

App.No: 141594	Decision Due Date: 18 February 2015	Ward: Old Town
Officer: Mr Toby Balcikonis	Site visit date: 13 January 2015	Type: Planning Permission
Site Notice(s) Expiry date: 20 January 2015 Neighbour Con Expiry: 20 January 2015 Weekly list Expiry: 19 January 2015 Press Notice(s): N/A		
Over 8/13 week reason: The application is within date		
Location: 20 Albert Parade, Green Street, Eastbourne		
Proposal: Enlarged extension to the rear of 20 and 23 Albert Parade, together with repositioning of entrance staircase to existing maisonette (no.21). (Previously approved under reference 140057).		
Applicant: Mr D. Photiou		
Recommendation: Approve with conditions		

Executive Summary:

The current application has been submitted further to planning approval for application ref: 140057 for the Change of Use of the unit at 20 Albert Parade for use as a takeaway to enