pitch towards the east of the playing field would not be prejudiced by this.*

*A new four court sports hall with changing facilities and pavilion (to replace the existing) are also proposed to the south west of the site. This would be located almost entirely on the existing building footprint.*

*For these reasons, Sport England considers that the proposed development meets Exception 5 of our playing fields policy:*

*"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields."*

*This being the case, Sport England does not wish to raise an objection to this application.'*

**Wealden District Council** has confirmed that having considered the nature of the development and distance from their boundary, Officers do not wish to make any representations regarding the development.

The **Environment Agency** has confirmed that having screened the planning application with regard to the low risk of the development type and location of the proposal, they have no comments to make.

**Natural England** has confirmed that the application site is within the setting of the South Downs AONB. However they have no comments to make on the proposal as they do not believe that the development is likely to impact on the purposes of designation of the South Downs.

**Sussex Police** have confirmed that the level of crime and anti-social behaviour in the Eastbourne area is slightly above average when compared to the rest of Sussex and, while they have no major concerns with the proposals, it is important to ensure that appropriate crime prevention measures are adopted. Officers have met the developer's Design Manager on site and were able to offer guidance and suggestions to the safety and security of the site and its buildings. In view of the above, Sussex Police support the application to revitalise a redundant site.

The **County Archaeologist** has confirmed the following:

*'The proposed development is situated within an Archaeological Notification Area, defining an area of prehistoric burials. During construction work on this site in 1969 two human burials were found. The burials comprised one crouched burial with two Beaker Ware pots and, 30ft away, one full length burial with a boar skull by left shoulder. The burial with the pots is certainly early Bronze Age and it is speculated that the latter burial may be Saxon. Given the distance between the two recorded burials, it is highly likely that this is part of a larger cemetery, possibly focused on a Bronze Age burial mound.'*

*The application includes a comprehensive archaeological desk based assessment (DBA) of the site. This concludes that there is likely to have been considerable damage to archaeological remains in the areas of the existing buildings, but that the level of this damage is unclear. The DBA suggest that the southern area of the development site has received less impact, thus raising the potential for the archaeology in this area to be better preserved.*

*In light of the potential for loss of heritage assets on this site resulting from 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, disturbed during the proposed works, to be adequately recorded.'*

**East Sussex County Council's Highway Officer** has confirmed the following: *'This site is located in the Upperton Ward to the west of the Town Centre and is accessed from Compton Place Road.*

*The proposal is to provide a Free School from reception to sixth form for a total of 1232 pupils and will employ a total of 128 staff. In addition approximately 600m<sup>2</sup> of B1 office space is to be provided along with approximately 10 flats for staff.*

*The site was previously used by the NHS as the Dental Estimates Board for many years and before this operated as a school.*

### **Access**

*The existing access to the site in Compton Place Road is acceptable as there is adequate visibility provided and it is of sufficient width to accommodate two way traffic flows for all the classes of vehicle which will need to access the site. The layout is also going to be altered slightly to discourage drivers from turning left towards Borough Lane along with appropriate signage. It is noted that the access to the site from Love Lane will be prohibited.*

### **Transport Assessment**

*A Transport Assessment (TA) has been submitted as part of the planning application. Prior to submission of the application discussions took place between the Highway Authority and the applicants transport consultant, DHA Transport, to agree aspects of the assessment.*

*This agreement included:*

- *junctions at which traffic survey locations would be undertaken*
- *timing for the traffic counts*
- *traffic growth figures for future year assessment*
- *traffic distribution for each of the main routes into the town centre*
- *assessment years to be used for future years assessment*

*Likely vehicle trip rates have been obtained from the TRICS database which is a recognised tool for gauging the number of trips that a development will create, from data taken from existing sites.*

*This has been used to calculate the number of trips to and from the site throughout the day for the proposal, the previous use as offices as well as a residential development.*

*This has shown that additional trips will be created during the AM peak and afternoon school peak but a reduction at other times of day when compared to the existing lawful use.*

*It is noted that the calculations assume that all pupils will leave between 15:00-16:00. As the proposal is for staggered finishing times these trips will be spread over 2 hours rather than 1 hour reducing any impact.*

*The Highway Authority accepts the results of this assessment.*

*In addition, capacity assessments have been carried out at key junctions based on existing traffic flows, signal timings and trips to and from the site distributed based on expressions of interest. This has been completed using industry standard computer packages*

*This analysis has demonstrated that the junctions considered will all operate within capacity up to and including the 2019 scenario and on this basis the Highway Authority is satisfied that there is no need for any mitigation measures as part of this application for these junctions.*

### **Parking**

*The ESCC, Parking Guidelines suggested on site parking levels applicable for this site are as follows:*

#### *Education:*

- *Cars: 1 space per teaching member of staff, 1 space per 3 non-teaching members of staff, 2 spaces for visitors, 1 space per 10 pupils over the age of 17 plus on-site area for setting down and collection that should be able to accommodate school buses as well as parents cars. Disabled parking should also be provided with one space for each disabled employee plus 5% of total capacity.*

*This equates to 84 spaces for teaching staff, 15 for non teaching staff, 2 visitor spaces and 24 for sixth form students.*

- *Cycles: 1 long term space per 10 full time staff plus 1 long term space per 15 students for primary and junior school and 1 long term space per 5 students for secondary school and sixth form colleges.*

*This equates to 11 spaces for staff, 26 for primary schools pupils and 168 for secondary schools pupils.*

#### *Business/Office:*

- *Cars: 1 space per 30m<sup>2</sup> gross floor area (gfa)*

*This equates to 20 spaces.*

- *Cycles: 1 short term space per 500m<sup>2</sup> gfa plus 1 long term space per 10 full time staff.*

*This equates to 4 spaces.*

#### *Residential:*

- *Cars: 10 spaces. This is calculated from ward based data.*

- *Cycles: 1 long term space per dwelling if separate storage provided or 0.5 spaces per dwelling if communal storage is provided.*

*The total number of car spaces recommended by the guidelines is therefore 155 with 219 cycle spaces.*

*The site has a parking capacity of 207 car spaces and the proposal initially is for 120 cycle spaces. This is acceptable as there are considerably more car spaces than required and the number of cycle spaces can be increased if necessary and monitored through the Travel Plan.*

*An area on site is also to be provided for school buses as well as parents to drop off & pick up. It is acknowledged that part of the car park will be used for this purpose but given there is more parking provided than is required, this is acceptable.*

### **Public Transport**

*The site is located approximately 400m to the nearest bus stop and 1100m to the railway station. The site is therefore located within appropriate distances of public transport facilities. The closest bus stops already have shelters & timetables in place with Real Time information provided at the stop outside Waitrose.*

### **Off Site Improvements**

*Along with the alterations to the access, It is proposed to install a Zebra crossing over Compton Place Road to provide a safe convenient crossing point. The detailed designs for both these elements will need to be submitted to and agreed by East Sussex County Council prior to work commencing.*

*This work will also need to be secured by Sec278 legal agreement with ESCC.*

### **Pedestrian & Cycle Access**

*The site can be accessed via lit, 30mph speed limit roads with paved footways from all directions surrounding the site. It is noted that there is only one footway for a section of Borough Lane which is also narrow. There are however alternative routes through Gildredge Park which are more appropriate and of a similar distance.*

### **Road Accidents**

*The submitted TA has looked at accident data for the three year period up to 30<sup>th</sup> November 2012, which is standard practice. In this case however the Dental Estimates Board would not have been operational at this time. The Highway Authority has therefore interrogated the Police accident database back to 1<sup>st</sup> Jan 1990 to cover a period of time when it would have been open and operating with approximately 1435 employees.*

*This analysis has concluded that there have been relatively few accidents over this time in the vicinity of the site compared to other streets. None have been recorded at the site entrance and those that have occurred have generally been damage only or slight accidents. The narrowest section of Borough Lane from Vicarage Lane to High Street has seen three damage only and one slight accident since 1990 with no common cause.*

*The same conclusion has therefore been reached in regards to accidents in that there are no obvious highway layout issues which would be exacerbated by the development.*

### **Borough Lane**

*There is some concern over additional traffic using Borough Lane and a one way system has been suggested as a potential solution but there are for's and againsts for implementing such a system.*

*Firstly given the historic use of the site which could start again without any consent and would create similar levels of traffic compared to the school use it may be difficult to demand it is put in straight away. There is also an argument that if there was an issue when the Dental Estimates Board was in place that a one way system would have been implemented at the time, but it obviously wasn't.*

*A one way road would also divert traffic onto adjacent streets (Greys Road, Vicarage Road, etc) which may simply move any potential issues. It is also possible that as the access along Borough Lane is not as good as other roads (e.g. Summerdown Road) that people would use these routes in preference as people don't generally go out of their way to travel along potentially congested roads if there is a better, quicker alternative. The revised entrance layout would also deter drivers from turning left when exiting the site and travelling along Borough Lane. In addition the school will be requesting that parents will not use this route which can be managed through the Travel Plan to ensure that the message is regularly enforced.*

*To provide the scheme immediately would not allow the issues to be looked at and considered properly which may result in a less than ideal scheme being installed.*

*Having said this, the potential to implement a one way system if it becomes necessary obviously has merit. I would therefore propose the future implementation of a one way scheme is secured as part of the application if it becomes necessary. This can be monitored through the Travel Plan which will need to be reviewed regularly and will include at least annual surveys. This approach would allow any scheme to be considered and based on actual traffic flows, etc.*

### **Off site parking**

*It is noted that sections of Compton Place Road, Beechwood Crescent & Borough Lane already have waiting restrictions in place to keep these streets free of parked vehicles Monday to Friday 8am to 5pm or at all times. These restrictions have been in place for some time and were installed while the Dental Estimates Board was operational.*

*The installation of the Zebra crossing will also keep an additional section of Compton Place Road free from parked cars.*

*With these restrictions in place enforcement action will be possible from day one if parking in these areas becomes an issue.*



*Paragraph 5.9.10 states that the only means of access to the site will be via Compton Place Road. Access via Love Lane will be prohibited and therefore it is unlikely that parking in Glebe Close & Rectory close will cause an issue as closer more convenient spaces will be available on site or in Paradise Drive where free unrestricted parking is available.*

### **Travel Plan**

*A framework travel plan has been submitted as part of the application. This sets out the existing situation as well as a plan for establishing and implementing a travel plan once the development is complete. It also states the importance which the recently published National Planning Policy Framework places on Travel Plans. They are seen as a key tool which should be provided by all developments which generate significant amount of movement.*

*A Travel Plan can influence travel choice and behaviour and therefore reduce the number of children that are taken to school by car. The implementation of a robust, monitored travel plan is seen as key. In particular impacts on Borough Lane will need to be considered with a view to the applicant installing a one way system if it becomes necessary in the future.*

*The Travel Plan will need to be secured by legal agreement between the applicant and East Sussex County Council. A Travel Plan Audit fee of £6,000 will also need to be secured as part of this agreement.*

### **Construction Management**

*A section covering construction management has been included as part of the application. This covers a number of highway related aspects that will be affected during the construction. This does not go into enough detail due to the limited information available at the time of writing and therefore a separate Traffic Management Scheme must be submitted and agreed prior to work commencing.*

### **Conclusion**

*Bearing in mind the above, the proposal as submitted is acceptable to the Highway Authority when bearing in mind paragraph 32 of the National Planning Policy Framework which states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe', subject to the conditions set out below to secure off site Highway Improvements, Travel Plan and a Traffic Management plan.*

*I recommend that any consent shall include the following attached conditions:*

- 1. The use hereby permitted shall not commence until reconstruction of the access has been completed in accordance with the submitted plans, the specification set out on Form HT407 which is attached to and forms part of this permission and with the details approved in accordance with this condition.*

*Reason: In the interests of highway safety*

2. *The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles*  
*Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway*
3. *The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles*  
*Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development*
4. *A Travel Plan is required in association with this development to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. The Travel Plan should be secured by a s106 legal agreement between the applicant and East Sussex County Council as Highway Authority.*  
*Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development*
5. *During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads*  
*Reason: In the interests of highway safety and for the benefit and convenience of the public at large*
6. *Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the access and the approach road the hours of delivery/collection should avoid peak traffic flow times)*  
*Reason: In the interests of highway safety and for the benefit and convenience of the public at large*

*Informative:*

1. *This Authority's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council.'*

The Council's **Senior Planning Policy Officer** has confirmed the following:

### **'Background and Context**

*This planning policy response considers the application to change the use of the Dental Practice Board site from B1 (office space) to provide a mixed use development of new 'Free School' (D1 Use Class) with staff residential units (C2) and some remaining office use (B1) It also involves the demolition of the pre-fabricated buildings and erection of a sports hall and three storey extension to the existing building.*

*The response focuses on whether the 'principle of development' would be consistent with the planning policy context set out in Eastbourne's development plan. The proposal has been considered in light of the policies contained within the adopted Eastbourne Core Strategy Local Plan (known as the 'Core Strategy') as well as giving consideration to the relevant saved policies in the Eastbourne Borough Plan (2003).*

*In addition to the development plan, three key evidence base documents that have underpinned the preparation of the Core Strategy and which are particularly pertinent to the assessment of the site, have been considered. These include:*

- *the **Sustainable Neighbourhood Assessment** (SNA) (2011), which provides details on how the sustainability ranking of respective neighbourhoods was devised;*
- *the **Infrastructure Delivery Plan** (IDP) (2012), which identifies the educational requirements for Eastbourne; and*
- *the **Strategic Housing Land Availability Assessment** (SHLAA) (2010), which provides an appraisal of the proposal site.*

*The Dental Practice Board including playing field and car park is a 4.3 hectare site identified in the Core Strategy as being located within the Summerdown & Saffrons neighbourhood (Neighbourhood 10). Access to the site is provided from Compton Place Road, which also forms the eastern boundary of the site. Paradise Drive runs along the site's southern boundary, beyond which lies the Royal Eastbourne Golf Club. Eastbourne College's War Memorial playing field and athletics ground, are located on the western boundary and the residential streets of Beechwood Crescent, Park Close and Churchill Close form the site's northern boundary.*

### **The Eastbourne Core Strategy Local Plan (2013)**

*The Core Strategy sets out the Council's spatial vision for Eastbourne up to 2027 and provides the primary land-use policies to help deliver it. It sets out a Vision for the Summerdown & Saffrons neighbourhood, which states that the neighbourhood "could make a contribution to the provision of housing and employment for Eastbourne". The key planning policies and topics of relevance have been considered below.*

Policy B1: Spatial Development and Distribution, Policy B2: Creating Sustainable Neighbourhoods, and the Sustainable Neighbourhoods Assessment (SNA)

*In Table 4: Neighbourhood Sustainability Ranking, Summerdown & Saffrons is ranked as the tenth most sustainable neighbourhood in the Borough (out of a total of fourteen). As such, it is not identified in Policy B1: Spatial Development Strategy and Distribution as one of Eastbourne's six sustainable neighbourhoods within which "higher residential densities will be supported".*

*The neighbourhood does, however, fall within Policy B2: Creating Sustainable Neighbourhoods, which seeks to increase the sustainability of neighbourhoods in a variety of ways including by meeting the needs of the local community, offering a choice of housing and employment opportunities locally, and providing services and facilities within reasonable walking distance of local residents.*

*The Sustainable Neighbourhoods Assessment (SNA) (2011) gave Summerdown & Saffrons an overall sustainability score of 56.7 out of 100. It scored well in terms of its quality of natural environment and transport & connectivity but did not perform as well for access to services & facilities and housing & employment. In addition, the SNA identified a series of weaknesses in the neighbourhood. These include:*

- *a lack of mixed housing tenures;*
- *limited access to primary or secondary school;*
- *virtually no affordable housing;*
- *relatively poor access to bus stops; and*
- *a low residential density meaning that there are fewer people to support local services.*

Policy C10: Summerdown and Saffrons Neighbourhood Policy

*The Dental Practice Board site is identified as a Key Area of Change on the Neighbourhood 10: Summerdown & Saffron Key Diagram (Figure 11). It is also identified as a mixed 'housing opportunity site' and 'employment opportunity site'.*

*Policy C10: Summerdown & Saffrons Neighbourhood Policy states that the neighbourhood's vision will be promoted by "Redeveloping the Dental Practice Board site to provide a mix of health uses, as well as some residential, employment and community uses". Policy C10 has been designed to allow for flexibility on the Dental Practice Board site and envisages it being utilised for a mix of different uses. Paragraph 3.11.4 provides additional clarification on what is meant by "community uses" and identifies "a school" as being within this category of uses. It is therefore clear from the advice contained within Policy C10 (and its supporting text), that there is flexibility about the site's future use; the provision of a school on the Dental Practice Board site as part of the identified mix of uses, is consistent with the policy approach.*

*Given the size and nature of the site, and the existing covenant on the playing field, which restricts its use for alternative uses, some of the uses identified in Policy C10 may not be possible to deliver. Indeed, in practice, some uses may mix more easily than others and consideration will therefore be required to assess the breadth and type of uses that would be appropriate on the site.*

*Whilst Policy C10 identifies the Dental Practice Board site for a mix of potential uses including residential, the Strategic Housing Land Availability Assessment (SHLAA) (2010), did not reasonably expect the site to be developed for housing by 2027.*

#### *Strategic Housing Availability Assessment (SHLAA)*

*The SHLAA identified the Dental Practice Board including playing fields and car park, as a potential site for residential development. A series of questions were considered to assess the site's availability, suitability and achievability for residential development, as well as identifying any potential constraints to development.*

*The SHLAA assessed the site's availability, suitability and achievability. It confirmed that whilst the site did not form an allocation in the Core Strategy, there were no legal or ownership problems with the site that would stop it coming forward for development. It also considered that there is sufficient evidence to suggest the site will come forward and that there is an opportunity to dispose of the site for residential development. The site was considered to contribute towards the creation of sustainable mixed communities. The site has been assessed as being financially viable and there are no infrastructure issues associated with its development for housing.*

*The identification of a site within the SHLAA enables it to be assessed for its residential potential but does not necessarily mean that it will be taken forward as an identified housing site and included within Eastbourne's future housing trajectory. The housing trajectory only includes sites "that can reasonably be expected to be developed up to 2027". Indeed, in this instance, following the assessment in the SHLAA, the site was not included as an identified housing site because the circumstances relating to its future disposal were not sufficiently clear.*

*At the time the Dental Practice Board was assessed in the SHLAA, it was considered that there was a reasonable expectation that the site would come forward for residential development over the course of the plan period up to 2027. However, following the site's assessment in the SHLAA, the Council became aware of the NHS's requirements for the disposal of its assets, which require it to explore alternative health uses, followed by other community uses.*

*In light of this, the revised Core Strategy Schedule of Development Sites (2012) and Housing Trajectory after 2011/2012 identifies just 4 total net units in the Summerdown & Saffrons neighbourhood that can reasonably expected to be delivered up to 2027. This figure includes sites at Foredown Close (3 units) and Fairway Close (1 unit) but excludes the Dental Practice Board site, which would therefore contribute to the overall housing requirement as a windfall site if it were to come forward for residential development. In this regard a proposal for residential development, as part of the mix of uses on the Dental Practice Board site, would be consistent with Policy C10 if this came forward in the future. The proposal for part C2 residential staff accommodation is therefore consistent with this approach, albeit that the residential units cannot formally count towards housing land supply as they are not market or affordable housing available for the open market (C3 Planning Use class).*

#### *Policy D7 and the Provision of Community, Sports, and Health Facilities*

*In addition to its compatibility with Policy C10, a new school would also be consistent with Policy D7: Community, Sports and Health, which seeks to "enhance community and sports facilities" by providing additional provision in neighbourhoods where there are identified deficiencies. There is an identified deficiency of primary school places in this part of Eastbourne (and there is likely to be a deficiency of secondary school places at a later point in the plan period). This is explained in more detail in the Infrastructure Delivery Plan (IDP), which supports the Core Strategy.*

*The 'Free School' would need to clearly demonstrate that its admissions policy is targeted in such a way that it will provide additional provision to meet existing and projected deficiencies in this part of Eastbourne and its immediate surrounding areas, rather than attracting pupils from other parts of East Sussex. Given the very limited remaining land for residential, employment and community facilities in Eastbourne, it is important that available sites are utilised effectively and efficiently for local need and supporting the policy for neighbourhoods to become sustainable.*

*Paragraph 4.7.1 of the Core Strategy, which provides supporting text to underpin Policy D7, states that "Communities can only be genuinely sustainable if all residents have full access to all of the community, sports and health facilities that they need including educational establishments and outdoor sports pitches". Paragraph 4.7.3 acknowledges that "Schools are vital community facilities" and it states that "there is a demand of additional school places up to 2027 and the delivery of new school places will be directed through the Infrastructure delivery policy [Policy E1: Infrastructure Delivery]."*

#### *Policy E1: Infrastructure Delivery and the Infrastructure Delivery Plan (IDP)*

*Policy E1: Infrastructure Delivery requires the Council to work with "public agencies...and infrastructure providers to ensure that the necessary infrastructure to support future housing and employment development is available or will be provided alongside new development."*

*Paragraph 5.1.2 recognises that "The provision of infrastructure is a crucial element of the implementation of policies and proposals in the Core Strategy. The availability of land, resources and capital investment for new infrastructure is essential to ensure growth can be maintained throughout the plan period".*

*The Infrastructure Delivery Plan (IDP) sets out the details of the specific types of infrastructure that are required to deliver the Core Strategy – an important element of infrastructure provision is to deliver the necessary educational facilities required for the Borough up to 2027. Paragraph 9.12 of the IDP notes that the number of children (0-5 years) in the Borough is rising and there is an identified shortfall in the short-term (2010-2013) of at least 120 children, which equates to a 4 form entry, and that over the plan period, this will increase to a shortfall of 150 children per year, which equates to a 5 form entry or more. By 2026, this equates to an overall total of 1,050 additional school places.*

*Paragraph 9.14 of the IDP identifies the 'West school place planning area', which includes the Summerdown & Saffrons neighbourhood, as an area affected by the shortfall in school place provision. Paragraph 9.15 states that "In areas of the Borough where the pressure on school places is likely to be greatest, there is likely to be the need for expansion of existing facilities and/or a need for new schools on new sites".*

*In addition to the need for primary school places, paragraph 9.21 acknowledges that as a result of the knock on effect of the earlier rise in primary school numbers, "There will be a need to expand current secondary school facilities to cater for the increase in pupil numbers from around 2018/19 onwards."*

*The proposal for a new 'Free School', is unlikely to directly serve a local catchment for school places (based on the East Sussex County Council model which has a wider admission criteria), but in practice is likely to address some of the local shortfall. It is likely that some local children from Eastbourne would attend the school and evidently this would release some pressure from existing primary schools currently at capacity and where temporary classrooms are the only short term solution to increased provision.*

*However, as a school not maintained and operated by the local education authority, the 'Free School' could ordinarily attract potential new pupils from outside the immediate local catchment area and this could result in the impacts on addressing local shortfall being considerably less than might otherwise have been the case. Furthermore, a 'Free School' could result in pupils travelling longer distances with corresponding potential impacts on the local highway network and car parking in the immediate vicinity of the site. It may therefore be necessary to add a caveat restricting the catchment to a defined local area to ensure that local need and current and anticipated shortfalls within Eastbourne are addressed.*

### **The Eastbourne Borough Plan (2003)**

*Whilst the Core Strategy sets the overall vision, the saved policies in the Borough Plan (2003) still form part of the development plan and still carry weight in the determination of planning applications, particularly where they are in conformity with the National Planning Policy Framework.*

*The site is currently designated in the Eastbourne Borough Plan (2003) as being within the Built-Up Area Boundary (Policy NE1) but outside the Predominantly Residential Area (Policy HO2). A playing field forms part of the site and this is protected under Policy LCF2: Resisting Loss of Playing Fields.*

*The Borough Plan was published in September 2003 and therefore the precise requirements set out therein are somewhat out-of-date; the Council should therefore rely on the up-to-date figures set out in the IDP. However, paragraph 12.32 states that "The Council strongly supports educational development" and states that it will therefore "work closely with the County Council to ensure that any identified need for further school places is achieved and support the provision of additional educational facilities".*

*Policy LCF16 sets out the criteria for the establishment of new schools. It states that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility and provided they meet the following set of criteria:*

- Development has no significant detrimental effect on environmental, residential or visual amenity;*
- Scheme is acceptable in design terms;*
- Development has good, safe and secure access to public transport, on foot and bicycle;*
- Appropriate provision is made for people with disabilities; and*
- Where appropriate sports facilities should be designed with future dual use arrangements in mind.*

*Policy LCF16 therefore needs to be considered, along with other relevant policies in the Borough Plan including UHT1: Design of New Development, UHT4: Visual Amenity, NE28: Environmental Amenity, HO20: Residential Amenity and TR10: Safe Routes to School.*

### **Conclusion**

*Having taken into account the planning policy context and background to the site, Planning Policy can conclude that the planning application would not be contrary to planning policy on the basis that Policy C10 states that the Dental Practice Board site will be developed to "provide a mix of health uses, as well as some residential, employment and community uses", and that the supporting text to this policy identifies a "school" as a "community use".*



*The application site was assessed in the SHLAA but not considered to form part of the identified net units on the basis that it was not a site "that can reasonably be expected to be developed [for housing] up to 2027" as a result of issues relating to the NHS's guidelines for site disposal. It was consequently excluded from the housing trajectory and is not an identified residential site required to deliver the Council's housing target.*

*The proposed 'Free School' does not directly serve a local catchment for school places (based on East Sussex County Council's model) as it has a wider admission criteria. The proposal could, however, release some pressure from existing primary schools within Eastbourne that are currently at capacity where temporary classrooms are the only short term solution to increased provision. In this way, a new 'free school' could go some way to helping to address existing deficiencies. However, further clarification on the proposed admissions criteria would be needed to ensure that the scheme targets existing and projected school place deficiencies and is sustainable in an environmental context.*

*Eastbourne has very limited space for development and suffers from several constraints to development. The Dental Practice Board site represents one of the few remaining sites with potential to deliver a new school and it is therefore vital that such a facility addresses the existing and projected deficiencies for school places in Eastbourne asset out in the IDP, rather than attracting pupils from other parts of East Sussex.*

*There are additional implications that require consideration such as targeting existing and projected identified deficiencies in school places and ensuring that the proposals would not have unacceptable impact on the environmental and residential amenity of local residents.*

*Proposals for schemes within Summerdowns & Saffrons neighbourhood should give careful consideration to Policy C10 and seek ways of addressing the neighbourhood's weaknesses set out in the SNA and summarised in paragraph 7 of this report. The proposed 'Free School' could accord with planning policy, subject to the following criteria being satisfactorily addressed: local admissions policy; some other mixed uses on the site; and preparation of a local Travel Plan. In conclusion, in conformity with the National Planning Policy Framework the proposal provides sustainable development and should be permitted.'*

The Council's **Arboricultural Officer** has confirmed that the application will lead to the loss of five small trees on site. However they are of no visual amenity to the location.

All of the significant trees on site have been taken into consideration and providing the recommendations below for conditions are implemented and adhered to there will be no tree related issues on site.

These recommendations are:

- To erect tree protection at the edge of the root protection area of all trees to be retained as per the recommendations in the survey. This must be undertaken to the satisfaction of the Arboricultural officer.
- To approve utility service runs prior to commencement of development on site including a written method statement.
- To approve the site access statement and material storage area prior to commencement on site.

The Council's **Economic Development Officer** has confirmed that the development should include local employment initiatives and a financial contribution of £3,375 should be secured by a S.106 towards monitoring and assisting with recruitment.

### **Neighbour Representations:**

#### **Pre-submission**

Prior to the submission of the planning application, residents living within the vicinity of the site were invited to a Public Exhibition that took place on 4 February 2013, where the plans were available for viewing. At the event, 27 feedback forms were completed and the overall consensus (96%) was one of support (10 'fully supported' the scheme, 16 'generally supported' the development and 1 did 'not support' the proposals).

In support for the development, the following comments were made:

- Retention of historic buildings on site
- Open vistas have been retained and enhanced where possible
- Delighted to see Block G go

In addition the following concerns were noted:

- Impact upon other schools in the area
- Parents will not want to drop off their children and leave them to walk in from the car park
- Access off Paradise Drive should also be considered
- Noise from early morning deliveries
- Out of hours use of the site
- Depreciation of property prices
- Traffic management on site and the surrounding roads
- Prevention of overspill parking on Rectory Close and Glebe Close
- Noise levels
- Opposition to use of route to east side of Masters House during phase 1 works
- Position of proposed crossing would be better away from the corner of Compton Place Road and Paradise Drive
- Responsibility of maintenance and lighting on Love Lane
- Need to review Borough Lane access as parking on one side makes the road narrow
- Disturbance during construction
- Removal of existing container located in the grounds of the application site against the adjoining boundary wall providing a means of climbing over into neighbouring garden

### **Post-submission**

Letters were sent to occupiers of surrounding residential properties and notices were posted outside the site. At the time of writing this report, the Council had received 33 letters of support for the proposals and 17 letters of objection.

In support of the proposals, the following comments have been made:

### **Education**

- Supportive of the school and improving education standards and opportunities
- The school will be an asset to the town and the surrounding community by offering an excellent teaching and learning environment
- It will assist other schools in reducing their class sizes and the need to use temporary buildings
- This centre of excellence will provide and nurture the necessary skills and standards for our local children to achieve
- Raise educational standards and discipline of pupils
- This is a very well thought out change of use for this site – am pleased the site will become a school once more
- There is a pressing need for additional school places, particularly in the south east where the population is increasing
- Wonderful use of a vacant building
- Smaller class sizes
- The site was a school previously and is ideally suited for a much needed new school
- There has been an overwhelming number of applications for school places demonstrating strong community support for this project
- Ideal location for a school – large site with good accessibility and plenty of green fields for recreational areas
- It will enhance the area
- It will provide educational choice and diversity

### **Traffic & Parking**

- The proposed zebra crossing in Compton Place Road will be of benefit to the local community as a whole
- Concerns regarding additional traffic and parking in the immediate vicinity have been addressed by the provision of on-site parking and dedicated on-site drop-off and pick-up facilities
- When the Dental Practice Board was at full capacity, the amount of traffic at peak times would have been over and above that generated by the school
- Parking has been given priority with local residents' concerns at the forefront

### **Landscaping**

- If the site was developed for housing, the resultant outcome would be inferior to the proposed change of use

### **Community Use**

- The introduction of a Community Hub and Enterprise Unit should prove to be an asset to the town
- Since the loss of Beresford House School, the community welcomes an active school back in this position

## **Employment**

- The proposed use will bring much needed employment into the area

## **Security**

- Security issues around Churchill Close and Love Lane have been addressed

## **Accessibility**

- The proposed use will enable children with physical impairments to attend a local, accessible school – this currently is not possible in Eastbourne

Those opposing the application have made the following comments:

## **Love Lane**

- Love Lane has become a magnet for teenagers to loiter. A lack of security in this area would potentially intimidate local residents from using this byway to access the town and the Downs
- Pedestrian access from Love Lane into Rectory Close needs to be addressed. When the site was previously in use, Rectory Close was used as a drop-off point and parking for employees. The mistakes of the past should not be repeated

## **Traffic & Parking**

- The area around the school, from Vicarage Road to Compton Place Road, is extremely congested with parking. There is the potential for a designated parking area to be developed as pupil numbers increase and the school improves facilities
- Concerned that Rectory Close may be used for daytime parking by teachers and older pupils at the school
- Request that the speed limit in Vicarage Road, Borough Lane and Compton Place be reduced to 20mph
- Concerns regarding an increase in traffic locally
- Exacerbation of already oversubscribed on-street parking
- The proposed site is wholly inappropriate for the amount of traffic that can be expected when the school opens. School opening times coincide with the time that many local residents will be attempting to go to work, resulting in gridlock and traffic chaos twice daily during school term time
- The traffic review regarding accidents is fundamentally flawed. The lack of road traffic accidents in the past bears no relationship to what could happen once the school opens
- Concerns with regard to highway safety and limited visibility between parked cars when children will be crossing the road
- For children using public transport, the nearest bus stop is on The High Street – this would mean increasing numbers of children walking down Borough Lane with a very narrow pavement on one side of the road and no pavement on the other which, combined with increased traffic, presents an unacceptable risk in terms of highway safety
- Access to the school to the north is only possible along roads that are very narrow. With current parking restrictions, there is only room for one lane with traffic already stationary at busy times
- Revive the proposal to make Borough Lane one-way from the A259 to Compton Place Road

- There is a need for designated areas for the pick-up/drop-off of children at the site
- The traffic assessment does not adequately reflect the potential traffic problems which I believe could be severe, especially at the peak morning and afternoon periods
- Pedestrian safety issues for school pupils have not been adequately taken into account
- The proposals submitted to mitigate traffic problems do not offer a long-term solution
- Previous difficulties when the Dental Practice Board was fully staffed will be exacerbated as traffic flow will be concentrated around a much shorter period of time as a result of the proposed change of use which, together with there being both arrivals and departures within this short space of time, will result in traffic movement being significantly more complex
- There is poor pedestrian access with particular regard to the lack of pavements
- The application should not be accepted unless better solutions can be found for traffic management and pedestrian safety such as:
  - A residents only parking scheme to be put in place for all roads off Compton Place Road down to Borough Lane
  - Changes to parking arrangements in Compton Place Road and Borough Lane, possibly with further daytime restrictions
  - Widening of the pavement on the westerly side of Compton Place Road
  - Use of railings to protect pedestrians from traffic for sections of Compton Place Road
  - Making further design changes to the exit from the site to make the right turn a virtual necessity rather than slightly more awkward
- Will there be sufficient local bus service capacity to convey additional pupils at school times?
- It is suggested that staff will be at the drop off area to take younger children up to the school but how will this work in practice in bad weather?
- An advisory sign indicating that traffic should turn left out of the school is unlikely to be sufficient to stop parents wanting to take the shortest route
- Although the idea of a drop-off area is potentially good, in practice, the slowness of driving in and dropping off young children will inevitably lead to severe congestion which will spill out onto Compton Place Road
- Roads are not suitable for the increased volume of traffic which would occur in Borough Lane and Compton Place Road
- It is suggested that staff will be at the drop off area to take younger children up to the school but how will this work in practice in bad weather?
- An advisory sign indicating that traffic should turn left out of the school is unlikely to be sufficient to stop parents wanting to take the shortest route
- To expect all traffic to come in and out from one end of Compton Place Road, especially if buses or coaches are used, will mean a considerable amount of traffic in a very short stretch of road leading to much slower movement of traffic
- To suggest that parking could be reduced on these roads, in order to free carriageway space, would be unfair on local residents and on those who wish to access Manor Gardens and Gildredge Park – both of which have pedestrian access from these roads

## **Noise**

- Concerned that the proposed outside dining area will create undue noise when in use
- This area of Old Town is a quiet residential area. The noise created by this new school will be totally out of character with the surrounding area and detrimental to the local residents
- Concerned about noise and disturbance from construction

## **Environmental Impact**

- The proposal will have a huge adverse impact on the surrounding area and quality of life for local residents with particular regard to noise, traffic, congestion and pollution.

## **Officers Appraisal:**

The main issues to consider in the determination of this application are as follows:

- The principle of the development having regard to the existing use of the site and planning policy
- The effect the proposed development will have on the visual amenities of the locality
- The effect the proposed development will have on the amenities of occupiers of surrounding residential properties
- Highways and parking considerations
- Other material considerations

## **The principle of the development having regard to the existing use of the site and planning policy**

The application site has an authorised Class B1 (office) use having been used as such since 1939.

The Dental Estimates Board began using the site in July 1948. As a result of increased computerisation and other organisational changes staff numbers on site began to decrease from 2006 and the site finally became vacant in July 2012.

At its peak the Dental Estimates Board employed over 2,000 people. Though currently vacant, the site remains available for office use and could once again be occupied to full capacity at any time. This would entail the traffic and parking implications associated with around 2,000 staff travelling to and from the site daily.

The **National Planning Policy Framework (2012)** (NPPF) introduces a '*presumption in favour of sustainable development*'. Sustainable development includes the need to '*provide a high quality built environment with access to local services that reflect the community's needs and supports it's health, social and cultural well-being.*'

Regarding decision making, the NPPF requires development proposals that accord with the development plan to be approved without delay.

Paragraph 72 of the NPPF specifically deals with education provision and states:

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.'*

*They should:*

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

It can therefore be concluded that the proposed development is consistent with the NPPF.

The Dental Practice Board is identified in the **Eastbourne Core Strategy Local Plan (2013)** as being located within the Summerdown & Saffrons neighbourhood (Neighbourhood 10).

The Core Strategy sets out a Vision for the Summerdown & Saffrons neighbourhood, which states that the neighbourhood "could make a contribution to the provision of housing and employment for Eastbourne".

The neighbourhood falls within Policy B2: Creating Sustainable Neighbourhoods, which seeks to increase the sustainability of neighbourhoods in a variety of ways including by meeting the needs of the local community, offering a choice of housing and employment opportunities locally, and providing services and facilities within reasonable walking distance of local residents.

The Sustainable Neighbourhoods Assessment (SNA) (2011) gave Summerdown & Saffrons an overall sustainability score of 56.7 out of 100. It scored well in terms of its quality of natural environment and transport & connectivity but did not perform as well for access to services & facilities and housing & employment. In addition, the SNA identified a series of weaknesses in the neighbourhood. These include:

- a lack of mixed housing tenures;
- limited access to primary or secondary school;
- virtually no affordable housing;
- relatively poor access to bus stops; and
- a low residential density meaning that there are fewer people to support local services.

The Dental Practice Board site is identified as a Key Area of Change. It is also identified as a mixed 'housing opportunity site' and 'employment opportunity site'.

Policy C10: Summerdown & Saffrons Neighbourhood Policy states that the neighbourhood's vision will be promoted by "Redeveloping the Dental Practice Board site to provide a mix of health uses, as well as some residential, employment and community uses". Policy C10 was designed to allow for flexibility on the Dental Practice Board site and envisaged it being utilised for a mix of different uses. Paragraph 3.11.4 provides additional clarification on what is meant by "community uses" and identifies "a school" as being within this category of uses. It is therefore clear from the advice contained within Policy C10 (and its supporting text), that there is flexibility about the site's future use; the provision of a school on the Dental Practice Board site as part of the identified mix of uses, is therefore consistent with the policy approach.

Whilst Policy C10 identifies the Dental Practice Board site for a mix of potential uses including residential, the Strategic Housing Land Availability Assessment (SHLAA) (2010), did not reasonably expect the site to be developed for housing by 2027.

It is therefore considered that the proposal to provide 8 No. units of residential staff accommodation (C2 use) as part of the mixed use development on the Dental Practice Board site, would be consistent with Policy C10.

In addition to its compatibility with Policy C10, a new school would also be consistent with Policy D7: Community, Sports and Health, which seeks to "enhance community and sports facilities" by providing additional provision in neighbourhoods where there are identified deficiencies.

There is an identified deficiency of primary school places in this part of Eastbourne (and there is likely to be a deficiency of secondary school places at a later point in the plan period).

Paragraph 4.7.1 of the Core Strategy, which provides supporting text to underpin Policy D7, states that "Communities can only be genuinely sustainable if all residents have full access to all of the community, sports and health facilities that they need including educational establishments and outdoor sports pitches". Paragraph 4.7.3 acknowledges that "Schools are vital community facilities" and it states that "there is a demand of additional school places up to 2027 and the delivery of new school places will be directed through the Infrastructure delivery policy [Policy E1: Infrastructure Delivery]."

Policy E1: Infrastructure Delivery requires the Council to work with "public agencies...and infrastructure providers to ensure that the necessary infrastructure to support future housing and employment development is available or will be provided alongside new development."

Paragraph 5.1.2 recognises that "The provision of infrastructure is a crucial element of the implementation of policies and proposals in the Core Strategy. The availability of land, resources and capital investment for new infrastructure is essential to ensure growth can be maintained throughout the plan period".



The Infrastructure Delivery Plan (IDP) sets out the details of the specific types of infrastructure that are required to deliver the Core Strategy – an important element of infrastructure provision is to deliver the necessary educational facilities required for the Borough up to 2027. Paragraph 9.12 of the IDP notes that the number of children (0-5 years) in the Borough is rising and there is an identified shortfall in the short-term (2010-2013) of at least 120 children, which equates to a 4 form entry, and that over the plan period, this will increase to a shortfall of 150 children per year, which equates to a 5 form entry or more. By 2026, this equates to an overall total of 1,050 additional school places.

Paragraph 9.14 of the IDP identifies the 'West school place planning area', which includes the Summerdown & Saffrons neighbourhood, as an area affected by the shortfall in school place provision. Paragraph 9.15 states that "In areas of the Borough where the pressure on school places is likely to be greatest, there is likely to be the need for expansion of existing facilities and/or a need for new schools on new sites".

In addition to the need for primary school places, paragraph 9.21 acknowledges that as a result of the knock on effect of the earlier rise in primary school numbers, "There will be a need to expand current secondary school facilities to cater for the increase in pupil numbers from around 2018/19 onwards."

It is considered that the proposal for a new 'Free School', is unlikely to directly serve a local catchment for school places (based on the East Sussex County Council model which has a wider admission criteria), but in practice is likely to address some of the local shortfall. It is likely that some local children from Eastbourne would attend the school and evidently this would release some pressure from existing primary schools currently at capacity and where temporary classrooms are the only short term solution to increased provision.

In addition to the Core Strategy Local Plan, the saved policies in the **Eastbourne Borough Plan (2003)** still form part of the development plan and still carry weight in the determination of planning applications, particularly where they are in conformity with the National Planning Policy Framework.

Paragraph 12.32 of the Borough Plan states that "The Council strongly supports educational development" and states that it will therefore "work closely with the County Council to ensure that any identified need for further school places is achieved and support the provision of additional educational facilities".

Policy LCF16 sets out the criteria for the establishment of new schools. It states that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility and provided they meet the following set of criteria:

- Development has no significant detrimental effect on environmental, residential or visual amenity;
- Scheme is acceptable in design terms;
- Development has good, safe and secure access to public transport, on foot and bicycle;
- Appropriate provision is made for people with disabilities; and
- Where appropriate sports facilities should be designed with future dual use arrangements in mind.

Therefore having regard to the above, the principle of the development having regard to the existing use of the site and adopted planning policy is considered acceptable.

### **The effect the proposed development will have on the visual amenities of the locality**

The application site is not within a Conservation Area. However it is acknowledged that the site is visually prominent and the sensitive nature of the surrounding environment requires careful consideration. A Landscape and Visual Appraisal has been produced and submitted with the application. This reflects upon the importance of the South Downs National Park. This Appraisal confirmed the need to retain the existing established vegetation and protection of long distance views through the site towards the South Downs.

The proposed development ensures views to and from the Downs have been protected by the scale and location of new development and have furthermore, been enhanced by the proposed demolition of the prefabricated building on site (Block G).

The proposed Sports Hall whilst higher than the existing Block G, is to be sited close to the mature tree belt, which will ensure views of the Downs are maintained. Furthermore, its proposed height, scale form and design and siting will ensure it has no significant detrimental effect on the visual amenities of the locality.

The proposed three-storey extension, and the new external treatment proposed to the south end of Block F, matches the existing scale and bulk of Block F and also Block B. Similarly, the elevational form and fenestration of the new sections looks to mirror that of Block B but with a contemporary design and use of modern materials.

It is considered that the proposed infill entrance court enhances the setting of this part of the site by replacing the current poorly lit and unattractive courtyard and undercroft, which are presently used for external storage. This space currently creates an uninviting environment that is predominantly redundant and the new entrance will provide a light and inviting multi-use space.

For the above reasons, it is considered that the siting, design and appearance of the new build elements of the scheme are acceptable and ensure the character and appearance of the existing buildings on site are respected and maintained. In addition, regard has been given to the local setting, context and views.

As such the proposed development complies with the relevant policies of the Eastbourne Borough Plan and Core Strategy Local Plan.

### **The effect the proposed development will have on the amenities of occupiers of surrounding residential properties**

To the north and east of the application site there are a number of residential streets.

A development of this size and scale is undoubtedly going to have some impact on the amenities of occupiers of nearby residential properties, particularly during the proposed demolition and construction phases of development. However, it is necessary to consider whether are likely to cause material harm.

It is important to acknowledge that the adjacent residential properties were all existing when the Dental Practice Board was operating at its full capacity and so residents would have experienced some noise and disturbance, particularly associated with traffic.

In support of the planning application a Noise Impact Assessment was submitted. The Assessment acknowledges that construction activities can give rise to a degree of nuisance but this will be temporary and best practice methods of construction can be secured via a planning condition requiring a Construction Management Plan. This will define haulage routes for delivery vehicles, ensure dust on site is minimised, restrict the hours of working and control the noise associated with any plant and equipment.

In addition, it is acknowledged that the scheme will result in a degree of noise generated by pupils, and careful consideration has been given to the siting of the proposed external learning spaces and recreational areas. The Noise Impact Assessment confirms that external noise across the site has been recorded and at all locations, the site is suitable for educational use.

For the above reasons it is considered that the proposed development will not result in a significant detrimental effect on the occupiers of surrounding residential properties.

### **Highways and parking considerations**

The planning application is accompanied by a Transport Assessment (TA) and a draft school Travel Plan. Both have been prepared in consultation with the Highway Authority. The Transport Assessment considers the transport impacts of the proposed Free School, its ancillary use including community use, and the office and staff residential units, on the immediate and surrounding transport network and local parking provision.

It is acknowledged that over recent years the site has been largely unoccupied. However, it is worth noting that the existing lawful use is offices (over 12, 791m<sup>2</sup> of floorspace) and that another organisation could occupy the site for business purposes without the need for planning permission.

The TA has confirmed additional trips will be created during the morning peak and afternoon school peak but a reduction at other times of day when compared to the existing lawful use.

Capacity assessments were carried out at key junctions based on existing traffic flows, signal timings and trips to and from the site.

This analysis has demonstrated that the junctions considered will all operate within capacity up to and including 2019 and on this basis the Highway Authority is satisfied that there is no need for any mitigation measures as part of this application for these junctions.

The Highway Authority has confirmed that the proposed development will require 155 on site car parking spaces and 219 cycle spaces.

The site has a parking capacity of 207 car spaces and the proposal is to provide 120 cycle spaces initially. The Highway Authority has confirmed that this is acceptable as there are considerably more car spaces than required and the number of cycle spaces can be increased if necessary and monitored through the Travel Plan.

In addition, an area on site is to be provided for school buses as well as parents to drop off and pick up children. It is acknowledged that part of the car park will be used for this purpose, however having regard to the fact that there is an existing surplus of parking spaces, the Highway Authority consider that this is acceptable.

The site is located approximately 400m to the nearest bus stop and 1100m to the railway station. The site is therefore located within appropriate distances of public transport facilities.

Along with proposed alterations to the access, it is also proposed to install a Zebra crossing over Compton Place Road to provide a safe convenient crossing point. The detailed designs for both these elements will need to be submitted to and agreed by East Sussex County Council prior to work commencing and these off site highway improvements will be secured through a S.278 agreement with the County Council.

It is acknowledged that residents have expressed concerns that the proposed development will result in additional traffic using Borough Lane and a one way system has been suggested as a potential solution.

The Highway Authority has considered this and has confirmed the following:

*'Given the historic use of the site which could start again without any consent and would create similar levels of traffic compared to the school use it may be difficult to demand it is put in straight away. There is also an argument that if there was an issue when the Dental Estimates Board was in place that a one way system would have been implemented at the time, but it obviously wasn't.*

*A one way road would also divert traffic onto adjacent streets (Greys Road, Vicarage Road, etc) which may simply move any potential issues. It is also possible that as the access along Borough Lane is not as good as other roads (e.g. Summerdown Road) that people would use these routes in preference as people don't generally go out of their way to travel along potentially congested roads if there is a better, quicker alternative. The revised entrance layout would also deter drivers from turning left when exiting the site and travelling along Borough Lane. In addition the school will be requesting that parents will not use this route which can be managed through the Travel Plan to ensure that the message is regularly enforced.*

*To provide the scheme immediately would not allow the issues to be looked at and considered properly which may result in a less than ideal scheme being installed.*

*Having said this, the potential to implement a one way system if it becomes necessary obviously has merit.'*

For the above reasons, the Highway Authority has confirmed that the proposal for the future implementation of a one way scheme should be secured as part of the application if it becomes necessary and that this can be monitored through the Travel Plan which will need to be reviewed regularly and will include at least annual surveys. This approach would allow any scheme to be considered and based on actual traffic flows.'

A framework Travel Plan has been submitted as part of the application. This sets out the existing situation as well as a plan for establishing and implementing a Travel Plan once the development is complete.

A Travel Plan can influence travel choice and behaviour and therefore reduce the number of children that are taken to school by car. The implementation of a robust, monitored Travel Plan is considered by the Highway Authority to be essential. In particular, any impacts on Borough Lane will need to be considered with a view to the applicant installing a one way system if it becomes necessary in the future.

The Travel Plan will need to be secured by legal agreement between the applicant and East Sussex County Council. A Travel Plan Audit fee of £6,000 will also need to be secured as part of this agreement.

Therefore in light of the above, the proposed development is considered to be acceptable in highway and parking terms, subject to the prior conclusion of a legal agreement to provide off-site highway improvements and a Travel Plan (and associated monitoring fee) and subject to a number of conditions as detailed in the Highway Authority's consultation response.

### **Other material considerations**

There are no objections to the proposals to convert the **Masters House** to offices and staff accommodation and the precise use of this building can be controlled by conditions.

The concerns expressed by residents that **Love Lane** should not be used as an access to the site are noted and it is recommended that any grant of consent is subject to a condition restricting this access for emergency purposes only.

The proposed development will result in additional **employment** in both the construction phase as well as when the school is operational and it is recommended that any grant of consent is subject to an obligation to include local employment initiatives.

It is considered that the level of **sports provision** across the site will improve upon the existing provision. Not only will this be for use by the school but also for the community. Existing sports pitches will be accompanied by new external hard surfaces that cater for multiple sports and the new purpose built sports hall, will offer space for multiple sports all year round.

Increased **community access** to the site and its facilities during evenings and weekends will benefit the neighbourhood and it is not considered that the level of activity associated with this use will have a significantly detrimental impact on the amenities of occupiers of surrounding residential properties.

In terms of **energy efficiency**, the new sports hall has been designed to achieve BREEAM 'very good', in line with policy, and the existing and other new structures will incorporate sustainable design and construction methodologies and other techniques to improve energy efficiency and use of materials.

Many of the current schools in the vicinity are operating above capacity and many pupils are being taught in temporary classrooms. The proposed school will assist in responding to this deficiency.

With regard to **ecology**, an Ecological Appraisal was submitted with the application, which established any potential biodiversity or habitat matters that need to be addressed.

The Appraisal recommended that no further survey work was undertaken with the exception of a presence surveys for bats, and precautionary measures to protect any badgers or nesting birds on site. It concluded that whilst no activity was noted, there was potential for bats in the tree belt and at Block G within the hanging tiles.

A badger sett was also identified in the tree belt away from the proposed development. Additionally, as a result of the large number of trees on site, specifically in the tree belt, there was an identified potential for nesting birds. However, it was concluded that the impact upon these would be minimal given the retention of the majority of trees during and post-development.

On the basis of the above, the Appraisal provided recommendations for further survey and potential mitigation for bats as follows:

In order to prevent disturbance to foraging and commuting bats, particularly associated with the woodland, it is recommended that:

- Post-development security and amenity lighting is kept to a minimum, with illumination over ground floor levels only. Lighting fixtures should not leak upwards or illuminate the foliage of boundary trees, particularly along the woodland edge.
- If plans alter to include the removal of any mature trees, they should first be inspected by a licenced ecologist for their potential for roosting bats. Depending upon the results of the inspection, further survey work may be required prior to the removal.

These recommendations relating to ecology can be dealt with by attaching an appropriate condition to any grant of consent.

The **Archaeological Assessment** that was submitted with the application concluded that there is no overriding heritage issues that "*might prove a barrier to development.*" It does, however, comment on the potential requirement for further investigation and the need for further consultation with East Sussex County Council and again this can be dealt with by condition.

### **Drainage**

The proposed drainage strategy for the site utilises SUDS techniques to assist with enhancing the sustainability of the new school development and will utilise sufficient capacity in the combined drainage system to accommodate the school.

### **Flood Risk**

The Flood Risk Assessment submitted with the application concludes that in line with the proposed drainage solutions, and given the sites location in Flood Risk Zone 1, that the site is at minimal risk of flooding and is developable when considered against national planning policy.

### **Conclusion:**

The proposals represent a sustainable form of development as they will bring a currently vacant site back into use and provide new education facilities in the town.

The proposals will have no detrimental impact on ecology or the visual amenities of the locality and will ensure long range views of the South Downs are maintained and enhanced.

The proposals are acceptable in terms of their impact on the highway network.

Finally, subject to conditions being attached to any grant of consent to manage the construction process and prevent Love Lane being used as an access to the site except for emergency purposes, the proposals will have no detrimental impact on the amenities of occupiers of surrounding residential properties.

For the above reasons, the proposals are acceptable and conform with all relevant planning policies.

**Human Rights Implications:**

It is considered that the proposal would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property. Furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Recommendation:**

**(A)** That planning permission be granted subject to the prior conclusion of a S.106 Agreement to secure the proposed off-site highway improvements (zebra crossing), a Travel Plan and associated audit fee, local employment initiatives and associated monitoring fee and subject to the following conditions:

- (1) Commencement of development within three years
- (2) Drawing Nos. of approved plans
- (3) Samples of all materials
- (4) Lighting Strategy
- (5) Signage Strategy
- (6) Programme of archaeological works
- (7) Drainage Strategy (surface water, use of SuDs and foul)
- (8) Cycle parking
- (9) Refuse and recycling details
- (10) Servicing details
- (11) Demolition details including minimising dust and Method Statement
- (12) Wheel washing facilities on site
- (13) Construction Method Statement and Management Plan
- (14) Opening hours
- (15) Site contamination
- (16) Method statement for handling unspecified contamination
- (17) In accordance with FRA
- (18) Investigation into public sewer and ensure protection
- (19) Details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise levels
- (20) Construction access details, and details of location size of any temporary structures
- (21) Details of directional signage
- (22) Construction Traffic Management Scheme to include travel routes and number of vehicle movements
- (23) Foundation design
- (24) Details of any temporary structures/hoardings
- (25) Finished floor levels and Details of any changes to site levels to be provided prior to commencement on site.
- (26) Bird deterrent measures
- (27) Hours of building operations
- (28) Parking is provided in accordance with submitted details and retained thereafter
- (29) Cycle parking
- (30) Submission of Travel Plan prior to commencement of use
- (31) No burning of waste on site
- (32) Use shall not commence until reconstruction of access has taken place



- (33) Erection of tree protection at the edge of the root protection area of all trees to be retained as recommended in the survey (T3 – Trees Protection: Fencing 2.4m hoarding around all retained trees on site to edge of RPA)
- (34) Approval of utility service runs prior to commencement of development on site including a written method statement
- (35) Approval of a site access statement and material storage area prior to commencement on site
- (36) Fencing and enclosure details
- (37) Further investigation as recommended in the Ecological Appraisal
- (38) Landscaping details (T10)
- (39) Phase II investigation to be undertaken as recommended in the Soil Report
- (40) No building to be occupied until certificate has been issued certifying BREEAM rating of 'Very Good'
- (41) Submission and approval of Community Use Agreement
- (42) Recommendations in Noise Report to be adhered to
- (43) Love Lave not to be used as an access to the site, other than for emergency access purposes
- (44) The business units to be used only for B1(a) purposes
- (45) The residential accommodation to be C2 use only.

**Informatives:**

East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council.

The residential units approved as part of the development are for C2 (residential school) use only and as such cannot be used as non-school related residential accommodation.

**SUMMARY OF REASONS FOR DECISION**

The proposed development is considered acceptable for the following reasons:

The proposals represent a sustainable form of development as it will result in bringing a currently vacant site back into use and will provide new education facilities in a sustainable location.

The proposed development will have no significant detrimental effect on the wider visual amenities of the locality, the highway network or residential amenity and therefore conforms with all relevant planning policies.

**(B)** In the event that the S.106 is not concluded to the satisfaction of the Local Planning Authority by 30 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission for the following reason, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

The proposed development would fail to secure the proposed off-site highway improvements (zebra crossing), a Travel Plan and associated audit fee, local employment initiatives and associated monitoring fee.

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

**Committee Report 21 May 2013**

**Item 5**

<b>App.No.:</b> EB/2013/0062	<b>Decision Due Date:</b> 18.04.13	<b>Ward:</b> Devonshire
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> 18.03.13	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 29.03.13		
<b>Neigh. Con Expiry:</b> 28.03.13		
<b>Weekly list Expiry:</b> 28.03.13		
<b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Referral to committee following consultation		
<b>Location:</b>	Land at the corner of Firle Road and Beltring Terrace	
<b>Proposal:</b>	Demolition of house and garage at No. 60 Firle Road and garage adjacent to 12 Beltring Terrace. Erection of 7 No. one bedroom flats with one parking space.	
<b>Applicant:</b>	Mr R Dowding	
<b>Recommendation:</b>	Refusal	

**Planning Status:**

- Predominantly residential area
- Flood zone 3

**Relevant Planning Policies:**

Eastbourne Borough Plan (Saved Policies, 2007):

UHT1	-	Design of New Development
UHT2	-	Height of Buildings
UHT4	-	Visual Amenity
HO1	-	Residential Development in the Existing Built Up Area
HO2	-	Predominantly Residential Use
HO7	-	Redevelopment
HO20	-	Residential Amenity
TR6	-	Facilities for Cyclists
TR11	-	Car Parking

#### Eastbourne Core Strategy Local Plan:

Policy B1	-	Spatial Development Strategy and Distribution
Policy B2	-	Creating Sustainable Neighbourhoods
Policy C3	-	Seaside Neighbourhood Policy
Policy D1	-	Sustainable Development
Policy D5	-	Housing

#### Site Description:

- The site is located at the end of a row of terrace houses on Beltring Terrace, a narrow unmade private road. It is currently occupied by No. 60 Firle Road (proposed to be demolished) - a detached 1950s property on the corner of Firle Road / Beltring Terrace and similar in design to the property on the opposite corner - and a flat roofed double garage with forecourt.
- The site sits within an area of densely built-up residential terraced properties, alongside the 12 dwellings which form Beltring Terrace. Adjacent to the garage site is no. 12 Beltring Terrace, and the rear garden of no. 64 Firle Road. The site also includes a rear access to 64 Firle Road.
- A narrow footpath runs in front of the terrace, and the unmade road is used as unallocated parking. Backing onto the south-east side is a row of terraced dwellings on Beltring Road; similarly, the terrace along Avondale Road runs north-west of the site.

#### Relevant Planning History:

App Ref: EB/2005/0855 Decision: Refused & Appeal dismissed	Description - Land adjacent to 12 Beltring Terrace: Erection of detached two bedroom dwelling. Date: 08 February 2006
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App Ref: EB/2005/0375 Decision: Refused & Appeal dismissed	Description - Land adjacent to 12 Beltring Terrace: Erection of detached two bedroom dwelling. Date: 20 July 2005
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App Ref: EB/2004/0069 Decision: Withdrawn	Description - Land adjacent to 12 Beltring Terrace: Erection of detached two bedroom dwelling. Date: Jan 2004
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App Ref: EB/2002/0508 Decision: Refused	Description - Land adjacent to 12 Beltring Terrace: Erection of detached two-bedroom dwelling. Date: 03 April 2003
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App Ref: EB/1997/0650 Decision: Approved conditionally	Description - Land adjacent to 12 Beltring Terrace: Erection of attached dwelling to end of terrace (renewal of permission). Date: 19 February 1998
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App Ref: EB/1992/0512 Description - Land adjacent to 12 Beltring Terrace:  
Alterations to roof of No.12 and erection of attached dwelling to end of terrace.

Decision: Approved conditionally Date: 02 February 1993

App Ref: EB/1992/0368 Description - Land adjacent to 12 Beltring Terrace:  
Erection of attached end of terrace house and extension to roof of No.12  
Decision: Date: 18 December 1992  
Withdrawn

### **Proposed development:**

The applicant seeks permission to demolish no. 60 Firle Road - a detached, 1950s dwelling - along with the detached, double garage adjacent to no. 12 Beltring Terrace, and to erect no. 7 one-bed, self-contained flats.

- The height of the building (adjacent to no. 12) is 7.95m, in line with no. 12, rising to 8.35m on the corner, and dropping to 8.35m (adjacent to no. 64, which is 7.8m high). The distance between neighbouring properties is 0.2m.
- The proposal comprises no. 7 one-bed flats ranging from 35sqm to 45 sqm. Nos. 1, 2 and 3 are located on the ground floor; nos. 4, 5, 6 and 7 are split across the first floor and second floor (roof level).
- Access to flat no. 1 is from Firle Road; access to flat no. 2 is from Beltring Terrace via an inset-door; access to flat no. 3 is from the side elevation in the undercroft area; access to flats 4, 5 and 6 is via a shared stairway accessed from the opposite side elevation of the undercroft; and access to flat 7 is set back from Beltring Terrace.
- One on-site parking space is located directly under flat 6 in the undercroft area, which also allows occupants of no. 64 Firle Road access to their rear garden. Revised plans also show 3 additional on-street spaces directly in front of the site, but as unallocated parking.
- Waste and recycling storage is located to the rear of the site, along the boundary with no. 64, with access to the street through the undercroft passageway.

### **Revised plans**

The applicant submitted revised plans on 02.04.13 in order to address outstanding planning issues. The following changes were made:

- Reduction in height of building at corner point from 8.45m to 8.35m
- No. 3 parking spaces to front of properties on Beltring Terrace marked on plans
- Obscure glazing to habitable rooms to rear
- Repositioning of doors: Flat 2 (insetting from the pavement) and Flats 4-6 (moving to the side elevation away from the pavement).

### **Applicant's Points:**

- The design of the property maximises the site; ensuring it remains viable, while minimising impact on neighbouring properties. By introducing a number of flats to the area, the mix of dwellings in the local area is increased, making the neighbourhood accessible to individuals and couples seeking affordable market housing.

- The height of the block mirrors adjacent properties, increasing in height towards Firle Road, in line with no. 64 Firle Road.
- Wherever appropriate, obscure glazing has been incorporated into the design to ensure privacy is not compromised.
- Revised plans have been submitted to address the original concerns; height of building, privacy to rear, parking and access straight onto pavement.

**Summary Information:**

Site Area: 225sqm (Footprint: 165sqm - 2 floors plus roof accommodation)  
 No. Existing units: 1 detached dwelling and 1 detached double garage  
 No. Proposed units: 7 one-bed, self-contained flats  
 Net gain/loss of residential units: +6  
 Existing parking spaces: 2/3 on-site spaces and garage space, plus limited on-street parking  
 Proposed parking spaces: 1 on-site space, plus limited on-street parking

**Consultations:**

Consultation was carried out by letter to 22 neighbouring properties within Beltring Terrace, Beltring Road and Firle Road, and representation was sought from the Cleaning Contracts Team, The Environment Agency, Highways, and Planning Policy.

Highways (02.04.13) (Revised comments: 29.04.13):

I recommend that consent be refused for the following reasons:

- The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on Firle Road UC2155.

This proposal is to provide one parking space on site for a development of seven flats. It is noted that the site is located relatively close to the Town Centre as well as public transport and on this basis a reduced parking provision may be acceptable.

However, the ESCC Parking Guidelines calculator suggests that the likely parking demand for a development of this size in the Devonshire Ward is 6-7 spaces based on the latest available census data. The proposal therefore only caters for a fraction of the likely demand on site.

Whilst it is acknowledged that the Manual for Streets does state that in some cases it is not always necessary to provide parking on site. It is suggested that this is in locations where the adjacent streets can easily accommodate the increase in parking. No evidence has been provided to show that this is the case there is space to easily accommodate the additional vehicles on street.

If a number of parking surveys across several days at different times including evenings had shown that the surrounding streets could accommodate the extra vehicles then the proposal may be acceptable. Without this information however there is insufficient information provided on which to base this decision.

Additional comments in response to revised plans (29/04/13):

- There continue to be concerns over land ownership and access rights over the proposal site for other residents of Beltring Terrace. Consequently it may not be possible to allocate the spaces shown on the lane to the residents of the development only.
- As is stands there are 'no parking' signs in the first section of the lane meaning a fire appliance can gain access to this part of the road, and therefore get closer to the properties at the end of the terrace than it would under this proposal. The existing layout is already over the 45m specified in the Building regulations but this proposal would extend this distance further - the road is only approximately 4m wide and therefore there would not be the minimum 2.75m requirement for a fire appliance access.
- It is noted that the change in parking layout on the revised plans can take place without any consent but should not be relied upon as the sole parking provision for the site. There may be scope to demonstrate that there are sufficient parking spaces available in the surrounding streets (eg. through parking surveys over a number of days at different times) but without any information, submitted as part of the application, there is no proof to mitigate the parking concerns.

**Environment Agency (13.03.13):**

The Flood Risk Assessment (FRA) submitted in support of this application states that the risk of flooding associated with this development can be adequately managed. We therefore have no objection to this development.

Please note that the FRA recommends flood resilient measures to the ground floor building construction (FRA, para's 9.3 & 10.0).

The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood resilient and resistant measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

**Planning Policy (27.03.13):**

The application site, for the purposes of the Eastbourne Core Strategy Local Plan, is located within the Seaside neighbourhood and is a brownfield, windfall site within the predominantly residential area. The site benefits from being located in a sustainable neighbourhood (Policy B2 of the Core Strategy), and benefits from its close proximity to services, facilities and transport alternatives (Policies B1 and D1 of the Eastbourne Plan).

The key issue for this application is the principle of the amount of residential development proposed based on the impact on the amenity of neighbouring properties and the character of the area. The application increases the density of development at this location through proposing the demolition of the property at 60 Firle Road and developing the greater site to provide a continuous building line around the corner of the junction at Firle Road and Beltring Terrace.

The development would result in the net gain of 6 residential dwellings, which is supported in principle within the Core Strategy due to our high windfall reliance, subject to there being no negative impact on residential amenity. Indeed, Policy B2 of the Core Strategy states development will be required to 'protect the residential and environmental amenity of existing and future residents'.

It is clear that a more intense development (amount and density) will not resolve the planning issues highlighted for the site previously at appeal (see site history), and that a continuous built frontage is likely to deter from the built character of the area and further affect the residential and visual amenity of adjoining properties. Any development proposed should be more sensitive to the character of the local area.

In summary Planning Policy do not support the principle of development in line with the National Planning Policy Framework. Whilst windfall development is supported, the proposal is considered to create undue harm to the character of the area and residential amenity.

### **Neighbour Representations:**

16 objections were received, and 25 representations were collected on a petition against the scheme, representing Beltring Terrace, Beltring Road and Firle Road. In addition, 1 letter of support (in connection with the applicant) was received.

The following objections, which are considered to be material planning considerations, are summarised as follows:

#### Privacy and overlooking

- Numerous windows in the new property overlook and surround the garden of no. 64
- Loss of privacy to the bathroom of no. 12 Beltring Terrace, no. 64 Firle Road and no. 49 Beltring Road.
- The proposal to use obscure glazing to address privacy concerns, appears to be a convoluted approach, resulting in dull or dark rooms. This is further indication that there is too much development on-site.

#### Overbearing impact

- The built form of the proposed building would result in a significant increase in the sense of enclosure to neighbouring properties, resulting in a harmful effect in the enjoyment of residents' properties.

#### Loss of light, overshadowing and height

- Loss of light to habitable rooms and rear gardens at no. 12 Beltring Terrace, no. 64 Firle Road and no. 49 Beltring Road.
- The height of the building will reduce light available to the rear of no. 12 Beltring Terrace, no. 64 Firle Road and no. 49 Beltring Road.



### Parking and Highways

- Increased pressure for parking spaces in an already crowded area
- One parking space for 7 households is insufficient, in light of existing parking pressures on neighbouring streets.
- The siting of the proposed block would result in difficulty emerging from Beltring Terrace, and the increased scale of the building would result in manoeuvring problems and highway safety concerns.
- Cars are already parked very close to the junction at Beltring Terrace, and with one side taken up with parked cars, there is very little space to move alongside, or to parallel park.
- The location of the cycle rack is to the rear of the site and not easy to access.

### Overdevelopment of the site

- The development is a much higher density than the surrounding residential area
- Lack of garden space, typical of neighbouring properties within the terrace.
- The development is 3-storeys high with accommodation in the roof and dormers – incongruent with the neighbouring area.

### Access

- The development would limit access for emergency vehicles, which is a concern for disabled residents within the street
- Concern over restricted access for wheelchairs and pushchairs.

### Design

- The proposal is not in keeping with the surrounding area – the features do not reflect the character of the area.
- The design conflicts with the row of terraces along Beltring Terrace, which holds local distinctiveness.
- The distance between buildings is very close, making it difficult to access for maintenance.
- The proposed roof form, position and height could create an awkward and unattractive junction where it meets no. 12.
- The undercroft parking area is an alien feature in the streetscape – the provision of a single space is at the cost of the appearance of the scheme.
- The design is uninspiring and conflicts with the local area. The details fail to be sympathetic to adjoining buildings and would harm the appearance of the area.

### Flooding

- There have already been numerous occasions where the street has flooded (from overflowing drainage as well as surface water flooding following snow and heavy downfalls), and an increase in households would exacerbate the situation
- Firle Road has also experienced flooding due to poor drainage
- Concern that the increased flood risk caused by the development will have a knock-on effect to existing properties

#### Environmental impact:

- The noise will be significantly greater from 7 households than the existing 1 household, particularly as it is on a densely populated site.
- Wheelie bins are likely to be left on the street front, as it is not easy to access the bin storage area to the rear of the site / behind the parking space.

In addition, the following concerns were raised, but are not material planning considerations:

#### Drainage and sewerage

- Increased pressure on drainage and sewerage

#### Land ownership

- Outstanding issues relating to land ownership and rights of access to private road.

#### History of site

- Previous applications of a smaller scale have been refused at planning committee and at appeal, on the basis of being 'discordant and incongruous', and being 'out of character with the properties in Beltring Terrace', and 'causing serious harm to the character and appearance of the area'. The current proposal presents a greater threat than previous schemes.

#### Construction

- Access to the street during construction, particularly for emergency vehicles
- Construction and demolition methodology and waste management, eg. Location of skips within the street
- Noise and dust suppression during construction

#### **Appraisal:**

The key considerations in determining the application relate to: light available to neighbouring occupants, potential loss of privacy, the scale of the two-storey development, the size of the units, parking and highways, and the relationship with neighbouring properties, as detailed below.

- Principle of residential development  
With the adoption of the National Planning Policy Framework (April 2012), greater weight should be given to sustainable developments, having regard to the environmental, economic and social impact of the proposal. Where a proposal is acceptable in principle, every effort should be made to work up a scheme that addresses any outstanding planning issues, and that addresses the longterm needs of a place, as identified in the Local Plan / Core Strategy.  
The following policies are relevant to the application at Firle Road / Beltring Terrace:

- 6. Delivering a wide choice of high quality homes:

Para 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 7. Requiring good design:

Para 58 - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'

The principle of residential development on the site is considered acceptable in line with the National Planning Policy Framework, and is supported in principle within the Core Strategy due to Eastbourne's high windfall reliance. This is, however, subject to there being no negative impact on residential amenity - the Core Strategy states development will be required to 'protect the residential and environmental amenity of existing and future residents', which is assessed below.

- **Privacy and Scale of development**

The rear elevation of the section located on Beltring Terrace has a series of windows at ground, first, second / roof level which overlook the rear garden space of nos. 64 and 66 Firle Road. The rooms to the back of the development include bedrooms, living rooms, kitchens and stairwells. In the case of the living rooms, they are predominately open plan and have other windows on the front elevation serving the room. With regard to the bedrooms, the rear window is generally the only window. As a result, the privacy of residents at no. 64 and 66 is compromised.

The revised plans show obscure glazing to windows on the rear elevation. However, given that a blanket approach to the rear elevation is the only means to reducing privacy concerns (thereby reducing the quality of living to habitable rooms), this is an indication of the overdevelopment of the site. The obscure glazing would eliminate direct sight only, and the impact of lighting from such a large block across garden space (even with obscure glass), would continue to have a detrimental impact on the neighbouring occupants and residents of the flats. On this basis, significant loss of privacy would result in a recommendation for refusal.

- **Light**

In comparison to existing light levels, there will be a slight reduction in light available to the private garden of no. 64 Firle Road. The garden to the rear of no. 12 Beltring Terrace already experiences overshadowing from properties along Firle Road in the afternoon, and the development is not considered to exacerbate the situation.

Shadow from the development will be cast over the rear garden of no. 64 in the morning, moving across the application site itself and the side elevation of no. 12 (no windows), and onto the street of Beltring Terrace in the afternoon (similar to existing situation).

On balance the loss of light would affect the occupants of no. 64 for part of the day, although the impact is not to be excessive, given the existing levels of overshadowing.

- **Floorspace of units**

The floorspace of the units range from 35sqm to 45sqm and are all one-bed units, designed for 1-2 occupants. The units are considered to be relatively small in size but are not dissimilar to smaller flats or bedsits recently approved within Eastbourne. In addition, only flat no. 3 (adjacent to no. 12 Beltring Terrace) has any private amenity space.

- **Parking and Highways**

The original plans included one on-site parking space, located as undercroft parking. The revised plans also show 3 additional on-street spaces within Beltring Terrace, closest to the junction of Beltring Terrace / Firle Road.

The Highways team has raised concerns as follows:

- The likely parking demand for a development of this size in the Devonshire Ward is 6-7 spaces based on the latest available census data. The proposal therefore only caters for a fraction of the likely demand on site.

- Lack of evidence demonstrating capacity for overspill parking on neighbouring streets

- With reference to revised plans, the proposal is unclear how the spaces on Beltring Terrace would be allocated solely to residents of the development.

- Additional parking on Beltring Terrace, which is a narrow street, would restrict access for emergency vehicles (over the Building regulations specified distance)

From the original and revised plans, the proposal lacks a clear strategy for parking provision for the 7 units, and is at a sufficient distance from the Town Centre to not rely solely on overspill parking on neighbouring streets. Without the evidence to demonstrate whether the neighbouring streets have capacity to support the development, and minimal on-site provision, the application is recommended for refusal.

- **Relationship with neighbouring properties**

The two-storey element (with accommodation in the roof space / third storey) runs the full length of the site, up to the boundary fronting Beltring Terrace and Firle Road. Neighbouring properties on Firle Road also open directly onto the pavement; however, properties within Beltring Terrace are set back 0.85m from the pavement (1.05m wide). To the rear, the building line runs parallel to the boundary of no. 64 at a distance of 2.7m. Even with the undercroft parking space and pedestrian access under the building, which breaks up the prominence of the block to a degree, the rear elevation of the block is located close enough and at a height (8.45m) as to have a detrimental impact on the private amenity space of occupants of no. 64.

The resulting impact is the enclosure of the rear garden of no. 64, which would also be felt by occupants of no. 12 Beltring Terrace. The resulting impact is in an overbearing relationship with the neighbouring buildings, and a recommendation for refusal.

- **Design of development**

The surrounding area is characterised by terraced properties, two-storey in height. The proposal is located on a prominent corner position and at the corner point is higher than neighbouring properties, and includes accommodation in the roof space. The development differs in its architectural features to the surrounding streets, and does not incorporate the character and appearance of the residential area. In terms of roof detailing, the gable end of the block conflicts with no. 12 Beltring Terrace and no. 64 Firle Road, which both have hipped gables.

The pavement running in front of the block along Beltring Terrace is narrow and low-level, resulting in cars commonly being parked on the curb and alongside the boundary walls of Beltring Terrace. The front elevation of the proposed block runs in line with the boundary walls, and parking is proposed directly in front of the block. Consequently, there is an increased of front entrances being blocked. Even with the amendments; inseting of front doors and re-location of some entrances to the side elevation, the overall front elevation and street layout is considered to hinder access to the new units.

The distance between the side elevation of the existing properties and the proposed elevations is 0.2m. Although this is not a material planning consideration, it raises concerns over access for maintenance purposes. The proposed delivery of 7 units on-site has only been possible with such a minimal distance, which also suggests an overdevelopment of the site.

- **In conclusion**

By reason of the overbearing impact with no. 64 Firle Road and no. 12 Beltring Terrace, the loss of privacy to no. 64 Firle Road and the lack of parking provision associated with 7 additional households, the development is considered to be an overdevelopment of the site. The design of the scheme is inconsistent with the character and appearance of the surrounding residential area, and the proposal lacks a suitable amount of private amenity space for the number of households on-site.

As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal conflicts with policies UHT1, UHT2, UHT4, HO7, HO20 and TR11 of the Eastbourne Borough Plan (Saved policies, 2007).

**Human Rights, and Equality and Diversity Implications:**

The development is considered to have a detrimental impact on the neighbouring occupants' peaceful enjoyment of private amenity space, and in a notable loss of privacy.

**RECOMMEND:** Permission be refused for the following reason:  
By reason of the overbearing impact with no. 64 Firle Road and no. 12 Beltring Terrace, the loss of privacy to no. 64 Firle Road and the lack of parking provision associated with 7 additional households, the development is considered to be an overdevelopment of the site.

The design of the scheme is inconsistent with the character and appearance of the surrounding residential area, and the proposal lacks a suitable amount of private amenity space for the number of households on-site.

As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal conflicts with policies UHT1, UHT2, UHT4, HO7, HO20 and TR11 of the Eastbourne Borough Plan (Saved policies, 2007).

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission, namely the overbearing impact, the loss of privacy and the lack of parking provision, do not appear capable of resolution without major revision to the proposal.

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

## Committee Report 21<sup>st</sup> May 2013

### Item 6

<b>App.No.:</b> EB/2013/0082	<b>Decision Due Date:</b> 21.05.13	<b>Ward:</b> Hampden Park
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> 07.05.13	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 05.04.13		
<b>Neigh. Con Expiry:</b> 06.04.13		
<b>Weekly list Expiry:</b> 10.04.13		
<b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Within date		
<b>Location:</b> Formerly 'The Pubb', 24 Mountfield Road		
<b>Proposal:</b> Redevelopment of site comprising demolition of public house and erection of 14 affordable units with associated parking, comprising 7 no.1 bed flats, 2 no.3 bed houses, 4 no.2 bed houses and 1 no.2 bed wheelchair-accessible flat.		
<b>Applicant:</b>	Trinity Homes Ltd	
<b>Recommendation:</b>	Approval, subject to conditions	

#### Planning Status:

- Predominantly residential area
- Located close to Brassey Parade and Queens Parade (Hampden Park)
- Located close to Hampden Park roundabout and Hampden Park Station and Level Crossing
- Archaeological notification area
- Floodzone 3

#### Relevant Planning Policies:

Eastbourne Core Strategy Local Plan policies (2013):

B2: Creating Sustainable Neighbourhoods

C7: Hampden Park Neighbourhood Policy

B1: Spatial Development Strategy and Distribution

D1: Sustainable Development

D5: Housing

Eastbourne Borough Plan (Saved policies, 2007):

HO1	-	Residential Development in the Existing Built Up Area
HO2	-	Predominantly Residential Use
HO7	-	Redevelopment
TR11	-	Car Parking
HO20	-	Residential Amenity
TR6	-	Facilities for Cyclists
TR11	-	Car Parking
UHT1	-	Design of New Development
UHT2	-	Height of Buildings
UHT4	-	Visual Amenity
LCF24	-	Redevelopment of Public Houses
US4	-	Flood Protection and Surface Water Disposal
US5	-	Tidal Flood Risk

### **Site Description:**

The site is located in Hampden Park, just off the A22 Golden Jubilee Way. The site occupies a prominent corner position at the junction of Mountfield Road and Lottbridge Drive.

'The Pabb', 24 Mountfield Road is located in a mixed use area, made up of uses including industrial, retail and residential. It is 150 metres from the Hampden Park railway station and three miles from the centre of Eastbourne.

The site is approximately 35.0 metres wide, 46.0 metres deep and has a site area of 0.39 acres (0.16 ha). It is a brownfield redundant site, formerly a public house, which has been vacant for over 2 years.

### **Relevant Planning History:**

A series of pre-application requests proposing retail, residential and mixed use developments.

No previous applications.

### **Proposed development:**

The applicant seeks permission to demolish the existing redundant public house and erect 14 mixed affordable units on the site.

- The new building will be 3-storeys in height (12.5m high), covering a footprint of 113 sqm. The development remains within the site boundary, retaining the green space alongside Lottbridge Drive.
- Both vehicular and pedestrian access to the site will be off Mountfield Road; the access will be retained, and the access onto Lottbridge Drive roundabout is to be stopped up.
- All units will be incorporated in one block with the main front elevations facing both Mountfield Road and Lottbridge Drive.
- All parking will be positioned to the rear of the site, with 18 no. 2.5x5.0m spaces to comply with Highways requirements.
- The 6 houses will have private gardens with a minimum depth of 6 metres and include a storage shed, bin store, drying and patio areas.
- The 8 flats will be accessed from the car park with all entrance doors off of a central lobby, and will have a communal drying area, cycle shed and bin store positioned within close proximity to the lobby entrance.



**Applicant's Points:**

The following points were discussed as pre-application stage and have been incorporated into the planning submission:

- The site is extremely sustainable and ideal for residential use with local shops, schools, public transport etc.
- There is a high demand for 1, 2 & 3 bed units in this area.
- The site is very prominent, so it was important to have a creative design with height and mass.
- The applicant needs to prove the existing A4 use is now redundant and therefore not required in this area.
- The new vehicular access and parking requirements are to be agreed with the Highways Authority.
- The gap in the proposed building shown on the initial sketch scheme should be filled in.
- The provision of a wheel-chair accessible unit should be included within the scheme.
- All units to be designed to Life Time Home Standards.

**Summary Information:**

Site Area:	0.16 has
Net gain/loss of residential units:	+14
No. bedrooms per unit:	7 one-bed flats, 4 two-bed houses, 2 three-bed houses, 1 two-bed, wheelchair accessible flat.
Proposed density - dwellings/hectare:	88
Number of affordable units proposed:	14
Previous land use:	Vacant public house (A4)
Proposed parking spaces:	18 (inc 2 disabled parking bays)

**Consultations:**

Consultation was carried out by letter to 31 households and local businesses within Mountfield Road, The Hydneye and Lottbridge Drove, and 4 site notices were displayed nearby. Representation was also sought from the Cleansing Contracts Team, Economic Development, Highways, Planning Policy, the Environment Agency and the Archaeological Team summarised as follows:

**Planning Policy (07.05.13):**

The site has not been formally identified for development in the Strategic Housing Land Availability Assessment and would as such be classified as a windfall development site. The Council relies on windfall sites coming forward as part of its emerging spatial development strategy (Policy B1 of Eastbourne Plan) and in order to meet its local housing targets.

The National Planning Policy Framework (NPPF) is clear in paragraph 51 that empty properties should be brought back into use, and if suitable be brought forward for residential development. As the site has been redundant for over 2 years, and the site is not fundamentally of economic importance to the spatial development strategy of the Core Strategy Local Plan, national policy supports residential development of this site.

### *B2: Creating Sustainable Neighbourhoods*

Hampden Park is not one of the top 6 sustainable neighbourhoods, but the development would conform with the policy by meeting the needs of the local community and addressing issues specific to the Hampden Park neighbourhood, including 'offering a choice of housing opportunities locally'. The application conforms with the objectives of the Hampden Park neighbourhood Policy (Policy C7 of the Core Strategy) through 'delivering housing through development on underused land'.

The development would provide a net gain of 14 residential dwellings all of which would provide much needed affordable accommodation for local people which would support the spatial development strategy and assist in meeting the Council's required local housing target and its 5 Year housing land supply. The type and size of residential development proposed is in line with the requirements of the Strategic Housing Market Assessment.

### *LCF24: Redevelopment of Public Houses*

The NPPF supersedes this policy and as such limited weight should be attached. This being said the development does meet the criteria for the policy anyway in that:

- The public house is no longer financially viable – it has been extensively marketed for a prolonged period;
- Compensatory provision is not required – the development of 14 affordable housing units is considered to deliver a significant community benefit to the neighbourhood.

### *US4: Flood Protection and Surface Water Disposal*

#### *US5: Tidal Flood Risk*

The site is located wholly within Tidal Flood Zone 3A. As such a detailed Flood Risk Assessment has been provided to assess the implications of the development on flood risk and whether any flood mitigation measures are required. As the site is located within the Willingdon Levels Flood Storage Catchment Area a flood storage contribution calculation has been made, but as the loss of impermeable area is minimal, a contribution is not required in this instance.

In summary Planning Policy support residential development on the proposed site. In conformity with the National Planning Policy Framework the proposal should be permitted as it provides much needed sustainable residential development in the local neighbourhood and the Borough as a whole.

#### Environment agency (26.04.13):

The original representation recommended refusal as no flood risk assessment had been provided, and therefore there was insufficient evidence to provide a sound response. Following receipt of the FRA the updated response is as follows:

'I can confirm that the submitted Flood Risk Assessment is a reasonable representation of the risks at this location and therefore we have no objections to the proposed development.'

#### Highways (23.04.13):

This site for many years operated as a public house until its closure a few years ago. When the pub was open it operated with a small car park at the front of the site accessed from two vehicle accesses to the site, one from Mountfield Roundabout and one from Mountfield Road.

This proposal would remove the access from the roundabout and improve the access onto Mountfield Road by widening it to allow two way vehicle flows. This access also has more than adequate visibility splays.

Car and cycle parking can be provided in accordance with East Sussex County Council Guidelines. The car park layout and spaces are large enough to allow all spaces to be easily accessed and for vehicle to turn within the site so they can enter and exit the site in a forward gear.

The site location is considered to be sustainable as there is very good access to buses and trains as well as a number of local shops and services.

One area of concern is that due to the proximity of the site to the Level Crossing there is very often queuing traffic across the site access, which could make gaining access to and exiting the site difficult and potentially further disrupt the traffic flow in Mountfield Road. In order to overcome this concern a 'Keep Clear' marking could be installed on the carriageway.

Using the TRICS database it is estimated that this development will create approximately 60 vehicle trips per day. The previous use as a pub would likely have created a greater number of trips per day but they would obviously have been predominantly evenings & weekends not peak hours as a residential use would be. The increase in peak hour trips from this site will be minor with approximately 10 movements in each peak hour which will not have a material impact on traffic flows.

The development will create additional demand for bus travel and as a result high level kerbing should be installed at the bus stop outside the site to improve accessibility.

The development is acceptable in highway terms as any impact will be minor and therefore in accordance with the NPPF there are no grounds for a refusal on highway issue. I recommend that any consent shall include conditions relating to: 1. Reconstruction of access, 2. Creation of turning circle, 3. Existing access onto Mountfield Roundabout has been stopped up, 4. Submission of a Construction Traffic Management Scheme, 5. Parking areas, 6. Cycle storage, 7. Installation of high level kerbing at bus stop; and associated informatives.

Cleansing Contracts Team (08.04.13):

I consider the provision drawn onto the layout for 2 x wheelie bins at the boundary of each house to be sufficient. However the maximum number of containers each property could have under the new scheme is as follows:

- 1 x 240lt Dry Recycling Wheelie Bin
- 1 x 180lt Refuse Bin
- 1 x 240lt Garden Waste Bin
- 1 x 55lt box for glass

It seems unlikely residents of these properties would opt in to the garden waste scheme as they have paved gardens in the plan but if they do the additional wheelie bin would not fit into the space set aside for bins.

With regards to the provision of the bin store for the 8 x flats, the illustration shows space for 2 x 1100lt bins and 2 x standard wheelie bins. Assuming 1 x 1100lt is used for refuse and the other 1100 for dry recycling, the 2 x wheelie bins could be used for glass. Therefore the space is sufficient.

Archaeological Team (04.04.13):

The proposed development is situated within an Archaeological Notification Area, defining the Willingdon Levels prehistoric peat deposits and the Hydneye deserted medieval village. Archaeological work in the vicinity of this site has shown prehistoric peat deposits survive at a depth of c. 1.5 – 2.5 metres below the current ground surface. In a number of areas these peat deposits have been found to contain well preserved wood and organic remains dating to the Neolithic and Bronze Age periods, including a nationally significant timber trackway and settlement platform dating to the late Bronze Age. Although there is likely to have been some disturbance on this site during the construction of the current building, there is a high potential that more deeply buried remains survive.

In the light of the potential for loss of heritage assets on this site resulting from 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, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements para 141 – 'Making information on the historic environment publicly accessible' in the National Planning Policy Framework.

I would therefore ask that the following conditions be applied to any planning permission that is granted in respect of this application:

1. Implementation of a programme of archaeological work, 2. Completion of archaeological site investigation and post investigation assessment

Economic Development Team (03.04.13):

Having been involved on matters relating to this site from both an Economic Development and Difficult Properties Group perspective, I am fully supportive of this proposal as all employment uses appear to remain unviable.

### **Neighbour Representations:**

6 letters of objection were received, along with 1 letter of support. The following points are considered to be material planning considerations:

#### Objections:

##### Traffic congestion

- The development will add to the already congested arterial road, exacerbated by its proximity to the level crossing
- There is already too much traffic on this stretch of road, particularly if residents are exiting the site to turn right.

##### Loss of locally distinctive building

- Demolition of another historic building in Eastbourne, when there are other sites that are better suited to housing
- Loss of another pub – a community asset.

##### Type of development

- The local area needs family housing rather than more flats

#### Support:

##### Redevelopment of site

- Previously an attractive site, it now represents an ugly, abandoned site which attracts anti-social behaviour. I support the demolition of the building and construction of suitable, in-keeping housing.
- We look forward to the completed development and fully support the application, and are grateful that the new properties are not directly overlooking our home.

The following comments were also received as observations:

- Loss of existing parking space for neighbouring property, where the new entrance is proposed.
- Wild birds use the shrubbery along the boundary with no 22 and 22a. Any construction work should give consideration to wildlife being disturbed.

### **Appraisal:**

The key considerations in determining the application relate to:

- Traffic
- Access & Highways
- Affordable Housing
- Floorspace
- Privacy & Outlook
- Local Distinctiveness of Building and loss of community use
- Parking
- Waste Storage and amenity space
- Flooding & Archaeological impact
- **Principle of residential**  
The principle of residential development on the site is considered acceptable in line with the National Planning Policy Framework, and is supported in principle within the Core Strategy due to Eastbourne's high windfall reliance.

- This is, however, subject to there being no negative impact on residential amenity - the Core Strategy states development will be required to 'protect the residential and environmental amenity of existing and future residents', which is assessed below.
- **Traffic, Access and Highways**  
 In accordance with advice from Highways, the site location is considered to be sustainable as there is very good access to buses and trains as well as a number of local shops and services.  
 However, the proposal does raise concerns over its proximity to Hampden Park Level Crossing, and in relation to the roundabout, which is used by a high volume of traffic. There is very often queuing traffic across the site access, which could make gaining access to and exiting the site difficult and potentially further disrupt the traffic flow in Mountfield Road. In order to overcome this concern a 'Keep Clear' marking could be installed on the carriageway (by condition).  
 With regard to the change of use to residential, the increase in peak hour trips from the site will be minor and will not have a material impact on traffic flows.  
 Car and cycle parking can be provided in accordance with East Sussex County Council Guidelines.  
 In accordance with the NPPF there are no grounds for a refusal on highway issues, subject to conditions relating to: 1. Reconstruction of access, 2. Creation of turning circle, 3. Existing access onto Mountfield Roundabout has been stopped up, 4. Submission of a Construction Traffic Management Scheme, 5. Parking areas, 6. Cycle storage, 7. Installation of high level kerbing at bus stop; and associated informatives.
- **Local distinctiveness of building and loss of community use**  
 According to records, the building was constructed in the period between 1925 and 1948. The building is not considered to be architecturally or historically significant, and is not a building of local interest or located within a Conservation area. The building has been vacant for over two years, and in recent years the condition has deteriorated, attracting anti-social behaviour. The loss of the pub as a community asset has already taken place, and the proposal for affordable housing is considered to be an appropriate replacement community asset. Given the lack of interest in re-establishing the site as A4 use, or in conversion of the existing building, it is reasonable to support demolition and redevelopment of the site for the purpose of affordable housing. The proposal is fully supported from an economic development perspective.
- **Affordable Housing**  
 The development would provide a net gain of 14 residential dwellings all of which would provide much needed affordable accommodation for local people which would support the spatial development strategy and assist in meeting the Council's required local housing target and its 5 Year housing land supply. The development benefits from a purpose-built unit, fully accessible by wheelchair users. The type and size of residential development proposed is in line with the requirements of the Strategic Housing Market Assessment.

- **Floorspace**

The floorspace of the one-bed units range from 49sqm to 55sqm, with the 2- and 3-bed houses measuring 80sqm and 101sqm, and the two-bed, wheelchair accessible unit measuring 83sqm. The one-bed flats are designed to be for two people, the two-bed accommodation for four people, and the 3-bed house for 5 people. The units all exceed the HCA space standards and accord with the Eastbourne Affordable Housing Implementation Technical guide (April 2013).
- **Waste storage and amenity space**

Private garden space (measuring at least 27sqm / 6m in length) has been provided in association with the 2- and 3-bedroom houses (nos. 1, 2, 11, 12, 13, 14). Within the gardens are cycle storage sheds, waste and recycling storage and space to be used as a drying area. Separate bin storage and cycle storage areas has been provided along the boundary with 22 / 22a Mountfield Road to serve the flats. Consultation from the Cleansing Contracts Team confirms that the allocated space and layout is sufficient for the residential site.
- **Privacy and Outlook**

To the north-west of the site are industrial units; the front elevations facing onto Mountfield Road and Lottbridge Drove are separated by a major Highway / Lottbridge Drove roundabout. By virtue of the orientation of the proposed units, the closest units to nos 22 and 22a Mountfield Road (residential) retain a distance of 9m. The flank walls of both properties have no windows, and are separated by the re-instated access route and a single width parking space. Proposed units to the south-west of the site (adjacent to Lottbridge Drove) are over 23m from the rear garden of nos 22 and 22a Mountfield Road and will be separated by a 2m high close-board fence. Even with the increase in height of the building to 3-storey level and the additional windows on the rear elevation, the distance between the residential dwellings (proposed and existing) and the orientation of the dwellings ensures that privacy concerns have been addressed within the design, and there will be minimal impact on occupants.
- **Parking**

The proposal includes 18 parking spaces located to the rear of the site, which is in accordance with the ESCC parking standards for accommodating 14 households on-site. The car park layout and spaces are large enough to allow all spaces to be easily accessed and for vehicles to turn within the site so they can enter and exit the site in a forward gear.
- **Flooding**

The conclusion of the Flood Risk Assessment highlights that:

  - Whilst there is an increase in the impermeable area on the site, the additional runoff will be attenuated to mimic the existing peak runoff rate. The proposed drainage system will include adequate storage volume provision designed to take accommodate a 1:100yr storm;
  - The surface water drainage design for the development will allow for the effects of climate change.

- The foul water drainage design for the development will reduce peak flows.
- The risk of flooding on and off of the site will remain unchanged following the development.

In light of the Flood Risk Assessment submitted with the application, and following confirmation from the Environment Agency, there are considered to be no outstanding issues.

- **Archaeological impact**

The proposed development is situated within an Archaeological Notification Area, defining the Willingdon Levels prehistoric peat deposits and the Hydneye deserted medieval village. Archaeological work in the vicinity of this site has shown prehistoric peat deposits survive at a depth of c. 1.5 – 2.5 metres below the current ground surface.

In response to recommendations from the Archaeological Team, the applicant has already begun making arrangements to implement a programme of archaeological work, and complete an archaeological site investigation and post investigation assessment, subject to permission be granted.

**Human Rights, and Equality and Diversity Implications:**

The proposal responds to housing need in Eastbourne in the provision of entirely affordable housing, and incorporates units and parking spaces fully accessible to wheelchair users.

**Conclusion:**

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. The proposal by virtue of the size of units, waste and cycle storage and amenity space provides a suitable standard of living space and does not impact detrimentally on neighbouring occupants. The development is at a scale and density that is appropriate to the site as a whole and neighbouring buildings, and provides suitable access and parking provision on-site. Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007).



**RECOMMEND:** Permission be granted subject to the following conditions:

**Conditions:**

- Time limit
- Facing materials to be submitted
- Hard and soft landscaping in accordance with approved scheme
- Reconstruction of access prior to occupation
- Creation of turning circle
- Stopping up of existing access onto Mountfield Roundabout
- Installation of high level kerbing at bus stop
- Submission of a construction traffic management scheme
- Car parking
- Cycle parking
- Storage and refuse facilities prior to occupation in accordance with approved layout
- Boundary treatment (taking into account wildlife on-site)
- Demolition method and waste removal statement
- Construction times
- Construction method statement
- Vehicle washing equipment during construction
- Foul and surface water details to be submitted
- Discharging of surface water statement
- Implementation of a programme of archaeological work
- Completion of archaeological site investigation and post investigation assessment
- In accordance with approved plans

**Informatives:**

- Discharge of conditions
- ESCC Highways - Liaison with Highways to meet conditions
- ESCC Highways - Licence for the construction of and stopping up of the accesses
- ESCC Highways - 'Keep Clear' marking on the highway
- Connection to the public sewerage system
- Investigation if sewer found during construction

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

## Committee Report 21 May 2013

### Item 7

**App.No.:** EB/2013/0090      **Decision Due Date:** 23 April 2013      **Ward:** Upperton  
**Officer:** Jane Sabin      **Site visit date:**      **Type:** Variation of a condition

**Site Notice(s) Expiry date:** N/A  
**Neigh. Con Expiry:** 10 April 2013  
**Weekly list Expiry:** 10 April 2013  
**Press Notice(s)-:** N/A

**Over 8/13 week reason:** High volume of applications

**Location:** 1-6 The Courtyard, Wharf Road

**Proposal:** Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.

**Applicant:** Mr. T. Fuller/ The Courtyard Management Company

**Recommendation:** Approve

### Planning Status:

N/A

### Relevant Planning Policies:

UHT1            -        Design of development  
HO20           -        Residential amenity

### Site Description:

This small courtyard development of six two-storey residential properties is located on the south side of Wharf Road, 65m from the junction with Station Parade. The properties are arranged in a U-shape with a central access to a courtyard with integral garages.

### Relevant Planning History:

App Ref:EB/1999/0124      Description: Proposed change of use to form six dwellings with garages, together with alterations, part raising of roof and the introduction of dormer windows and roof lights.  
Decision: Approved      Date: 27 May 1999

**Proposed development:**

Permission is sought to install black metal gates across the entrance on the boundary with the pavement, 3.3m wide and 1.37m high. A condition attached to the redevelopment of the courtyard for residential purposes expressly restricted the installation of gates, walls or fences within the site.

**Applicant's Points:**

The primary reason for installing the gates is security. Whilst Wharf Road is generally quiet, it is used as a short cut for pedestrians from the town centre, and there have been a number of anti-social incidents late at night. Beer cans and vodka bottles are often found in the courtyard; a fridge has also been fly-tipped there. It is considered that gates would act as a deterrent and give residents a sense of security.

**Consultations:**

The Highway Authority has no objections to the proposal, noting that generally there is a requirement for any gates to be set back from the edge of the highway so any vehicle waiting to enter the site would not disrupt traffic flow. In urban areas however there are many properties which have gates on the back edge of the highway that operate without any apparent issue. In this case it is noted that Wharf Road is narrow, however, the traffic speeds are low as are the volumes, so any impact of traffic flow would be minimal. On this basis any impact could not be classified as 'severe' and therefore in accordance with the NPPF there would be no grounds for a refusal on highway issues.

(Memo dated 16 April 2013)

**Neighbour Representations:**

Two objections have been received from the freeholder and tenant of 5 The Courtyard, and the objections are:

- Gates would present a hazard to traffic (waiting in the road for gates to be opened/closed)
- Cars using the entrance to turn could be prevented by the use of simple bollard, which would be much cheaper than gates
- It would make the development look like a prison
- It might be used as a safe play area for children, generating noise
- The gates would be noisy, especially late at night
- Maintaining the gates would increase service charges
- There have been few/no instances of anti-social behaviour or fly-tipping
- It would make it harder (for the tenant who has walking difficulties) to get in and out of the courtyard

(Letters/email dated 4 to 8 April 2013)

**Appraisal:**

The main issues to consider in determining this application are the impact on visual amenity, and the impact on highway safety.

The reason for imposing the condition was not, as might be expected, to maintain highway safety, but "to prevent over-development of the site and to safeguard the privacy of occupiers of the adjoining properties", which is bizarre to say the least.

The proposed gates are simple in design and an appropriate height, and would not appear out of character with the development. I do not agree with the objectors that it would have an adverse impact on visual amenity or that their use would be so great that noise would be an issue.

I agree with the Highway Authority's assessment of the proposal in this little used road, that the traffic speed and flow is so low, that there would only be minimal impact. The adjacent property, 2 Wharf Road, has gates to its garage in an identical position as that now proposed.

**Human Rights Implications:**

It is considered that here would be no adverse impact on residential amenity.

**Conclusion:**

The proposed development would not have any impact on visual or residential amenity or on highway safety, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

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

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

(2) The proposed development shall be carried out in strict accordance with the block plan and elevational drawing received on 25 February 2013.

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) The gates hereby approved shall be finished in black before they are first installed and permanently maintained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenities of the area.

**Informatives:**

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:  
It would not have any impact on visual or residential amenity or on highway safety, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

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



## Committee Report 21 May 2013

### Item 8

<b>App. No.:</b> EB/2013/0099	<b>Decision Due Date:</b> 04/04/2013	<b>Ward:</b> Meads
<b>Officer:</b> Ray Deans	<b>Site visit date:</b> 08/04/2013	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 12/04/2013 <b>Neigh. Con Expiry:</b> 17/04/13 <b>Weekly list Expiry:</b> 17/04/13 <b>Press Notice(s) Expiry:</b> N/A		
<b>Over 8/13 week reason:</b> Organisational Restructure and balancing of workloads		
<b>Location:</b> 28 Grange Road		
<b>Proposal:</b> Demolition of existing building and erection of nine two-bedroom flats with five parking spaces, as approved under EB/2009/0705/(FP) with amended building design and vehicular access. (Renewal Of Planning Application EB/2009/0705(FP)).		
<b>Applicant:</b> Holbeck & Lewis Developments Ltd		
<b>Recommendation:</b> Approve		

#### Planning Status:

- Area of High Townscape Value

#### Relevant Planning Policies:

Eastbourne Borough Plan 2001-2011

Eastbourne Core Strategy

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT5	Protecting walls/Landscape features
UHT7	Landscaping
UHT16	Protection of Areas of High Townscape Value
HO20	Residential Amenity
TR6	Facilities for cyclists
TR11	Car parking
NPPF	National Planning Policy Framework 2012

**Site Description:**

The application site comprises a substantial three storey Edwardian property with additional roof space, originally built as a single family dwelling, currently divided into 3 flats. The site occupies a prominent plot opposite the junction with Jevington Gardens on the western side of Grange Road and forms part of Meads Area of High Townscape Value. Grange Road is characterised by large detached Edwardian buildings that are similar in form and scale.

**Relevant Planning History:**

- EB/2009/0705 Demolition of Existing building and replacement with 9 flats together with 5 car parking spaces and 9 storage units. Approved conditionally
- EB/2007/0194 Demolition of existing building and replacement with 9 flats together with 5 car parking spaces and 9 storage units. Approved conditionally. 24/04/2007
- EB/2006/0602 Demolition of existing building (containing 3 self contained flats) and replacement with new building containing 13 two-bedroom flats with 7 car parking spaces. Refused. 31/10/2006
- EB/2006/0245 Demolition of existing building and erection of replacement building containing 14 one and two bedroom flats, with 12 car spaces. Refused. 08/08/2006  
Dismissed on appeal. 24/11/2006

**Proposed development:**

Full planning permission is sought for the demolition of the existing building and erection of 9 two-bedroom flats (with two flats each on the basement, ground, first and second floors and one unit in the roof space) with 5 parking spaces and 9 cycle storage units (as approved under EB/2007/0194) with amended building design and vehicular access.

The following amendments from the approved scheme were granted in 2009.

- Revision of access to retain existing site entrance;
- Amended design and fenestration arrangement, including internal layout alterations; and
- Relocation of 9 cycle storage units to northern side elevation.



However, it should be pointed out that this site already has the benefit of detailed Planning Consent for the erection of 9 dwelling units and that this application merely seeks renewal of that permission.

**Applicant's Points:**

In the Design and Access Statement submitted with the application, the applicant makes, inter alia, the following summary:

'The existing building on the site comprises three dwelling units. The redevelopment proposal comprises the erection of 9 dwelling units. Therefore there is a net gain on the site of 6 additional dwellings.

The existing dwelling density stands at 27 dwellings per hectare and under the new redevelopment this will increase to 81 dwellings per hectare. The use of long sliding sash windows instantly provides a degree of linkage to the original properties and elements of detail from the existing fenestration have been brought through in the new building to create a degree of familiarity in the street scene.

This includes the use of bay windows, multiple unit windows, timber heads and stone sub-sills.

In addition the materials to be used on the replacement building will all be largely the same as the original and will incorporate the use of a red facing brick, handmade clay tiles to gables and other roof features and plain tiles to the roof elements.

The eaves detailing on the replacement building has been carefully matched to the surrounding properties and the use of large timber moulded bargeboards on gables with large overhangs creates a strong Edwardian flavour in keeping with the adjacent housing stock.

Unusually for a new building, chimneys have been added to the roofscape specifically to provide an authentic appearance in the street scene.

The result of these measures is to create a building design which instantly integrates into its surroundings.

A useful land resource will be brought back into proper use where it currently remains partially unoccupied and is in a state of ongoing deterioration.

(Design and Access Statement, received 04 February 2013)

**Summary Information:**

Site Area: 0.11 hectares

No. Existing units: 3

No. Proposed units: 9

Net gain/loss of residential units: 6

No. bedrooms per unit: 2

Proposed density - dwellings/hectare: 81

Existing density – dwellings/hectare: 27

Number of affordable units proposed: N/A

Previous land use: Residential flats

Existing parking spaces: 3

Proposed parking spaces: 5

Heating and Energy Initiatives which reduce CO2 emissions: Photovoltaic panels, flat plate collectors and low consumption fixtures and fittings.

**Consultations:**Conservation Officer:

The Conservation Officer advises that should the loss of No.28 be found acceptable, there are no Conservation objections to the proposed flats. The flats have been housed within a building of similar roofline, materials, finish and scale.

The proposal does give an indication of the roofline, and the use of finials and decorative ridge is welcomed, although the design and finish of these details, and roof and brick finishes should be subject to approval.

The siting of car parking to the rear of the property is welcomed and the enlargement of the existing gate for vehicular access should be detailed in such a way as to fit with the existing wall/gate/pier construction common to the properties in Grange Road.

The crossover should be enlarged using Staffordshire Block as existing. The proposal should be fenestrated using vertical sliding sash windows, or wood, or good quality windows.

Profile, finish and style of glass to be subject to approval.

The rainwater goods should be cast metal. All flues and extracts should be concealed from view where possible, and not visible from the public realm. (*Memo, 8 April 2013*)

Borough Arboriculturalist:

The Trees Officer has advised that the trees within the site boundary do not provide any significant landscape value and have very limited conservation or cultural benefits.

The Officers report goes on to state however that there are specimens in the gardens of the adjacent property (No 26 Grange Road) worthy of retention. These consist of a group of Sycamores and a mature Lime Tree.

These are considered to be of moderate quality and likely to make a significant contribution for at least 20 years. They are deemed to provide a definite softening and screening effect in relation to views in and out of site and their retention should be considered essential.

The mature Lime Tree however would be at risk of damage if the development was permitted.

Given that the tree provides public visual amenity, and is part of the historic street scene and is now quite clearly under threat, Eastbourne Borough Council are in the process of applying a Tree Preservation Order within the grounds of 26 Grange Road. The Sycamores have been included within the schedule given their screening value.

In Conclusion the Trees Officer advises that should the application be permitted therefore then the following conditions should be attached:

T3 Tree Protection: General

The applicants appointed Arboricultural consultant will be in attendance during the demolition of the building and excavation of the foundations. And during the installation of the temporary track way within the root protection area of T2 Lime with photographic and written evidence available to the Borough council's specialist Advisor in Arboriculture on request.

Approval of track way within the root protection area of the Lime within 26 Grange Road prior to commencement of demolition.

T4 Tree Protection: fencing

T5 Tree Protection: No burning

T6 Tree Protection: Excavations

T8 Tree Surgery

T10 Landscape design Proposals

T12 Tree Planting

T15 Landscape maintenance

*(Memo, 10 May 2013)*

Highways Manager:

For a development of this size in this location, there should be 9 parking spaces provided in accordance with the ESCC Parking Standards at Developments Supplementary Guidance.

It is recommended that due to the increase in bus use that will likely occur due to the construction of these dwellings that the closest bus stops to the site in Grange Road are upgraded. This would include in a location to be agreed, a new bus stop sign and pole with bus timetable information board at both stops as well as raised kerbing to improve the accessibility of buses using these stops.

I recommend that any consent shall include the following attached conditions.

1. The development shall not be occupied until reconstruction of the access has been completed in accordance with the submitted plans, the specification set out on Form HT407 which is attached to and forms part of this permission and with the details approved in accordance with this condition.

Reason: In the interests of highway safety.

2. The development shall not be occupied until parking area has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

4. Bus stop improvements at the two closest stops to the site in Grange Road, to include in a location to be agreed, a new bus stop sign and pole with bus timetable information board at both stops and as raised kerbing to improve the accessibility of buses using these stops, secured by Sec 278 agreement.

*(Memo, dated 23 April 2013)*

Environment Agency: No comments.

**Neighbour Representations:**

Letters of notification were sent to the occupiers of surrounding properties. 62 letters of objection have been received from neighbouring residents, the following issues were raised:

- Insufficient parking spaces;
- Harm to distinctive character of area due to loss of original building.
- Effect on local character
- Impact upon Conservation Area
- Overpopulation
- Visual Impact

### **Appraisal:**

This application is a renewal to that approved under EB/2009/0705. Issues concerning the loss of the existing building in an Area of High Townscape Value, the scale of the replacement building, parking arrangements and the impact of the development on the residential amenity of the local residents were addressed under the previous scheme. The current proposal is identical to the approved scheme in form, scale, vehicular access and internal layout.

### Principle

The proposed three and a half storey replacement building, to accommodate 9 two-bedroom flats over five floors, would have a main roof that would be similar in height to the roofs of the adjoining properties fronting Grange Road. The footprint of the new block would be some 12.9 metres wide rather than 10 metres, the width of the existing building. The proposed replacement building has shortened floor to ceiling heights, together with a basement level, in order to obtain extra floors. Nevertheless, the window proportions of the proposed building, with a vertical emphasis as is usual for period properties, is considered to harmonise with the locality.

### Parking

With regard to parking, 5 spaces are proposed to the rear of the site (a ratio of approximately 55%), as per previous approval. The vehicular access currently serves a small driveway and parking area along the northern boundary. The Highway Authority's Parking Standards at Development Supplementary Guidance indicates that, as the application site is situated within Zone 3, the percentage of car parking to be provided should be between 50% and 75% of the maximum standard, which would be 9 spaces for residents and 3 for visitors. Nevertheless, as stated previously, the proposed provision of 5 on-site car parking spaces, given the close proximity of the property to the town centre, seafront and other facilities including a level walk away, is considered to be sufficient and accords with the maximum standards applied. In addition, 9 individual stores are proposed for bicycle, electric buggy or similar storage to be located on the northern side of the property (previously located directly behind the front boundary wall).

The issue raised by local residents with respect to the provision of insufficient off-street parking has been addressed above. The proposed number of 5 car parking spaces at the rear of the replacement building is considered sufficient to serve the development. Furthermore, the impact of extra parking spaces should be considered with respect to additional noise and disturbance.

### Access

Access to the site was modified from the original scheme approved in 2007/0194) to an amended layout approved under 2009/0705(FP) The changes involved re-using the existing point of access along the frontage and retaining the original layout, with the intention of minimising the impact upon the character of the area.

Whilst the point of access and driveway configuration will remain exactly as before, a small formal car park area will now be formed to the rear. This will accommodate 5 vehicles specifically to match the terms of the current Planning Approval.

No highways objections were raised to the above proposals.

### Landscaping

A full specification and planting schedule has been submitted with this application which addresses the requirements under condition 3 of consent EB/2009/0705/FP.

### Trees

There are some trees within the site that would be removed to facilitate this development however the Councils Trees Officer advises that they do not provide any significant landscape value and have very limited conservation or cultural benefits.

There is no objection therefore to their removal.

The Officers report goes on to state however that there are specimens in the gardens of the adjacent property (No 26 Grange Road) worthy of retention. These consist of a group of Sycamores and a mature Lime Tree.

These are considered to be of moderate quality and likely to make a significant contribution for at least 20 years. They are deemed to provide a definite softening and screening effect in relation to views in and out of site and their retention should be considered essential.

However the Officers report goes on to state that the mature Lime Tree (indicated as T2 within the applicants report) would be at significant risk of damage if development as proposed would be permitted.

Given that the tree provides public visual amenity, and is part of the historic street scene and is now quite clearly under threat, Eastbourne Borough Council are in the process of applying a Tree Preservation Order within the grounds of 26 Grange Road. The Sycamores have been included within the schedule given their screening value.

In Conclusion the Trees Officer advises that should this application be approved then conditions should be attached to protect the trees at No 26 Grange Road.

### Design

The application site falls within Meads Area of High Townscape Value, an area considered to be of special character/appearance to warrant its preservation.

The design of the property makes a positive contribution to the overall appearance of the building and is in keeping with the distinctive character of the area.

#### Impact upon adjoining properties

Due to the scale, height and siting of the proposed building being largely identical to the existing property, the development will have a minimal impact on the general character of the streetscene with no greater degree of overlooking upon properties to the east than currently exists. By virtue of the separation distance between the subject property and properties to the rear, facing onto Grassington Road, being in excess of 65m, the impact on properties to the west is considered negligible. With regard to direct overlooking upon properties to the south and north of the application site, the replacement building has fewer windows facing north and south than the existing property. The fenestration pattern of the replacement development has been specifically designed to minimise the number of habitable rooms looking north and south, with only secondary windows facing Nos. 26 and 30.

The parking area to the rear will be well screened through the provision of additional trees and shrubs.

In summary, the impact upon adjoining properties is identical to that approved under Planning Approval 2009/0705 and the proposal therefore remains acceptable.

#### Local Sustainable Accessibility Improvement Contribution (LSAIC)

The financial contribution of £5670 has already been paid towards Local Sustainable Accessibility Improvements; no further contributions are sought for this development.

#### **Human Rights Implications:**

It is considered that the proposed development would not affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property.

#### **Conclusion:**

The proposed replacement building containing nine flats, together with adequate car parking and cycle storage, is considered to respect the established character and appearance of the locality without detriment to the residential amenities of local residents. As such, the proposal accords with the relevant local and national policies.

## CONDITIONS

- (1) Time Limit
- (2) Materials
- (3) Car Parking Hardstanding
- (4) Scheme for Surface Water Drainage Works
- (5) No Uncontaminated Material deposited at the site
- (6) Hours of Restriction For Building Operations
- (7) Covered Cycle
- (8) Protection Of Trees
- (9) Safeguarding Of Natural Features During Building Works
- (10) Design
- (11) Materials for Private Drive
- (12) In Accordance with Drawings
- (13) Transport Report.
- (14) New Bus Stop
- (15) Tree Protection (No 26 Grange Road)

## SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality or the amenities of occupiers of surrounding residential properties and would therefore be in accordance with the relevant policies of the Eastbourne Core Strategy 2013.

## INFORMATIVE:

(1) A financial contribution has been received to offset the impact of the development on the local transport network.

(2) A separate application must be submitted to the Highway Authority for the vehicle crossing.

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



**Committee Report 21 May 2013**

**Item 9 & 10**

<b>App.No.:</b> EB/2013/0108 & EB/2013/0109(LB)	<b>Decision Due Date:</b> 15 June 2013	<b>Ward:</b> Devonshire
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 3 April 2013	<b>Type:</b> Major & Listed Building Consent
<b>Site Notice(s) Expiry date:</b>	17 April 2013	
<b>Neigh. Con Expiry:</b>	18 April 2013	
<b>Weekly list Expiry:</b>	18 April 2013	
<b>Press Notice(s)-:</b>	18 April 2013	
<b>Over 8/13 week reason:</b>	N/A	
<b>Location:</b> Elm Park Hotel, 20-14 Cavendish Place		
<b>Proposal:</b> Removal and replacement of the roof to provide additional residential accommodation in the roofspace (1 one bedroom flat and 4 studio flats), reconfiguration of previously approved residential accommodation under EB/2012/0398 to provide 7 additional residential units and a three storey extension above 97-99 Seaside Road to provide 6 studio flats (18 additional units in total).		
<b>Applicant:</b> PNH Properties (Eastbourne) Ltd		
<b>Recommendation:</b> Refuse		

**Planning Status:**

- Town Centre & Seafront Conservation Area
- Grade II listed building
- Archaeological Notification Area

**Relevant Planning Policies:**

UHT1	-	Design of New Developments
UHT4	-	Visual Amenity
UHT15	-	Protection of Conservation Areas
UHT17	-	Protection of Listed Buildings
HO9	-	Conversions and Changes of Use
HO13	-	Affordable Housing
HO20	-	Residential Amenity
TR2	-	Travel Demands
TR6	-	Facilities for Cyclists
TR11	-	Car Parking

**Site Description:**

This former hotel and bar is located on the west side of Cavendish Place; the single storey former bar section has a frontage to Seaside Road (and is now addressed as 97-99 Seaside Road). The building has had a long history of dereliction, changes of ownership and various planning applications; the applicant has already implemented part of the most recent permissions by converting and renovating the listed part of the building, which now makes a very positive impact on the street. Part of the property is Grade II listed, along with the remainder of the terrace extending towards the seafront, however these applications relate to the section which is not included in the listing, although it forms part of terrace and planning unit.

**Relevant Planning History:**

App Ref: EB/1989/0549	Description: Re-development (retaining part of existing facade) to provide 2 shops and 48 flats, with basement parking for 27 cars.
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Decision: Refused	Date: 04 December 1989
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Appeal: 1) Planning permission allowed	Date: 27 December 1990
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2) listed building consent dismissed

App Ref: EB/1994/0393(OL)	Description: Redevelopment to provide two shops and 48 flats.
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Decision: Approved	Date: 30 November 1994
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App Refs: EB/1998/0354 & EB/1998/0403(LB)	Description: Alterations and extensions and change of use from hotel to form 22 flats.
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Decision: Refused	Date: 27 February 2002
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App Ref:EB/2010/0675 & EB/2010/0676(LB)	Description: Change of use from a hotel to retail shop on the ground floor, with 14 self-contained flats on ground floors and first, second and third floors, together with external alterations including removal of second floor link building, new shop fronts and access ramp.
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Decision: Approved	Date: 6 April 2011
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App Ref:	Description: Erection of a second and third floor infill
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EB/2012/0398 &  
EB/2012/0399(LB)

extension and conversion of part of the ground, first, second and third floors to provide 17 self-contained flats, with a single storey retail unit facing Seaside Road (excluding 11 flats approved under reference EB/2010/0675(FP)).

Decision: Approved

Date: 7 November 2012

**Proposed development:**

Planning permission and listed building consent are sought to remove the roof and three chimney stacks, construct a three storey extension over the single storey element, and to provide a roof of increased height over the enlarged part of the building, comprising a flat roof mansard of slate set behind a parapet on two sides. The extension would have an average depth of 16.8m and an average width of 5m, and is designed with decreasing window heights to match the general form of the adjoining terrace. The existing roof comprises a series of low, concealed pitches set behind a parapet which continues across the front of the building and along the Seaside Road frontage; this is lower than the roof on the listed section, which is a continuous ridge parallel to the terrace. The proposed mansard roof would provide a new floor of accommodation, increasing the height by 2.25m, so that it would be 0.5m higher than the ridge of the listed section. Windows to the new floor would be provided as curved GRP dormers. Additional cycle storage is proposed in the basement.

The extensions to the side and the roof, together with the reconfiguration of the previously approved layout, would change the accommodation provided from 13 one and two bedroom flats to 31 flats and studios (5 flats and 26 studios). The applicant has offered a commuted payment towards off site affordable housing, based on the increase of 18 units and the sum paid in respect of the 2012 permission.

**Applicant's Points:**

- In 1990 planning permission was allowed on appeal for redevelopment behind a retained Cavendish Place façade to provide 48 residential flats and 2 shops with basement parking. This included the construction of three additional floors above the earlier single storey extension on the corner of Cavendish Place and Seaside Road, and a mansard roof to the whole property, including the three terraced listed buildings.
- The Inspector disagreed with the Council that the extension would be excessively dominant and detrimental to the listed terrace, stating "*whilst the illustration drawings show a taller building than those on the other three corners of the junction of Seaside Road and Cavendish Place, this need not be out of scale or character with its surroundings generally. Furthermore, the extension would provide a prominent and positive completion of the long terrace extending northwards to this corner which would enhance the view along Cavendish Place.*"
- The most recent consents have also been implemented and the works are continuing at the time of the submission of this application. The future of Elm Park has now been secured through the planning permissions granted since April 2011. Despite the considerable uncertainty in the national economy, the applicant has been prepared to proceed with the development and the associated extensive and much needed repairs and refurbishment of the building.

- The first phase of the development (14 units) has been completed and is fully let – demonstrating a strong demand for accommodation within the building and a clear vote of confidence for the scheme and wider area. The demand for the accommodation was so strong that unsuccessful applicants for the units have been given details of the second phase of development that is now underway with the letting agents confirming that there is also demand for these units.
- During the refurbishment of the property, the poor condition of the roof, supporting timbers and lintels in the building adjoining 24 Cavendish Place to its north became apparent – a consequence of the age of the building, its exposed location and many years of neglect by previous owners. It was initially hoped that repairs to these elements of the building could be carried out as part of the wider development project but a subsequent inspection of them and report by structural engineers confirmed that this would not be possible.
- The projected costs of these works far exceed the original estimates for the works to this part of the building. The alternative of removing and replacing all of the roof is estimated to be between £150,000 and £175,000. This is a significant cost for a project that must also fund the major repairs to the listed building as well as the considerable refurbishment and repair works to the exterior of the building that include reinstating lost features. Regard must also be given to the payment towards off-site affordable housing provision as required by the Council in its determination of the 2012 planning application.
- To assist with funding the works, the opportunity was taken to examine the scope to provide further residential accommodation in the roofspace. This was considered to be possible having regard to both the structure of the building and the appearance of the new roof within the wider Conservation Area and setting of nearby listed buildings.
- In view of these additional construction works, it was decided to extend the building at first, second and third floor level on the Seaside Road elevation, having regard to the 1990 appeal decision and the opportunity to deliver further residential accommodation to meet the Council's housing requirements and continue the success of the initial phases of the project.
- The estate agent confirmed the suitability of the location for providing studio flats to meet a strong local market demand. Therefore it was decided that studio flats should be the main form of the new accommodation and at the same time review the unit sizes within the 2012 scheme, with a conclusion that further studio accommodation should be introduced where possible and appropriate.
- Whilst it is 22 years since the appeal decision, the same considerations – the impact on the listed building and the conservation area – are relevant today, and the legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) has not changed. More recent policies identify a greater need to deliver more housing to meet local needs and the need to adopt a more proactive approach to achieving this aim. The priority to be given to providing new housing on previously-developed sites within the town centre and at higher densities is also apparent.

- The appeal decision from 1990 continues to carry weight in the decision making process on this current planning application and that current planning policy supports the principle of residential development on this town centre site.
- The major change since 1990 is the redevelopment of Houghton House on the opposite corner of Cavendish Place. This new build is of a similar scale to the extension proposed, and clearly demonstrates the scale and form of development considered appropriate by the Council for this junction.
- Whilst the proposal would bring the line of development on the upper floors forward towards the Seaside Road elevation, this is not considered to be inappropriate. The existing space above the retail unit is not an important feature or characteristic within the Conservation Area. Indeed, the existing set back position of the Seaside Road elevation of the building is considered to be somewhat out of character with its surroundings as no other building in the vicinity adopts such an approach.
- It will preserve the character, setting and appearance of the Conservation Area and will respect the setting of the neighbouring listed buildings whilst at the same time introducing additional residential accommodation for which there is an acknowledged strong demand in the town. As such, it complies with the relevant local and national policies.

#### **Consultations:**

The Council's Strategic Housing Officer confirms that a commuted sum in respect of affordable housing is appropriate in this instance and in line with the previously approved scheme.

The Conservation Officer considers that the extension over the single storey former wine shop represents a significant mass and raises the roofline to that of Cavendish Place. The original construction of Cavendish Place was intended to drop to single storey, establishing its visual connection and relationship with the terrace, and reducing in scale and mass at the return to Seaside Road. The adjacent buildings in Seaside Road are two storey, with Dutch gables, and currently relate well in terms of scale to the former wine shop. There are concerns in terms of the overall scale and massing of the proposal, in particular when viewed from Seaside Road, where the roofline is significantly raised to accommodate a concealed mansard roof behind a new and raised parapet. The existing wine shop façade is proud of the line of shopfronts to Seaside, further exacerbating the visual impact of the proposal. While the character of this part of the Conservation Area is diverse, it is considered that the scale of the proposal detracts from the adjacent buildings in Seaside Road. Negotiations have resulted in modifications to the façade, and the suggestion of reducing the scale and mass by building up to first floor only has been suggested. Revised drawings have been submitted, with an alteration to the corner façade, detailing a continuous parapet, and delineation of new build from existing to the Seaside Road elevation by introduction of a shadow gap. The scale and other detailing remain. It is recommended that the proposal be refused in its current form, but a reduction in scale would be welcomed.

(Memo dated 8 April 2013)

At its meeting on 9 April 2013, the Conservation Area Advisory Group considered at length the impact of the mass of the extension on the streetscene and longer views along Seaside Road; it was considered that the proposal would enhance both the corner and views from both directions.

**Neighbour Representations:**

One objection has been received from a resident of Haughton House, who considers that the extension would adversely affect his living conditions in terms of loss of light and privacy, as well as exacerbating pressure on parking in the surrounding streets.

(email dated 28 March 2013)

Two letters of support have been received from nearby business (one a tenant in the application premises), both citing the improvement to the area by bringing the derelict building back into use.

(Letters received 3 to 7 May 2013)

**Appraisal:**

The main issues to consider in the determination of this application are the impact on the character and appearance of the listed building and the wider conservation area, residential amenity, affordable housing and the impact on the highway network.

The listed building and its setting

The application has been the subject of negotiations, which has resolved issues of detailing on the two main facades facing Cavendish Place and Seaside Road, and in this respect there are no outstanding matters. It should also be noted that the works carried out on the building so far have brought an enormous benefit to its appearance and the street as a whole. It is considered that the main unresolved issue is the bulk of the extension so far forward of the building line in Seaside Road. The single storey element of the site was constructed approximately 1m in front of the properties in Seaside Road, which is just about in line with the edge of the private forecourts to the shops in this road, whilst the flank wall of the upper floors is set back between 3m and 5m. The two units closest to the application site are only two storeys high, although the remainder are three storey plus attic floor. The provision of a three storey extension above the existing single storey unit (i.e. four storeys in total) adjacent to and forward of the two storey shop buildings in Seaside Road would have a significant impact on the street scene when viewed from the west looking towards the application site. It is considered that the resulting structure would be seen as a large and bulky rear elevation that is poorly detailed, particularly at roof level, as a rear elevation that was not meant to be seen; it would be a visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area. This would not be the case in respect of views from the east or Cavendish Place, however, where the impact would be far less marked, and could be regarded, in some respects, as completing the corner.

The 1990 appeal approval was for planning permission only, and the accompanying listed building consent application was dismissed on lack of sufficient information on the details of the scheme and the impact on the listed building. The applicant considers that the appeal decision is still relevant

despite its age, and it is agreed that it is a material consideration in determining this application. However, a significant number of years have passed, and it is considered that attitudes to heritage assets and conservation areas have changed, and it is uncertain that the same decision would be made today. Furthermore, the Inspectors decision appears to have considered the impact of the proposal on the listed building and the appearance of the junction, and there is no mention of the impact of views from the west, which seems to be a significant omission in the reasoning set out in the decision letter.

The impact of the proposal must also be considered having regard to the benefits of the scheme, in terms of bringing a derelict building back into use. The applicants' case is based on a financial predicament of the additional costs of converting a listed building, and now the unexpected costs of having to replace the roof. The response to the problem is to increase the size of the building and create additional units, and the Council must decide whether a sound case has been made. The applicant is adamant that the proposal cannot be reduced, and advises that the only alternative is to close the site down and leave it unfinished. The Council must decide whether the harm caused by the scale and bulk of proposal when viewed from Seaside Road would be outweighed by the benefits of the proposal.

The National Planning Policy Framework places strong emphasis on good design, and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It requires development to harmonise with the character of the area and respect local distinctiveness. It is considered that the proposal fails on this aspect.

#### Residential amenity

It is considered that the only impact on nearby residents would be some slight obscuring of some views to the west, which is not a valid reason for refusal. Nearby buildings are a sufficient distance away not to be affected by loss of light.

#### Affordable housing

It is accepted that there are particular costs associated with listed buildings and the applicants offer, based on the land values agreed in the previous application, is considered to be appropriate.

#### Parking

This is a very sustainable location in the town centre, and it would be unreasonable to require parking spaces to be provided even if it were possible. Given the size of the flats, it is unlikely that car ownership would be high, and a large basement area is available for secure cycle parking.

#### **Human Rights Implications:**

It is considered that there would be no adverse impact on residential amenity.

**Conclusion:**

Whilst the benefits of the scheme are recognised, these do not outweigh the adverse impact on the character and appearance of the conservation area by reason of the scale and bulk of the proposed extension forward of the properties in Seaside Road, and the financial case put forward is unconvincing. As such the proposal fails to accord with policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2021-2011, the Core Strategy and the National Planning Policy Framework.

Whilst the commuted sum has been agreed in principle, no legal agreement has been submitted or prepared, thus in the absence of an agreement, the proposal also conflicts with policy HO13.

**Recommendation:**

**REFUSE** for the following reasons:

1. The development would have an adverse impact on the character and appearance of the conservation area by reason of the scale and bulk of the proposed extension forward of the properties in Seaside Road, and therefore conflicts with Policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2021-2011, the Core Strategy and the National Planning Policy Framework.
2. The development makes no provision for affordable housing, either on site or by way of a commuted sum towards off-site provision, and therefore conflicts with Policy HO13 of the Eastbourne Borough Plan 2021-2011.

**Informatives:**

For the avoidance of doubt, the plans hereby refused are:

ELM-PL(1)03-A Location & Block Plan received on 15 March 2013

ELM-PL(20)11-A Proposed Ground Floor Plan received on 15 March 2013

ELM-PL(20)12-A Proposed First Floor Plan received on 15 March 2013

ELM-PL(20)13-A Proposed Second Floor Plan received on 15 March 2013

ELM-PL(20)14-A Proposed Third Floor Plan received on 15 March 2013

ELM-PL(20)15-A Proposed Loft Floor Plan received on 15 March 2013

ELM-PL(20)16 Proposed Roof Plan received on 4 February 2013

ELM-PL(20)17 Proposed Elevations/Sections received 4 February 2013

ELM-PL(20)18 Proposed Basement Plan received 4 February 2013

ELM-PL(20)19 Proposed Street Scene Showing Proposed Elevations received on 15 March 2013

ELM-PL(20)20 Street Scenes - Opposing Cavendish Place Elevations received on 15 March 2013

PROPOSED VIEW 1, PROPOSED VIEW 2 and PROPOSED VIEW 3 received on 15 April 2013



#### SUMMARY OF REASONS FOR DECISION

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

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



**Committee Report: 21 May 2013**

**Item 11**

<b>Application No:</b> EB/2013/0119	<b>Decision Due Date:</b> 24.04.2013	<b>Ward:</b> St Anthony's
<b>Officer:</b> Mehdi Rezaie	<b>Site visit date:</b> 08.04.2013	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neigh. Con Expiry:</b> 27.03.2013		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with Planning Committee schedule		
<b>Location:</b> The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
<b>Proposal:</b> Demolition of conservatory and infilling side elevation.		
<b>Applicant:</b> Rowe Property Investments LLP.		
<b>Recommendation:</b> Approve subject to conditions.		

**Planning Status:**

Predominantly Mixed Use Area

**Relevant Planning Policies:**

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy D1 from the Eastbourne Core Strategy Local Plan 2007-2027
- National Planning Policy Framework 2012.

**Site Description:**

In terms of its local context, the application site lies within a predominantly mixed use area and sits opposite a parade of shops (east elevation). The application site sits on the corner of Beechy Avenue and Victoria Drive and covers a total area no greater than 1893m<sup>2</sup>.

The building is bounded on its western elevation by a residential dwelling (1 Beechy Avenue) and the Eastbourne Ladies Bowling Club on the southern elevation.

In terms of its immediate context, the application site includes a two-storey detached property which covers an area no greater than 551m<sup>2</sup> and a conservatory to its side elevation (south facing) which amounts to 24.3m<sup>2</sup>.

#### **Relevant Planning History:**

- Application for Full Planning Permission (EB/2013/0191) to remove and reconstruct a boundary wall with the provision for hard landscaping, parking and bollards, pending decision.
- Application for Full Planning Permission (EB/2013/0167) conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flat, withdrawn.
- Application for Full Planning Permission (EB/2013/0140) ventilation and extraction units, approve conditionally on 08.05.13.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, withdrawn.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, pending decision.
- Application for Full Planning Permission (EB/2013/0027) Installation of ATM to front elevation together with extension of roof overhang, approved conditionally on 03.04.2013.

#### **Proposed development:**

The applicant seeks planning permission to demolish an existing conservatory on the side elevation of their building (south facing) and thereafter to infill the area. The existing conservatory covers an area no greater than 24.3m<sup>2</sup> and projects into their side garden by 4m.

#### **Applicant's Points:**

The applicant has submitted a Design and Access Statement which states:

*"The removal of the conservatory and the existing opening to the flank wall are to be filled to match existing surroundings which include bricks and render".*

#### **Consultations:**

Consultation was carried out in the form of a site notice on the 27.03.2013, informing nearby residents of this application.

#### **Neighbour Representations:**

No objections have been received.

**Appraisal:**

This application seeks planning consent to demolish and remove a conservatory on the side elevation of the building (south facing). The conservatory projects into the applicant's side garden by 4m, spanning across the width of the building by 7.3m and covers a total area no greater than 24.3m<sup>2</sup>. The conservatory includes a brick plinth and the bulk of it is constructed from UPVC and glazing, to include a 'lean-to' and 'hip' roof design that stand at a height no greater than 3m.

The existing conservatory holds no architectural merit to the overall character or appearance of the existing building, this is an addition which was later formed and attached to the side of this property. It is considered the removal of this structure would present a less cluttered and overdeveloped feel to the existing building. The proposed scheme therefore falls in accordance to 'Policy UHT4' (c) from the '*Eastbourne Core Strategy Local Plan 2007-2027*'.

The applicant has stated that they will to infill the existing opening to the flank wall with bricks and render to match its existing surroundings, the scheme therefore falls in accordance with 'Policy UHT1' (a), (b) from the '*Eastbourne Core Strategy Local Plan 2007-2027*'.

**Human Rights Implications:**

The proposed scheme is neither to the detriment of the existing building nor to its surrounding area. It is therefore recommended that this application be put for approval.

**Conclusion:**

The proposed removal and infilling of the conservatory is acceptable for the following reasons:

The proposed scheme by virtue of its architectural significance would not be a loss to the area, the proposal to infill the openings fall sympathetic and in keeping with the original building, therefore the visual amenity of the area shall remain unaffected. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

**Recommend:** Permission be granted approval subject to the following conditions:

- 1) Details – Development timescale
- 2) Details – Materials
- 3) Details – Compliance with all plans
- 4) Details – Construction hours

**Summary of recommendations:**

The proposed scheme by virtue of its architectural significance would not be a loss to the area, the proposal to infill the openings fall sympathetic and in keeping with the original building, therefore the visual amenity of the area shall remain unaffected. Subject to conditions, the proposal accords with the Eastbourne Borough Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2013) and the National Planning Policy Framework (2012).

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

## Committee Report 21 May 2013

### Item 12

<b>App. No.:</b> EB/2013/0120	<b>Decision Due Date:</b> 24/04/13	<b>Ward:</b> Sovereign
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 11.04.13	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 25 <sup>th</sup> April 2013 <b>Neigh. Con Expiry:</b> 25 <sup>th</sup> April 2013 <b>Weekly list Expiry:</b> 25 <sup>th</sup> April 2013 <b>Press Notice(s)- Type/Expiry:</b> N/A		
<b>Over 8/13 week reason:</b> Backlog of applications in connection with staff changes and organisational restructure		
<b>Location: 1 Chatham Green (Sovereign Harbour)</b>		
<b>Proposal:</b> Two Storey Extension to the side of property and re-positioning of entrance on front elevation		
<b>Applicant:</b> Ms Christine Parsons		
<b>Recommendation:</b> Approve - Subject to conditions		

#### Planning Status

- Predominantly residential area

#### Relevant Planning Policies:

UHT1 - Design of New Development  
 HO20 - Residential Amenity  
 Flood Zone 2 / 3

#### Site Description:

The end of terrace, two-storey dwelling house is positioned on a plot measuring 90sqm (excluding garages), situated on a corner at the entrance by road to Chatham Green. Alongside the side elevation runs a strip of land within the boundary at an angle to the property (3.25m in width from rear corner of the property to 1.3m from the front corner) bordering a public footpath separating the boundary from the entry road from Admiralty Way in to Chatham Green.

Across the road perpendicular to 1 Chatham Green are the neighbouring properties 12-20 (even) on Admiralty Way, each of which has an open plan front garden measuring 3.6m in depth (12.2m from the front door to the boundary of 1 Chatham Green).

**Relevant Planning History:** None

**Proposed development:**

The applicant seeks permission to erect a two-storey side extension (7.5m high), recessed back from front elevation by 3.5 metres. Property width increased by 2 metres across 6.9m of the 10.4m length and re-positioning of the entrance on the front elevation.

Proposed (recessed) entrance to comprising of composite front door with ½ glazed panels and glazed side panel and 1 x internal glazed panel door, accessed by new front steps to access current raised floor level, replacing current arrangement of internal steps in entrance hallway.

Existing entrance replaced by window conforming to existing style of retained front elevation ground floor window. Proposed side elevation to re-use the two existing windows (and replace in similar position within extension) adding a new window (conforming to existing style) to rear corner of the ground floor.

**Applicant's Points:**

In direct response to Neighbour representations:

Concerns raised by 16 Admiralty Way re: Sun Track/ Shadowing Issue

- The proposed extension does not in any way extend the existing building line from that angle of the site so cannot obstruct any more sunlight than existing building already does.

Concerns raised by 16 & 22 Admiralty Way: Loss of garden area

- Removed existing pathway to be replaced by grass
- Planned replanting of hedges along the line of extension

Concerns raised by 14 Admiralty Court re: Disabled Access

- The new access transfers steps outside to a larger platform, to allow turning a wheelchair under a porch.
- Buildings Regs Officer agreed that fire escape access improved by proposed entrance.

Concerns raised by 24 & 26 Admiralty Way: Visibility for Traffic

- Extension in no way presents any impairment to the vision of drivers entering or emerging from Chatham Green.
- No obstruction to line of site as proposed front door is recessed well back from front elevation.
- Comments relating to parked vehicles obstructing vision have no relevance in this planning issue.

**Consultations:**

Consultation was carried out by letter to the neighbouring properties of 2 Chatham Green; 12-20 Admiralty Way (evens); 19 Admiralty Way and a site notice was displayed nearby.

Consultation carried out with Highways regarding visibility issues and concluded that there is no defensible reason to object on Highways grounds as junction conforms to national guidance as detailed in 'Manual for Streets'.



**Neighbour Representations:**

As at 25/04/13, five objections had been received from residents of Admiralty Way.

The following concerns found to be of material planning consideration were raised through representations:

- Residents of the area known as 'Fisherman's Village' will be adversely affected with regards to the 'visual and general' symmetry of the Chatham Green terrace 1-6 as a whole due to the proposed changes to the appearance of the front elevation. Immediate surroundings comprising Fisherman's Village was the result of 'careful and balanced planning and design'.
- Some loss of amenity due to much of the grassed corner adjacent to development being covered by proposed extension changing its character to other similar corners in the nearby area.
- Safety concerns due to perceived obstruction of vision to pedestrians and drivers of vehicles entering and leaving the 'Fisherman's Village' area. Suggested it would create a 'blind spot on an already dangerous corner'. Exacerbated by trend of residents and visitors mounting the kerb to park.
- If approval granted, then all materials used and manner in which they are used in the proposed development to exactly match existing structure / materials.
- Pay specific regard to design of buildings to create a character to the localised community, and the perceived detrimental effect that setting precedence for development could create, with a common belief that 'pleasing and attractive' frontages in the area were to be maintained.
- Concerns that proposed extension will cause 'significant loss of natural sunlight to the front rooms of adjacent property (number 16 Admiralty Way) and make access on and off of driveway more challenging than existing.
- Outlook for adjacent properties overcrowded in feel.

Other noted considerations not found to be of material planning consideration:

- Request that all vehicles and materials be confined within the curtilage of 1 Chatham Green.
- Does not pay regard to disabled access to ground floor of property, as steps would need to be ascended to enter both rear and proposed new entrance to property.
- Some residents felt the notice provided was not widespread enough as to get true representations of the locale.
- Area commonly used by visitors (dog walkers) and holiday makers (mainly properties in the area rented out in the summer months).

**Appraisal:**

- The roofline of the front and rear elevations of the extension is 1.15m lower than existing roofline (but maintain a consistent line of habitable room / floor height) in order to remain consistent with neighbouring properties in terrace. In design and appearance the extension is not considered to have a detrimental impact on the visual amenity of the residential area following pre-planning advice undertaken.

- Existing windows on side elevation to be re-used and replaced in similar position, with new side elevation ground floor window (up to a height of 2.65m above ground level) partially obscured by existing wall which will remain. The new windows to the front remain at the same distance from neighbouring properties as existing windows. On this basis the development does not impact on the privacy of the occupants of neighbouring properties.
- The two-storey extension is the same height as the host property and those around it, with lowered roofline to keep the height of the extension appropriate for the run of terrace properties. At a distance of 16.8m across two public footpaths main entry road and open plan front gardens, and as the extension retains a distance of 1m (at its closest point) to the boundary, the proposal is considered to be at an appropriate distance from neighbouring properties. It is not considered to have an overbearing relationship with the run of properties perpendicular to it (12-26 Admiralty Way).
- The development will result in a slight change to the entrance by road or on foot to Chatham Green, but as the extension is set back by 4.75m from the front elevation, the overall character of the corner maintained as well as avoiding obstructing vision to any vehicles entering or leaving Chatham Green by road.
- The development will result in a slight increase in shadow from the two-storey element, which will be cast over the existing garden. By virtue of the positioning of the properties on Admiralty Way (adjacent to the site in relation to the sun track), the neighbouring properties will not suffer a loss of sunlight as a result of the extension.
- Access for the disabled will be improved by the proposed development with transition to ground floor level being outside of the property rather than inside the building in a relatively narrow existing entrance hallway as at present.
- Amenity of the immediate area relatively unaffected due to large green space already in existence within a few metres of the proposed development.
- Highways that the proposed development does not contravene guidance regarding maintaining safe visibility splays on junction and have found 'no defensible reason to object'.
- Due to size and scale of development there is no increased flood risk.
- The proposal is recommended for approval, subject to the condition that materials match those of the existing property to ensure the extension is in harmony with the terrace, and that the works are completed in the specified time.

#### **Human Rights Implications:**

The proposal is considered to have no Human Rights implications.

#### **Conclusion:**

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. In accordance with policy HO20, the proposal by virtue of its location, size and design, does not impact on outlook, privacy, overshadowing or loss of light, and is at a scale that is appropriate to the neighbouring buildings.

Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007) and the National Planning Policy Framework (2012).

**Recommendation:**

Permission to be granted subject to the following conditions:

**Conditions:**

- Time limit - Development to commence within 3 years
- Materials to match existing
- In accordance with approved plans

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



## Committee Report: 21 May 2013

### Item 13

<b>Application No:</b> EB/2013/0139	<b>Decision Due Date:</b> 21.05.2013	<b>Ward:</b> St Anthony's
<b>Officer:</b> Mehdi Rezaie	<b>Site visit date:</b> 08.04.2013	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 26.04.2013		
<b>Neigh. Con Expiry:</b> 27.04.2013		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with Planning Committee schedule		
<b>Location:</b> The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
<b>Proposal:</b> Exterior alterations and modifications.		
<b>Applicant:</b> Rowe Property Investments LLP.		
<b>Recommendation:</b> Approve subject to conditions.		

#### Planning Status:

- Predominantly Mixed Use Area

#### Relevant Planning Policies:

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy H020 from the Eastbourne Borough Plan 2007
- National Planning Policy Framework 2012.

#### Site Description:

In terms of its local context, the application site lies within a predominantly mixed use area and sits opposite a parade of shops (east elevation). The application site sits on the corner of Beechy Avenue and Victoria Drive and covers a total area no greater than 1893m<sup>2</sup>. The building is bounded on its western elevation by a residential dwelling (1 Beechy Avenue) and the Eastbourne Ladies Bowling Club on the southern elevation.

In terms of its immediate context, the application site includes a two-storey detached property which covers an area no greater than 551m<sup>2</sup>.

**Relevant Planning History:**

- Application for Full Planning Permission (EB/2013/0191) to remove and reconstruct a boundary wall with the provision for hard landscaping, parking and bollards, pending decision.
- Application for Full Planning Permission (EB/2013/0167) conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flat, application withdrawn.
- Application for Full Planning Permission (EB/2013/0140) ventilation and extraction units, approve conditionally on 08.05.13.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, application withdrawn.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, approve conditionally on 08.05.13.
- Application for Full Planning Permission (EB/2013/0027) Installation of ATM to front elevation together with extension of roof overhang, approved conditionally on 03.04.2013.

**Proposed development:**

The applicant seeks planning permission to make minor modifications and alterations on their building. These modifications include the removal and replacement of one door on the end elevation of their building (west facing) to two doors; the removal and replacement of set of doors on the front elevation (east facing) with a set of automatic sliding doors; removal of double doors on the side elevation (south facing); removal of small window on the side elevation (north facing) and infill.

**Applicant's Points:**

The applicant has submitted a Design and Access Statement.

**Consultations:**

Consultation was carried out in the form of a letter on 04.04.2013 to the following addresses: 3a, 3b Albert Terrace; Tarleton Villa; 1, Beechy Avenue; 1a, 1b, 2a, 2b Albert Parade; 141a Green Street; 155, 166 Victoria Drive, expiring on 27.04.2013.

A site notice was placed on 05.04.2013, expiring on 26.04.2013

**Neighbour Representations:**

No objections have been received.

**Appraisal:**

This application seeks planning consent to remove the existing doors on the front elevation of the building (east facing) and to replace them with automatic inward opening double doors. The existing width of the door measures in at 1.8m and the applicant's proposal is to reduce this to 1.6m, the heights of these doors stand at 1.8m each. The applicant's choice of material and finishes for the framework are to include an aluminium finish.

This applicant further seeks planning consent to remove a small window on the side elevation of their building (north facing), this window measures in at 1m by 0.6m and forms part of what appears on the plans as a toilet. The applicant has stated in the plans that the openings in the wall shall be in-filled to match the surroundings. The applicant therefore makes good on a 'like for like' match for materials and finishes. The window would not form a principle elevation nor would does it form any habitable rooms.

Additional modifications include the removal of set of double doors on the side elevation of the existing building (south facing), openings to be in-filled with materials that match its surroundings.

Other alterations include the remove a set of doors on the end elevation of their building (west facing), and for an opening to be formed for the installation of Nassau or similar external galvanised high security steel flush door.

The applicant's proposals are relatively minor, and shall not affect the aesthetic of the building, or the architectural integrity of the building. The applicant's choice in materials for 'infilling' falls sympathetic to that of the main building and therefore considered acceptable. The proposed scheme therefore falls in accordance to 'Policy UHT4' (c) and 'Policy UHT1' (a), (b) from the *'Eastbourne Core Strategy Local Plan 2007-2027'*.

**Human Rights Implications:**

The proposed removal and replacement of doors and windows shall in no fall detrimental to the visual quality of the building or on the streetscene. The amenities of nearby properties are at all times remaining unaffected from these modifications. It is therefore recommended that this application be put for approval.

**Conclusion:**

The proposed alterations and modifications are considered acceptable for the following reasons:

The proposed modifications or alterations would not affect the architectural integrity of the building, nor would the applicants choice of materials, the amenities of nearby properties shall remain unaffected. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

**Recommend:** Permission be granted approval subject to the following conditions:

- 1) Development timescale
- 2) Materials
- 3) In accordance with all plans
- 4) Construction hours

**INFORMATIVES:**

(1) Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance.

You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions (6).

**Summary of recommendations:**

The proposed modifications or alterations would not affect the architectural integrity of the building, nor would the applicants choice of materials, the amenities of nearby properties shall remain unaffected. Subject to conditions, the proposal accords with the Eastbourne Borough Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2013) and the National Planning Policy Framework (2012).



**Committee Report: 21 May 2013**

**Item 14**

<b>Application No:</b> EB/2013/0140	<b>Decision Due Date:</b> 21.05.2013	<b>Ward:</b> St Anthony's
<b>Officer:</b> Mehdi Rezaie	<b>Site visit date:</b> 08.04.2013	<b>Type:</b> Other
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neigh. Con Expiry:</b> 27.04.2013		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with Planning Committee schedule		
<b>Location:</b> The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
<b>Proposal:</b> Installation of ventilation and extraction units.		
<b>Applicant:</b> Rowe Property Investments LLP.		
<b>Recommendation:</b> Approve, subject to conditions.		

**Planning Status:**

- Predominantly Mixed Use Area

**Relevant Planning Policies:**

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy UHT8 from the Eastbourne Borough Plan 2007
- Policy H020 from the Eastbourne Borough Plan 2007
- National Planning Policy Framework 2012.

### **Site Description:**

In terms of its local context, the application site lies within a predominantly mixed use area and sits opposite a parade of shops (east elevation). The application site sits on the corner of Beechy Avenue and Victoria Drive, is bounded on its western elevation by a residential dwelling (1 Beechy Avenue) and the Eastbourne Ladies Bowling Club on the southern elevation.

In terms of its immediate context, the application building is a detached property, two-storeys in height varying roof styles to include; flat, hipped, pitched and mono-pitched.

### **Relevant Planning History:**

- Application for Full Planning Permission (EB/2013/0191) to remove and reconstruct a boundary wall with the provision for hard landscaping, parking and bollards, pending decision.
- Application for Full Planning Permission (EB/2013/0167) conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flat, pending decision.
- Application for Full Planning Permission (EB/2013/0118) for the regarding and resurfacing of the parking areas, pending decision.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, pending decision.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, pending decision.
- Application for Full Planning Permission (EB/2013/0027) Installation of ATM to front elevation together with extension of roof overhang, approved conditionally on 03.04.2013.

### **Proposed development:**

The applicant seeks planning permission to install new mechanical plant and condensers to the flat roofed area on the rear elevation (West facing).

### **Applicant's Points:**

The Applicant has submitted a Design and Access Statement which states:

*"The proposal is to locate the new mechanical plant on the flat roofed area to the rear of the unit, out of sight from the main access roads and in an area of easy accessibility for maintenance".*

### **Consultations:**

Consultation was carried out in the form of a letter to the following addresses: 1-2 Albert Terrace; Tarleton Villa; 1, Beechy Avenue; 1a, 1b Albert Parade; 155 Victoria Drive on 04.04.2013, expiring on 27.04.2013.

**Environmental Health** - no comments received.

**Neighbour Representations:**

No objections have been received.

**Appraisal:**

The proposed ventilation and extraction units are to be sited on the end elevation of the property, on a flat roofed area where there is an existing plant deck to already include 2 other units. The proposed units are kept out of sight from the main highway (Victoria Drive) and not made visible to passers-by. However, certain parts of the units can be viewed from its side elevation (north facing) off Beechy Avenue, notwithstanding this, the proposed units are sited at a distance and considered of no detriment on the visual amenity of the area, in keeping with 'Policy UHT1' (a) from the *'Eastbourne Core Strategy Local Plan 2007-2027'*, and with 'Policy UHT4' from the *'Eastbourne Core Strategy Local Plan 2007-2027'*.

The proposed condenser is sited in front of two low lying walls and measure in at a height no greater than 0.7m, from ground level this will not be above 3.8m. The proposed mechanical plant is sited 4.7m above floor level, notwithstanding this, falls 4.6m below the ridge of the main roof of the building. The proposed units are therefore scaled proportionately and considered to not create any harm on the appearance of the building. The proposed scheme therefore falls in keeping with 'Policy UHT1' (a), (b) from the *'Eastbourne Core Strategy Local Plan 2007-2027'*.

The proposed units are sited away from the windows on the end elevation of the building by approximately 9.4m, and therefore considered to be of an appropriate distance to not create any detrimental impact or disturbance to the nearby occupiers by way of odour. The proposed scheme therefore falls in accordance with 'Policy HO20' from the *'Eastbourne Core Strategy Local Plan 2007-2027'*.

Descriptions of the proposed materials have been specified to include: Mechanical cooling system 'frame in powder coat white finish' and Air conditioning unit 'white plastic case finish'. The applicants choice in material and finishes falls in keeping with existing units, a sympathetic colour choice that falls in keeping with the main building and therefore in accordance with 'Policy UHT1' (b) from the *'Eastbourne Core Strategy Local Plan 2007-2027'*.

**Human Rights Implications:**

The proposed mechanical units will not create any detrimental impact on the visual amenity of the area, to the building or harm the amenities of nearby residents by way of noise or smell. The proposed scheme will not impinge the amenities of nearby properties or its wider context and is therefore recommended that this application be put for approval.

**Conclusion:**

The proposed development is considered acceptable for the following reasons:

The proposed scheme by virtue of its scale, design, siting and use of materials would not impact on outlook, or pollution. The units are scaled proportionally and positioned on the roof so to not detract from the visual amenity of the area. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

**Recommend:** Permission be granted approval subject to the following conditions:

- 1) Details – Development timescale
- 2) Details – Materials
- 3) Details – Compliance with all plans

**Summary of recommendations:**

The proposed development is considered acceptable for the following reasons:

The proposed scheme by virtue of its scale, design, siting and use of materials would not impact on outlook, or pollution. The units are scaled proportionally and positioned on the roof so to not detract from the visual amenity of the area. Subject to conditions, the proposal accords with the Eastbourne Borough Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2013) and the National Planning Policy Framework (2012).

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

## Committee Report 21 May 2013

### Item 15

**App.No.:** EB/2013/0158      **Decision Due Date:** 22 May 2013      **Ward:** Upperton

**Officer:** Jane Sabin      **Site visit date:** 9 April 2013      **Type:** Minor

**Site Notice(s) Expiry date:** 10 May 2013

**Neigh. Con Expiry:** 10 May 2013

**Weekly list Expiry:** 8 May 2013

**Press Notice(s)-:** 15 May 2013

**Over 8/13 week reason:** N/A

**Location:** 39 Upperton Lane

**Proposal:** Change of use from vehicle repair workshop to a single private dwelling, together with external alterations, including the provision of a pitched roof with dormer to the rear.

**Applicant:** Mr. C. Burr

**Recommendation:** Refuse

#### Planning Status:

- Upperton Conservation Area
- Archaeological Notification Area

#### Relevant Planning Policies:

UHT1 - Design of development  
UHT4 - Visual amenity  
UHT15 - Protection of conservation areas  
HO7 - Redevelopment  
HO20 - Residential amenity  
TR11 - Car parking  
NE28 - Environmental amenity

#### Site Description:

The site comprises a pair of garages (the second dating from 1962) situated in the former rear garden of 39 Upperton Road, facing onto the adopted service road - Upperton Lane - which connects Enys Road to Hartfield Road, and serves properties in both Upperton Gardens and Upperton Road. The premises were used as a vehicle repair workshop from the 1970's (retrospectively with a personal permission), but are currently unused.

The buildings are in a poor state of repair, having been built off the inside of the boundary walls on either side from a mixture of brick, block and corrugated metal; each garage has a monopitch roof angled down towards the central dividing wall.

### **Relevant Planning History:**

App Ref:EB/1993/0076 Description: Continuation of use of garage for motor vehicle repairs without complying with previously imposed condition  
Decision: Approved Date: 29 April 1993

### **Proposed development:**

Consent is sought to convert the existing building to a single dwelling, involving the provision of a pitched roof of fibre cement slates with a dormer to the rear and three roof lights to the front roof slope, together with the rebuilding of the walls with brick and double glazed timber windows and doors. The building would continue to fill the full width of the plot (9m) and would be 6m deep; the height to the eaves would be 2.2m, and 5.5m to the ridge. The accommodation would comprise a living room and kitchen on the ground floor and two ensuite bedrooms within the roof space. Part of the garden to the flats behind approximately 3.5m deep, is shown to be fenced off to provide an amenity area, together with refuse and cycle storage, although there is no access to it other than through the dwelling.

### **Applicant's Points:**

- The existing building adversely affects the conservation area, being in very poor condition, and a use which is inappropriate in a residential area
- Part of the rear garden has been fenced off to provide an amenity area; an adequate amenity area remains for 39 Upperton Gardens
- Fences and modest shrubbery will provide privacy, and a large tree is to remain
- The surrounding area and general street scene on this side of the road is characterised by either gardens, garages or open parking for the large residential buildings in Upperton Gardens; on the opposite side of the lane are large multi storey office blocks which front onto Upperton Road
- The site is close to the main road and bus routes, as well as within walking distance of the railway station
- The building sits on a flat site, suitable for disabled access
- The proposal comprises the provision of a pitched roof and cosmetic alterations
- It is proposed to rebuild part of the building, and provide a roof of either slate or plain tiles; the walls will be brick to maintain the character of the building; the front elevation has been designed to resemble and preserve the garage/workshop use
- The proposal aims to enhance the conservation area; the pitched roof will provide two bedrooms and bathrooms, and the replacement of the doors with more domestic scale fenestration
- The alterations will have very little impact on the conservation area, and there will be no overlooking/overshadowing; the dwelling would have a conventional relationship fronting onto Upperton Lane and would not be out of character or conflict with the prevailing pattern of development

- It should be noted that a similar building at 49 Upperton Lane has been extended upwards, but with a mansard roof, adding nothing to the building or the conservation area
- An Arboricultural Assessment submitted with the application confirms that the tree could be retained, but recommends removal due to its potential size, and the likelihood of future occupiers requesting felling due to shading, leaf drop or other factors; a smaller species of tree is recommended

### **Consultations:**

Planning Policy confirms that the small scale of the commercial use means that there is no need to demonstrate genuine redundancy, and that the proposal would result in an additional residential unit in a sustainable location as identified in Core Strategy Policy B1, and the change from commercial to residential use would be consistent with the NPPF. However the NPPF places strong emphasis on good design and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is considered that, despite the proposed additional of one residential unit, the quality of design may be an issue that means that this application would not be acceptable.

(Memo dated 22 April 2013)

The Council's Arboriculturist confirms that the semi-mature sycamore behind the building can be retained, provided that the building is converted and not rebuilt, however there would be no opportunity for any landscaping on the site.

(Memo dated 25 April 2013)

The Conservation Area Advisory Group will consider the application at its meeting on 14 May 2013 (after the production of this report), and its comments will be reported verbally.

### **Neighbour Representations:**

Objections have been received from eight interested parties as a result of neighbour notifications and statutory advertisements. The objections are summarised thus:

- Overdevelopment of the site, affording little amenity to occupiers and overlooking of adjacent premises, to which it is far too close
- It would impede fire access to the rear of 39 Upperton Gardens
- 39 Upperton Gardens is already fully developed, so that there is no space other than for a direct replacement
- Access would be unsafe for pedestrians stepping out onto a busy lane which is a cut through for fast traffic (especially taxis) as well as large delivery lorries and fire brigade vehicles; it would result in more traffic and hazards to vehicles and pedestrians alike; one way traffic measures should be imposed
- The site itself is completely overshadowed by tall buildings to the front and rear, with very limited natural daylight or sunlight
- It would protrude beyond the building line established by 49 Upperton Lane and the garage at 53 Upperton Gardens; the footprint and height of the building would be out of scale with the surrounding buildings and therefore out of character with the conservation area

- The existing building is beyond adaptation and the application should be for demolition and replacement; the application should be challenged as technically inaccurate
- The lane is intended to serve as an access to other properties/businesses (sometimes hindered by uncontrolled illegal parking), and is not suitable for the development of dwellings as there is no pavement; the land could be put to better use to improve the area e.g. off street parking/garaging; what was once a quiet service road would become a residential street not fit for purpose
- There is no parking provided in an area where parking is already difficult
- How could the site be developed without obstructing the lane
- The development of a dwelling would set a precedent for the whole lane; the area is already high density, and this, together with the applications at 51 Upperton Gardens, represents an attempt to establish a whole new line of dwellings, following on from the permission to add another floor to 49 Upperton Lane

(Letters & emails 20 to 30 April 2013)

### **Appraisal:**

The main issues to be taken into account in determining this application are the impact of the physical changes on the character and appearance of the conservation area, the principle of the provision of a dwelling on the site, residential amenity and parking.

Despite confirmation from the agent that the proposal does not involve the demolition of the building, in that the existing foundations will remain and the walls will be lined, it is considered that the works are so extensive that it constitutes rebuilding of the majority of the building. The part of the flank wall that can be seen on the north east side of the garage is of very poor quality blockwork, and it is inconceivable that this would or could be retained as art of a new dwelling.

It is considered that the development would be totally out of character with the conservation area, and this side of Upperton Lane in particular; generally the rear gardens are characterised by low, single storey developments of garages of various styles and sizes, and most have some degree of setback, in order to allow modern, larger cars the ability to turn more easily onto the narrow lane. The design of the building is that of a modern chalet bungalow, which would be completely unlike anything in the locality; the use of three roof lights on the front slope and the dormer to the rear (to provide head height in the bathrooms) demonstrates that the building is contrived and really too small to contain the accommodation proposed. This is further evidenced by the extremely low ceiling heights (just about 2m), and the extensive skellings in the bedrooms, where the full height is only available for approximately 2m in the middle of each bedroom. Other issues with the design include the position of the kitchen at the front of the building, so that there is a likelihood of drainpipes exiting the front of the building, the provision of a full height (floor to roof) glass window on the boundary with a road used by vehicular traffic, and the probability that the eaves would overhang the highway; although the rear garden shows a refuse store, there is no access to it, so that bins would inevitably have to be stored for some of the time at least on the road.



The provision of a building of the design, height and proportions now proposed on the boundary with the lane would result in a cramped, poorly designed, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area.

The National Planning Policy Framework places strong emphasis on good design, and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It requires development to harmonise with the character of the area and respect local distinctiveness. It is considered that the proposal fails on this aspect, particularly in a conservation area.

The principle of the provision of a dwelling in this backland location must also be given very careful consideration. Should consent be given for this proposal, it would make it very difficult for the Council to refuse similar applications along the whole length of Upperton Lane, and would result in undesirable piecemeal development. Permission was refused for the conversion of a small office building at 49 Upperton Lane to a dwelling in 2004, and a further application to demolish and rebuild an office store has been submitted in respect of 51 Upperton Lane (this will be reported at the next Planning Committee meeting). It is considered that the rear gardens of the Upperton Gardens properties are too small to successfully accommodate dwellings with sufficient amenity and of an acceptable design; the outlook onto the rear of commercial premises, the narrowness of the lane and the absence of a pavement, together with its use as a service road accommodating both domestic and large commercial vehicles dictates that residential development is unsuitable for this location and would result in a substandard form of accommodation. This would not accord with local and national policies.

The proposal does not provide for any on site parking, which would normally be required for a detached two bedroom dwelling. Whilst it could be argued that the site is close to the town centre and its facilities, in practical terms there is no legal parking at all in the lane, and this would conflict with the reality of living in the Upperton area, where car ownership is relatively high. Should permission be granted for the proposal, the long term effects should be taken into account; as stated above, similar proposals would be difficult to resist, and the overall impact on parking could be significant, both from the loss of off street parking for the existing dwellings to the creation of a whole street of dwellings with no parking facilities on a road where no parking could be accommodated.

The proposed dwelling is relatively shallow, and being sited on the rear boundary, it would have limited impact on the privacy and outlook of existing residents (subject to the rear windows to the bathrooms being obscure glazed and fitted with restrictors). The outlook from the rear garden would be affected by the building, but not to such a degree that would warrant a refusal on this ground alone.

Whilst the sycamore tree in the rear garden could be retained, its retention in such a small garden is impractical given its final size. It would dominate the dwelling and the garden, and would need frequent maintenance, even if the future residents were willing to tolerate the leaf drop, honeydew and shading associated with the species. If consent were to be approved, it would be better to remove and replace the tree, as it is not worthy of a tree preservation order.

**Human Rights Implications:**

The proposal would have some impact on the outlook of nearby residents, but it is considered that this would be within acceptable limits.

**Conclusion:**

The proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area.

**Recommendation:**

**REFUSE** for the following reason:

The proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area. As such, it would conflict with the policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

Informatives:

For the avoidance of doubt, the plans hereby refused are:

2012/77/04 Proposed Plans (received on 19 March 2013)

2012/77/03 Revision A Proposed Ground & First Floor Plans(received 19 March 2013)

2012/77/06 Revision A Site Location & Block Plan (received on 19 March 2013)

**SUMMARY OF REASONS FOR DECISION**

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

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

# Committee Report

<b>Body:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>21 MAY 2013</b>
<b>Subject:</b>	<b>EDGMOND EVANGELICAL CHURCH SITE - APPEAL DECISION</b>
<b>Report Of:</b>	<b>SENIOR SPECIALIST ADVISOR</b>
<b>Ward(s)</b>	<b>UPPERTON</b>
<b>Purpose</b>	<b>Member's Information</b>
<b>Contact:</b>	Lisa Rawlinson Senior Specialist Advisor Telephone 01323 415250 or internally on extension 5250. E-mail address <a href="mailto:lisa.rawlinson@eastbourne.gov.uk">lisa.rawlinson@eastbourne.gov.uk</a>

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## **1.0 Introduction**

- 1.1 The applications for planning and conservation area consent (EB/2012/0472 /3) for the development of the Edgmond Church site at 39-41 Church Street were refused at the meeting of the Planning Committee on 2<sup>nd</sup> October 2012 contrary to the officer's recommendation.
- 1.2 The scheme comprised the change of use of the site from a church to accommodation for 24 people with learning disabilities, with community/activity centre, tearoom and retail shop, involving the demolition of the rear hall extension and the construction of a part two and part three storey extension.

## **2.0 The Appeal**

- 2.1 The appeals against the refusal of both applications were dealt with at a Hearing on 13<sup>th</sup> March 2013. The decision was issued on 26<sup>th</sup> April. The Inspector allowed both appeals, granted planning permission and conservation area consent and also granted the appellant's application for a full award of costs against the Council.
- 2.2 The main issues under appeal, as confirmed by the Inspector were firstly, whether the scheme made adequate provision for vehicle parking and servicing and secondly the effect of the scheme on the character and appearance of the Old Town Conservation Area.
- 2.3 On the parking issue the Inspector concluded that the scheme would make adequate provision for parking, would accord with all relevant planning

policies relating to parking and would be unlikely to have a material impact on parking conditions in the locality.

2.4 As regards the Conservation Area he considered that the scheme would be well-related to its surroundings, that the character and appearance of the area would be preserved and that there would be no material harm to the living conditions of neighbouring residents. He also considered that the scheme would help to meet an important social need.

### **3.0 Costs Decision**

3.1 In the separate decision on the appellant's application for costs the Inspector concluded that the Council had acted unreasonably in refusing the applications. The principal reasons given were:-

- An unrealistic assessment by the Council of the parking requirement of the tearoom element of the scheme
- Reliance on a consultation response from the Highway Authority on parking which was subsequently superseded
- Over reliance on the extent of local opposition on the parking and amenity issues

### **4.0 Conclusion**

4.1 The case highlights two important connected issues relating to the award of costs in planning proceedings.

Firstly, where the Committee refuses an application contrary to the officer's advice and recommendation, the Authority will be vulnerable to an award of costs on appeal unless it can support the decision with substantial evidence based on valid planning considerations.

Secondly, the extent of local opposition to a proposed scheme is not, in itself, a reasonable ground for resisting development. To carry any significant weight opposition must be founded on valid planning reasons which are supported by substantial evidence.

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**LISA RAWLINSON**  
**SENIOR SPECIALIST ADVISOR**

# Committee Report

<b>Body:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>Tuesday, 21st May, 2013</b>
<b>Subject:</b>	<b>Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013)</b>
<b>Report of:</b>	<b>Senior Head of Development and Lawyer to the Council</b>
<b>Ward</b>	<b>Upperton</b>
<b>Purpose</b>	<b>This report seeks confirmation of a Tree Preservation Order.</b>
<b>Contact:</b>	<b>Diane Fearn, Paralegal/Admin. Assistant, Telephone 01323 415029 or internally on extension 5029.</b>
	<b>E-mail address: <a href="mailto:diane.fearn@eastbourne.gov.uk">diane.fearn@eastbourne.gov.uk</a></b>

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**Recommendation:** That The Eastbourne Borough Council Tree Preservation Order (Land at 23 The Goffs, Eastbourne, East Sussex) No. 158 (2013) be confirmed without modification.

## 1. Introduction

- 1.1 On 19th February, 2013, the Development Manager exercised his delegated powers and authorised the making of a Tree Preservation Order in respect of a tree on the above land. The tree is an Elm.

The Development Manager took this action because the tree makes a significant contribution to the visual amenities of the area, and its loss would be detrimental to those amenities. The Order was made on 8th March, 2013. A copy of the Order plan is attached.

- 1.2 The Order will continue in force until the expiration of a period of six months from the making of the Order or the date on which the Order is confirmed, whichever first occurs.

## 2. Confirmation Procedure

The Committee must now decide whether to confirm the Order. The Committee may:

- confirm an Order without modification or subject to such modification as it considers it expedient; or
- decline to confirm the Order, in which case it lapses.

Before making a decision the Committee must take into account any objections or representations made within the prescribed period.

## 3. Consultations

- 3.1 Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.
- 3.2 The following is a summary of the representations and objections received together with the response of officers.

### **Objection**

Received from a resident of a flat at 23 The Goffs.

The resident objects to the Tree Preservation Order in respect of the Elm tree, designated T1 in the plan and schedule. The grounds of the objection are:-

The roots of the tree are causing major problems to the driveway and are only yards away from the house "23 The Goffs". If no action is taken the structure of the house will be damaged.

### **Officers' Response**

The Planning Section says that an application to prune fibrous roots would be looked upon sympathetically for roots affecting the driveway.

Alternative solutions to the issue can be found, for example using Amsterdam tree sand under the finished surface when relaying the driveway. Officers will be happy to discuss all options available to find a solution once the DBM (Tarmacadam) surface is removed.

It is considered extremely unlikely that the roots would affect the house, given the distance between them.

## **4. Resource Implications**

### 4.1 Financial

There are none.

### 4.2 Staffing

There are none.

## **5. Environmental Implications**

The confirmation of the Order will ensure the protection of the tree, which makes a significant contribution to the visual amenity of the area.

## **6. Human Rights**

Whilst the owners have the right to the peaceful enjoyment of their property, the Council have the right to make the Order to preserve and protect the visual amenity to which the tree makes a significant contribution.

## **7. Conclusion**

- 7.1 The tree makes a significant contribution to the visual amenity of the area. We therefore recommend that the Tree Preservation Order be confirmed without modification.

**JEFF COLLARD**  
**SENIOR HEAD OF DEVELOPMENT**

**VICTORIA SIMPSON**  
**LAWYER TO THE COUNCIL**

### **Background Papers:**

The Background Papers used in compiling this report can be found on file PL/2/116.

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Signed on behalf of  
 Eastbourne Borough Council  
*[Signature]*  
 Authorised Signatory

T.P.O 158  
 Land at 23 The Goffs Eastbourne

ECONOMY, TOURISM AND  
 ENVIRONMENT  
 PARKS AND GARDENS  
 88 Grove Road, Eastbourne

Prepared by: LM

Scale: 1:1000

Date: 11/02/2013

Dwg. No.:

**EASTBOURNE**  
 Borough Council

This copy has been reproduced specifically for the map return scheme purposes only. No further copies may be made.

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**COMMITTEE:** Planning Committee  
**DATE:** 21 May 2013  
**SUBJECT:** The Park Close Conservation Area Appraisal and Management Plan  
**REPORT OF:** Specialist Advisor – Conservation & Design

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**Ward(s):** Old Town

**Purpose:** To seek to approval of The Park Close Conservation Area Appraisal and Management Plan for recommendation to the Planning Committee

**Contact:** Clare Dales, Specialist Advisor, Conservation & Design,  
Unit, 1 Grove Road, Eastbourne  
Tel no: (01323) 415251  
E-mail: [clare.dales@eastbourne.gov.uk](mailto:clare.dales@eastbourne.gov.uk)

**Recommendation:** Members are asked consider The Park Close Conservation Area Appraisal and Management Plan which will be presented to the Planning Committee.

Appendices link to Conservation Area Advisory Committee:

<http://eastbourne.gov.uk/council/meetings/?categoryesct13597092=13093>

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## **1.0 Introduction**

1.1 The Park Close Conservation Area and Management Appraisal is one of a rolling programme of appraisals, to cover all the Conservation Areas in the Borough. The Council has a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 Conservation Areas. The Park Close Conservation Area Appraisal sets out the special interest of the area with a recommendation for protection of the setting of the heritage assets.

## **2.0 The Park Close Conservation Area Appraisal**

2.1 The purpose of The Park **Close Conservation Area Appraisal** is to define the special architectural and historic interest of the designated area in the form of a detailed character analysis. The Conservation Appraisal also contains a Management Plan, which seeks to manage change in ways that maintain and strengthen the area's special qualities.

The Park Close Conservation Area covers a small area of 1.255 Hectares, adjacent to the West of Gildredge Park in Old Town.

A Conservation Area would normally be divided onto Character Areas, however given the discrete boundary to The Park Close, arising from the

historic origins of this development, there are no such divisions. However, within The Park Close, there exist boundaries based not only on architectural, landscape or historic characteristics, but also on the dynamic experience of the area – how it is perceived when walking, cycling, playing or driving within it, and when ‘boundaries of experience’ are crossed. This includes such sensations as awareness of enclosure or openness, and degrees of noise or activity, which can provide edges to areas just as much as map-based boundaries. These boundaries, real or perceived may shift with time.

- 2.2 The Management Plan in Section 6 of the Appraisal contains proposals that seek to preserve and enhance the character and appearance of The Park Close Conservation Area with the recommendation of the introduction of Article 4 directions.

### **3.0 Assessments**

- 3.1 The assessments were undertaken in line with the Criteria for extensions to the boundary of the Conservation Areas, as set out in the adopted Guidance Manual for Designation and Review of Conservation Areas and in line with guidance from English Heritage. The recommendations from this assessment are that with respect to the special interest and character of The Park Close Conservation Area, as defined within the appraisal document, no alterations to the boundary of conservation area.

The 1930s buildings have retained a very high proportion of their original features, including to shared and external spaces. Few have unsympathetic alterations and repairs.

There have been some unsympathetic repairs and it is considered likely that the erosion of the special nature and visual cohesion of the dwellings, together with the quality and extent of original materials and layouts to shared spaces, which the introduction of Article 4 directions will better protect the heritage assets, and the setting of the heritage asset.

- 3.2 Therefore, the recommendation of this report is that the boundary of The Park Close Conservation Area be retained, to help maintain the special architectural and historic character of the Conservation Area, with the introduction of Article 4 directions.

### **4.0 Consultation**

- 4.1 During the period from 10.9.12 to 9.12.12, the residents of The Park Close have been individually contacted by The Conservation Officer for comment and discussion. Residents have provided important original documents relating to the development and history of the Close.

- 4.2 The Appraisal and management plan will be made available to the public for a period of not less than six weeks, following presentation to Planning Committee on 21<sup>st</sup> May 2013. After this date, any representation will be reviewed and considered, following guidelines set out in the adopted Guidance Manual for Designation and Review of Conservation Areas and in line with guidance from English Heritage.

### **5.0 Financial and Staffing Implications:**

5.1 The cost of the consultation is met from within existing budgets and will largely consist of staff time.

## **6.0 Sustainability Implications**

6.1 The conservation of heritage assets, which are a finite and diminishing resource, is an integral aspect of sustainable development. The designation and revision of the conservation areas will assist in the conservation of heritage assets.

## **7.0 Other Implications**

7.1 There are no youth, anti-poverty, equality or community safety implications as a direct result of the draft documents.

## **8.0 Conclusion**

8.1 The Park Close Conservation Area Appraisal has been prepared according to English Heritage Guidance Manual (2011) and English Heritage's Guidance. It aims to set out, in a clear and concise manner, the special architectural and historic interest of the area and to provide information on the best approach to managing change, in order to conserve or enhance the special interest of the area.

As such, it is recommended that the Appraisal is considered for recommendation to the Planning Committee; The Conservation Area Appraisal & Management Plan shown in Appendix A.

**Clare Dales**  
**Specialist Advisor – Conservation & Design**

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## **Background Papers:**

The Background Papers used in compiling this report were as follows:

Draft The Park Close Conservation Area Appraisal

English Heritage: Guidance on Conservation Area Appraisals

English Heritage: Guidance on the Management of Conservation Areas

English Heritage: Conservation Area Practice

English Heritage: [Understanding Place: Conservation Area Designation, Appraisal and Management](#)

Eastbourne Borough Council: Guidance Manual for Designation and Review of Conservation Areas

Eastbourne Borough Council: Conservation Areas in Eastbourne - Companion Document

The Park Close Residents' documents, comprising excerpts from original sales literature, maps, plans and with grateful thanks for allowing internal inspection of properties, outbuildings and gardens to compile the report.

## **Appendices**

The Park Close Conservation Area Appraisal & Management Plan

Appendix A: Audit

Appendix B: Glossary

Appendix C: Bibliography

Appendix D: Maps

Map 1 - The Park Close Conservation Area - Boundary Plan

Map 2 - The Park Close Views & Vistas

Map 3 - The Park Close 1870

Map 4 - The Park Close 1899

Map 5 - The Park Close 1910

Map 6 - The Park Close 1925

Appendix E - The Park Close Brochure

Appendix F - Park Close advertisement

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## STATUTORY INSTRUMENTS

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2013 No. 1101

### TOWN AND COUNTRY PLANNING, ENGLAND

#### The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

<i>Made</i> - - - -	<i>7th May 2013</i>
<i>Laid before Parliament</i>	<i>9th May 2013</i>
<i>Coming into force</i> - -	<i>30th May 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order:

#### **Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and comes into force on 30th May 2013.

(2) This Order applies in relation to England only.

#### **Amendment of the Town and Country Planning (General Permitted Development) Order 1995**

2. The Town and Country Planning (General Permitted Development) Order 1995(b) is amended as follows.

#### **Amendments in relation to article 1(6A) land**

3.—(1) After article 1(6) insert—

“(6A) The land referred to elsewhere in this Order as article 1(6A) land is the land described in Part 4 of Schedule 1 to this Order (exempt office areas).”

(2) After Part 3 of Schedule 1 (Article 1(6) land) insert—

- 
- (a) 1990 c. 8, section 60 was amended by section 4 of the Growth and Infrastructure Act 2013 (c. 27). There are also other amendments to the 1990 Act which are not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.
- (b) S.I. 1995/418. Relevant amendments were made by S.I. 2008/2362, 2010/654, 2010/2134, 2011/2056 and 2012/748. Part 24 was substituted by S.I. 2001/2718 and amended by S.I.s 2003/2155 and 2004/945.

## “PART 4

### Article 1(6A) Land

1. Land within the areas named in column 1 of the table in this Schedule is designated by reference to the area bounded externally by the outer edge of the boundary line shown on the corresponding map specified in column 3 of the table.

2. A reference in this Part of this Schedule to a map is to one of the maps numbered 1.1 to 1.36 and entitled “Maps of areas exempt from office to residential change of use permitted development right 2013”, of which copies, signed by a member of the Senior Civil Service in the Department for Communities and Local Government, are available for inspection at the offices of the Secretary of State for Communities and Local Government.

<i>Name of area</i>	<i>Local planning authority for the area</i>	<i>Map number (colour / style of boundary line)</i>
Central Activities Zone and Tech City, London	Common Council of the City of London	1.1 (red line)
	London Borough Council of Islington	1.2 (red line)
	London Borough Council of Hackney	1.3 to 1.7 (blue line)
	London Borough Council of Tower Hamlets	1.8 and 1.9 (red line and black borough boundary line, green line and black borough boundary line and pink line)
	London Borough Council of Southwark	1.10 (red line)
	London Borough Council of Lambeth	1.11 (red line)
	London Borough Council of Wandsworth	1.12 (blue line and black-dashed borough boundary line)
	Westminster City Council	1.13 (red line)
	Royal Borough Council of Kensington and Chelsea	1.14 (red line)
	London Borough Council of Camden	1.15 (red line)
The whole of the Royal Borough of Kensington and Chelsea (so far as not already designated under the entry for the Central Activities Zone and Tech City)	Royal Borough Council of Kensington and Chelsea	1.14 (red line)
Areas in the Isle of Dogs (so far as not already designated under the entry for Central Activities Zone and Tech City)	London Borough Council of Tower Hamlets	1.8 and 1.9 (blue line)
3 areas known as the Royal Docks Enterprise Zone	London Borough Council of Newham	1.16 (red line)
2 areas known as Milton Park Enterprise Zone	Vale of the White Horse Borough Council	1.17 (red line)
Harwell Oxford Enterprise Zone	Vale of the White Horse Borough Council	1.18 (red line)



2 areas known as Manchester City Centre Core	Manchester City Council	1.19 (red line)
13 areas within the Gunnels Wood Employment Area	Stevenage Borough Council	1.20 (red line)
8 areas in and around De Beauvoir	London Borough of Hackney	1.21 (blue line)
6 areas in and around Mare Street	London Borough of Hackney	1.22 (blue line)
BT Building, London Road	Sevenoaks District Council	1.23 (black line)
An area in London Road	Sevenoaks District Council	1.24 (black line)
Crown Inn, Westerham Trading Centre, Westerham	Sevenoaks District Council	1.25 (black line)
Ashford Commercial Quarter	Ashford Borough Council	1.26 (red line)
Petersfield Parish	East Hampshire District Council	1.27 (red line)
Alton Parish	East Hampshire District Council	1.28 (red line)
An area in Whitehall and Bordon	East Hampshire District Council	1.29 (red line)
Horndean Parish	East Hampshire District Council	1.30 (red line)
Liss Parish	East Hampshire District Council	1.31 (red line)
Bramshott and Liphook Ward and Parish	East Hampshire District Council	1.32 (red line)
Ropley Parish	East Hampshire District Council	1.33 (red line)
Bentley Parish	East Hampshire District Council	1.34 (red line)
Grayshott Ward and Parish	East Hampshire District Council	1.35 (red line)
Four Marks and Medstead Ward	East Hampshire District Council	1.36 (red line)”

#### Amendments in relation to home extensions

4.—(1) In Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), Class A is amended as follows

(2) In paragraph A.1(e) at the beginning insert “subject to paragraph (ea),”.

(3) After paragraph A.1(e) insert—

“(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;”

(4) After paragraph A.3 insert—

“A.4.—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

(2) Before beginning the development the developer shall provide the following information to the local planning authority—

- (a) a written description of the proposed development including—
  - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
  - (ii) the maximum height of the enlarged part of the dwellinghouse; and
  - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) a plan indicating the site and showing the proposed development;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and
- (e) the developer's email address if the developer is content to receive communications electronically.

(3) The local planning authority shall notify owners or occupiers of any adjoining premises about the proposed development by serving on them a notice which—

- (a) describes the proposed development, including—
  - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
  - (ii) the maximum height of the enlarged part of the dwellinghouse; and
  - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) provides the address of the proposed development;
- (c) specifies the date when the information referred to in paragraph (2) was received by the local planning authority and the date when the period referred to in paragraph (8)(c) would expire; and
- (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(4) The local planning authority must send a copy of the notice referred to in paragraph (3) to the developer.

(5) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(6) The local planning authority may require the developer to submit such further information regarding the proposed development as the local planning authority may reasonably require in order to consider the impact of the proposed development on the amenity of any adjoining premises.

(7) The local planning authority shall, when considering the impact referred to in paragraphs (5) and (6)—

- (a) take into account any representations made as a result of the notice given under paragraph (3); and
- (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(8) The development shall not be begun before the occurrence of one of the following—

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

- (a) the building is on article 1(6A) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument.

#### **Conditions**

**J.2** Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

## **Class K**

#### **Permitted Development**

**K.** Development consisting of a change of use of a building and any land within its curtilage to use as a state-funded school, from a use falling within Classes B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order.

#### **Development not permitted**

**K.1** Development is not permitted by Class K where—

- (a) the site is or forms part of a military explosives storage area;
- (b) the site is or forms part of a safety hazard area;
- (c) the building is a listed building or a scheduled monument.

#### **Conditions**

**K.2** Development is permitted by Class K subject to the following conditions—

- (a) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (b) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
  - (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development; and
  - (iii) contamination risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

- (9) The development shall be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where paragraph (8)(c) applies, in accordance with the information provided under paragraph (2),
- unless the local planning authority and the developer agree otherwise in writing.
- (10) The development shall be completed on or before 30th May 2016.
- (11) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (12) The notification referred to in paragraph (11) shall be in writing and shall include—
- (a) the name of the developer;
  - (b) the address or location of the development, and
  - (c) the date of completion.”

#### **Amendments in relation to minor operations**

- 5.—(1) In Part 2 of Schedule 2 (minor operations), Class A is amended as follows.
- (2) For paragraph A.1(a) substitute—
- “(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
    - (i) for a school, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
    - (ii) in any other case, one metre above ground level;”
- (3) After paragraph A.1 insert—

#### **“Interpretation of Class A**

**A.2** For the purposes of Class A, “school” includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.”

#### **Amendments in relation to change of use**

- 6.—(1) In Part 3 of Schedule 2 (changes of use), in paragraph B.1 of Class B, for “235” substitute “500”.
- (2) In Part 3 of Schedule 2 (changes of use) after Class I insert—

### **“Class J**

#### **Permitted development**

**J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.**

#### **Development not permitted**

**J.1** Development is not permitted by Class J where—

## Class L

### Permitted development

**L. Development consisting of a change of use of land from a use permitted by Class K to the previous lawful use of the land.**

## Class M

### Permitted development

**M. Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.**

### Development not permitted

**M.1** Development is not permitted by Class M if—

- (a) the building has not been solely in agricultural use—
  - (i) since 3rd July 2012; or
  - (ii) for buildings first brought into use after 3rd July 2012, for ten years;
- (b) the cumulative floor space of buildings which have changed use under Class M within an original agricultural unit exceeds 500 square metres;
- (c) the site is or forms part of a military explosives storage area;
- (d) the site is or forms part of a safety hazard area;
- (e) the building is a listed building or a scheduled monument.

### Conditions

**M.2** Development is permitted by Class M subject to the following conditions—

- (a) a site which has changed use under Class M may, subject to paragraph M.3, subsequently change use to another use falling within one of the use classes comprising the flexible use.
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class M the site it is to be treated as having a sui generis use;
- (c) after a site has changed use under Class M, the planning permissions granted by Class B of Part 41 of Schedule 2 to this Order apply to the building, subject to the following modifications—
  - (i) “curtilage” has the meaning given in Class M;
  - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class M.

**M.3** Before changing the use of the site under Class M, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer shall—

- (a) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
  - (i) the date the site will begin to be used for any of the flexible uses;

- (ii) the nature of the use or uses; and
- (iii) a plan indicating the site and which buildings have changed use;
- (b) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit exceeds 150 square metres and does not exceed 500 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development;
  - (iii) contamination risks on the site; and
  - (iv) flooding risks on the site,
 and the provisions of paragraph N shall apply in relation to any such application.

### Procedure for applications for prior approval under Part 3

N.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

- (2) The application shall be accompanied by—
  - (a) a written description of the proposed development;
  - (b) a plan indicating the site and showing the proposed development;
  - (c) the developer's contact address; and
  - (d) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(3) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—

- (a) the Secretary of State for Transport, where the increase or change relates to traffic entering or leaving a trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(4) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (ze)(ii) in the Table in Schedule 5 to the 2010 Order.

(5) The local planning authority shall notify the consultees referred to in paragraphs (3) and (4) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

- (6) The local planning authority shall give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
    - (i) describes the proposed development;
    - (ii) provides the address of the proposed development;
    - (iii) specifies the date by which representations are to be received by the local planning authority; or
  - (b) by serving a notice in that form on any adjoining owner or occupier.
- (7) The local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J.2, K.2(b) or M.3(b), as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks;
  - (b) statements setting out how impacts or risks are to be mitigated.
- (8) The local planning authority shall, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
  - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application; and
  - (c) in relation to the contamination risks on the site—
    - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(a), and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
    - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- (9) The development shall not be begun before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (10) The development shall be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where paragraph (9)(c) applies, in accordance with the details provided in the application referred to in paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

### Interpretation of Part 3

#### O. For the purposes of Part 3—

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(a) 1990 c. 43. Part 2A was inserted by section 57 of the Environment Act 1995 (c.25).

“2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(a);

“adjoining owner or occupier” means any owner or occupier of any premises or land adjoining the site;

“agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse, and “agricultural use” refers to such uses;

“curtilage” means, for the purposes of Class M only—

- (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building; or
- (ii) where it is not possible to discern such a piece of land, an area of land immediately beside or around the agricultural building no larger than the floor space of the building;

“flexible use” has the meaning given in paragraph M;

“Flood Zone 1”, “Flood Zone 2” and “Flood Zone 3” have the meaning given in Schedule 5 to the 2010 Order;

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)(b);

“network” and “operator”, for the purposes of paragraph N, have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)(c);

“original agricultural unit” means agricultural land which was occupied as a unit for the purposes of agriculture on 3rd July 2012;

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“site” means the building and any land within its curtilage;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(d);
- (ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(e); and

“sui generis use” means a use for which no class is specified in the Schedule to the Use Classes Order.”

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(a) S.I. 2010/2184; to which there are amendments not relevant to Part 3.

(b) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).

(c) 1993 c. 43; see section 83.

(d) 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

(e) 1998 c. 31.



## **Amendments in relation to temporary use of buildings**

7. In Part 4 of Schedule 2 (temporary buildings and uses), after Class B insert—

### **“Class C**

#### **Permitted development**

**C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.**

#### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the existing use of the site is not a class of use specified in the Schedule to the Use Classes Order;
- (b) the site is or forms part of a military explosives storage area;
- (c) the site is or forms part of a safety hazard area;
- (d) the building is a listed building or a scheduled monument.

#### **Conditions**

**C.2** Development is permitted by Class C subject to the following conditions—

- (a) the site must be approved for use as a state-funded school by the relevant Minister;
- (b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;
- (c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (d) the permission is granted for one academic year and it may be used only once in relation to a particular site;
- (e) the site reverts to its previous lawful use at the end of the academic year.

#### **Interpretation of Class C**

**C.3** For the purposes of Class C—

“academic year” means any period beginning with 1st August and ending with the next 31st July;

“relevant Minister” means the Secretary of State with policy responsibility for schools;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(a);

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(a) 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

- (ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(a).

## Class D

### Permitted development

**D. Development consisting of a change of use of a building and any land within its curtilage—**

- (a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,
- (b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule,

**for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.**

### Development not permitted

**D.1** Development is not permitted by Class D if—

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is or forms part of a military explosives storage area;
- (d) the site is or forms part of a safety hazard area;
- (e) the building is a listed building or a scheduled monument.

### Conditions

**D.2** Development is permitted by Class D subject to the following conditions—

- (a) the developer shall notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the two year period referred to in paragraph D the site shall be used for a purpose, or purposes, falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the two year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use.

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(a) 1998 c. 31.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

- (a) the name of the developer,
- (b) the address or location of the development,
- (c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and
- (d) the date of completion.”

Signed by authority of the Secretary of State for Communities and Local Government

7th May 2013

*Nick Boles*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends, in England, the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the 1995 Order”).

Article 3 amends article 1 of the 1995 Order to insert a definition of article 1(6A) land. It also inserts a new Part 4 into Schedule 1 to the 1995 Order which provides a list of article 1(6A) land. The new permitted development right in class J of Part 3 of Schedule 2 to the 1995 Order (inserted by article 6(2) of this Order) does not apply in relation to any building on article 1(6A) land.

Article 4 amends Part 1 of Schedule 2 to the 1995 Order to allow larger home extensions to be built until 30th May 2016. This temporary permitted development right is subject to a new procedure. Before beginning the development the person relying on the right must notify the local planning authority. The authority will then notify neighbouring properties. If neighbours object to the proposed development the authority must consider whether the extension should be approved. The development may not be started until the authority has notified the person of their decision or until the expiry of 42 days without such a decision being notified.

Article 5 amends Class A of Part 2 of Schedule 2 to the 1995 Order to allow schools to build a higher boundary fence or wall adjacent to a highway, provided it does not create an obstruction which is likely to be a danger for highway users. “School” is defined to include buildings which qualify for the right to change temporarily to use as a state-funded school under new Class C of Part 4 of Schedule 2 (see article 7 of this Order), from the date the local planning authority is notified by the relevant Minister that the site has been approved for temporary school use.

Article 6 amends Part 3 of Schedule 2 to the 1995 Order as follows. Article 6(1) amends Class B of Part 3 to increase the size of floor space in business premises which may change use from use classes B1 or B2 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) (“the Use Classes Order”) to use class B8, or from use classes B2 or B8 to use class B1, from 235 square metres to 500 square metres.

Article 6(2) inserts new Class J into Part 3 (changes of use). The new permitted development right is temporary, will expire on 30th May 2016, and does not apply on land in certain areas. Those areas are certain military sites, safety hazard areas and areas described as article 1(6A) land and are defined in article 1(6A) of, and Part 4 of Schedule 1 to, the 1995 Order (inserted by article 3 of this Order). The new permitted development right is subject to the conditions in paragraph J.2 – this requires prior approval of the local planning authority in relation to transport and highways, contamination and flooding. Paragraph N sets out the procedure for applying for approval.

Article 6(2) also inserts new Class K into Part 3 (changes of use). This new permitted development right enables various types of building to change use to use as a state-funded school,

(3) After paragraph A.1(a) insert—

“(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

- (i) 50%; or
  - (ii) 100 square metres,
- whichever is the lesser;”

(4) After paragraph A.2 insert—

“**A.2A**—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa).

(2) The development shall be completed on or before 30th May 2016.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

- (a) the name of the developer,
- (b) the address or location of the development,
- (c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and
- (d) the date of completion.”

#### **Amendments in relation to shops or catering, financial or professional services establishments**

**12.**—(1) In Part 42 of Schedule 2 (shops or catering, financial or professional services establishments), Class A is amended as follows.

(2) In paragraph A.1(a) at the beginning insert “subject to paragraph (aa),”.

(3) After paragraph A.1(a) insert—

“(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

- (i) 50%; or
  - (ii) 100 square metres,
- whichever is the lesser;”

(4) In paragraph A.1(c) at the beginning insert “subject to paragraph (ca),”.

(5) After paragraph A.1(c) insert—

“(ca) until 30th May 2016 paragraph (c) only applies where—

- (i) the land on which the building is located adjoins land or a building which is used for a purpose falling within Class C of the Schedule to the Use Classes Order;
- (ii) the development is on article 1(5) land; or
- (iii) the development is on a site of special scientific interest;”

(6) After paragraph A.2 insert—

“**A.2A**—(1) The following conditions apply to development permitted by Class A which—

- (a) exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa); or
  - (b) relies upon the disapplication of paragraph A.1(c) provided by paragraph A.1(ca).
- (2) The development shall be completed on or before 30th May 2016.

- (2) The development shall be completed on or before 30th May 2016.
- (3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (4) The notification shall be in writing and shall include—
  - (a) the name of the developer,
  - (b) the address or location of the development,
  - (c) a description of the development, including measurements and calculations relevant to the requirements of paragraphs A.1(da) and (ea), and
  - (d) the date of completion.”

**Amendments in relation to development by electronic communications code operators**

9.—(1) Part 24 of Schedule 2 (development by electronic communications code operators) is amended as follows.

- (2) In paragraph A.2(4) at the beginning insert “Subject to paragraph (4A),”
- (3) After paragraph A.2(4) insert—
  - “(4A) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 1(5) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, provided that the development is completed on or before 30th May 2018.”
- (4) After paragraph A.3(4)(a) insert—
  - “(aa) by the developer’s contact address, and the developer’s email address if the developer has one;”
- (5) In paragraph A.4—
  - (a) after the definition of “antenna system” insert—
    - ““fixed-line broadband” means a service or connection (commonly referred to as being ‘always on’), via a fixed-line network, providing a bandwidth greater than narrowband;”
    - ; and
  - (b) after the definition of “mast” insert—
    - ““narrowband” means a service or connection providing data speeds up to 128 k bit/s;”

**Amendments in relation to schools**

10. In Part 32 of Schedule 2 (schools, colleges, universities and hospitals), after paragraph B.2 insert—

**“Interpretation of Part 32**

C. For the purposes of Part 32, “school” includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C. of Part 4.”

**Amendments in relation to office buildings**

- 11.—(1) In Part 41 of Schedule 2 (office buildings) Class A(a) is amended as follows.
- (2) In paragraph A.1(a) at the beginning insert “subject to paragraph (aa),”.

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(a) Part 41 was inserted into S.I. 1995/418 by article 2 of S.I. 2010/654.

## Interpretation of Class D

D.3 For the purposes of Class D “flexible use” has the meaning given in paragraph D(a).

## Interpretation of Part 4

E. For the purposes of Part 4—

“2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(a);

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)(b);

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“site” means the building and any land within its curtilage.”

## Amendments in relation to industrial and warehouse development

8.—(1) In Part 8 of Schedule 2 (industrial and warehouse development), Class A is amended as follows.

(2) In paragraph A.1(d) at the beginning insert “subject to paragraph (da),”.

(3) After paragraph A.1(d) insert—

“(da) until 30th May 2016 for a building not on article 1(5) land nor on a site of special scientific interest the gross floor space of any new building erected would exceed 200 square metres;”

(4) In paragraph A.1(e) at the beginning insert “subject to paragraph (ea),”.

(5) After paragraph A.1(e) insert—

“(ea) until 30th May 2016, the gross floor space of the original building would be exceeded by more than—

(i) 10% in respect of development on any article 1(5) land, 25% in respect of development on a site of special scientific interest and 50% in any other case; or

(ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square metres in any other case;

whichever is the lesser;”

(6) After paragraph A.2 insert—

“A.2A—(1) The following conditions apply to development permitted by Class A which—

(a) exceeds the limit in paragraph A.1(d) but is allowed by paragraph A.1(da); or

(b) exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

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(a) S.I. 2010/2184; to which there are amendments not relevant to Part 4.

(b) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).

subject to the approval of the local planning authority regarding transport and highways, noise impacts and contamination, and Class L allows reversion to the previous use.

Article 6(2) also inserts new Class M into Part 3 (changes of use). This new permitted development right allows existing agricultural buildings to change use to a flexible use falling within use class A1, A2, A3, B1, B8, C1 or D2 in the Schedule to the Use Classes Order. To qualify the building must have been in agricultural use since 3rd July 2012 or if the use began later than that date, for a period of at least 10 years. No more than 500 square metres of floor space in the building can be converted to a new use under the new right. Before beginning the development the person relying on the right must notify the local planning authority. If the change of use relates to more than 150 square metres of floor space the new permitted development right is subject to prior approval of the local planning authority in relation to transport and highways, noise impacts, contamination and flooding. Paragraph N sets out the procedure for applying for approval.

Article 6(2) also inserts, a new paragraph N into Part 3 (change of use), which is a new provision setting out the procedure to be followed where a developer is required to apply to the local planning authority for prior approval under Part 3. The procedure is similar to the existing procedures for other prior approvals under Schedule 2 to the 1995 Order.

Article 6(2) also inserts a new interpretation provision at paragraph O of Part 3 (change of use).

Article 7 amends Part 4 of Schedule 2 to the 1995 Order as follows. Article 7 inserts a new class C into Part 4 which is a temporary permitted development right allowing any building being used for a purpose which falls within one of the use classes set out in the Schedule to the Use Classes Order to change to use as a state-funded school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools.

Article 7 also inserts a new class D into Part 4 of Schedule 2 to the 1995 Order which is a new permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 in the Schedule to the Use Classes Order to change to a flexible use falling within either use class A1, A2, A3 or B1. The new use may only be for a single continuous period of up to 2 years. The change of use may only relate to a floor space of no more than 150 square metres.

Article 8 amends Part 8 of Schedule 2 to the 1995 Order to increase the permitted development right to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016.

Article 9 amends Part 24 of Schedule 2 to the 1995 Order which sets out permitted development rights in relation to developments by electronic communications code operators. Article 9 provides that, in relation to article 1(5) land, the construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval under paragraph A.3 of Part 24 for a 5 year period. In order to rely on this change to the permitted development rights, development must be completed before 30th May 2018.

Article 10 amends Part 32 of Schedule 2 to the 1995 Order to give buildings which qualify for the right to change temporarily to school use under new Class C of Part 4 of Schedule 2 (see article 7) the benefit of existing permitted development rights which allow schools to carry out building works (including the erection, extension or alteration of buildings and the provision of hard surfaces) subject to various conditions and limitations. This will apply from the date the local planning authority is notified by the relevant Minister that the site has been approved for school use.

Article 11 amends Part 41 of Schedule 2 to the 1995 Order to increase the permitted development right to extend or alter an office building from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016.

Article 12 amends Part 42 of Schedule 2 to the 1995 Order to increase the permitted development right to extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016. The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.

An impact assessment has been prepared in relation to this Order. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Bressenden Place, London, SW1E 5DU or from the Department's website:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>.

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STATUTORY INSTRUMENTS

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**2013 No. 1101**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (General Permitted  
Development) (Amendment) (England) Order 2013

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# Committee Report

<b>Body:</b>	PLANNING COMMITTEE
<b>Date:</b>	Tuesday 21 <sup>st</sup> May 2013
<b>Subject:</b>	EXTENSION OF PERMITTED DEVELOPMENT RIGHTS
<b>Report Of:</b>	Lawyer to the Council
<b>Ward(s)</b>	All
<b>Purpose</b>	Information of Members
<b>Recommendation(s):</b>	For Noting
<b>Contact:</b>	Geoff Johnson, Regulatory and Litigation Lawyer, Telephone 01323 415044 or internally on extension 5044. E-mail address geoff.johnson@eastbourne.gov.uk

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## 1.0 INTRODUCTION

- 1.1 On 9<sup>th</sup> May 2013 the Government announced that extensive amendments to the General Permitted Development Order were being laid before Parliament. The amendments will come into force on 30<sup>th</sup> May.
- 1.2 The provisions cover several significant areas of Permitted Development such as house extensions and changes of use. The main changes in each category are set out below.

## 2.0 CHANGES OF USE- OFFICE to RESIDENTIAL

- 2.1 There will be a general right to convert offices to residential use.

When this proposal was originally announced for consultation the Government invited authorities to apply for exemptions for areas considered to require special protection on commercial and other grounds. This Council applied for an exemption along with many other authorities. In the event only 17 authorities will benefit from an exemption; 11 of these are London Boroughs. Eastbourne's application was unsuccessful.

## 3.0 FLEXIBILITY WITHIN USE CLASSES

- 3.1 Buildings classified within use classes A1 (Retail) A2 (Financial Services) A3 (Restaurant /Café) A4 (Pub) A5 (Hot Food Take Away) B1 (Office) and D2 (Assembly and Leisure) will benefit from a temporary change of use for up to

2 years to A1, A2, A3 or B1. This relaxation is intended to create flexible accommodation for new and start-up businesses and to allow other businesses to adapt swiftly to changing conditions.

#### **4.0 CHANGE OF USE- INDUSTRIAL to STORAGE/DISTRIBUTION**

4.1 In order to provide more flexibility and growth in the business sector existing floor area limits for changes of uses from B1 (Office/Light Industrial) and B2 (General Industrial) to B8 (Storage/Distribution) are extended. The limit on floor area within the relaxation is increased from 235 sq. m to 500 sq. m.

#### **5.0 BUILDING EXTENSIONS**

5.1 For a 3 year period there will be a increase in the size limit for rear extensions to houses and business premises. For detached houses the increase is from 4 to 8 metres. For other houses the increase is from 3 to 6 m. For business premises the area limit is increased to 100 sq. m. and extensions can be built up to the property's boundary.

5.2 In order to protect the amenities of neighbouring properties there will be what the Government describes as a 'light touch' consultation procedure. It is understood that this will be in the form of a 28 day period for the receipt of objections following which, if no objections are received, consent will automatically be granted. In the event of objections being received the authority would have to decide whether the impact of the extension on neighbours' amenity is acceptable.

#### **6.0 SCHOOLS**

6.1 To assist the development of free schools and also to create more flexibility, properties within use classes B1 (Offices) C1 (Hotels) C2 (Residential Institutions) and D2 (Assembly/Leisure) can change permanently to a state funded school subject to prior approval of highway/transport impacts and noise. There is also a new connected right for ANY property to be used as a state funded school for one academic year.

#### **7.0 RESOURCE AND FINANCIAL IMPLICATIONS**

7.1 The potential staffing financial and resource implications for the Council are likely to be:

- A reduction in applications and associated fee income
- An increase in enquiries for information on the new provisions
- An increase in administrative work from implementing the new prior notification procedures

The overall effect will become clearer later in the year once the provisions have been in place for 3-4 months.

#### **8.0 HUMAN RIGHTS**

- 8.1 The significant relaxation of the limits on House Extensions could give rise to the additional engagement of Article 1 of Protocol 1 (Peaceful Enjoyment of Possessions) and Article 8 (Right of Privacy) of the Human Rights Convention.
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**VICTORIA SIMPSON  
LAWYER TO THE COUNCIL**

**Background Papers:**

The Background Papers used in compiling this report were as follows:

Information Bulletin from Department for Communities and Local Government Re. Extending Permitted Development Rights for Home Owners and Businesses – 9th May, 2013.

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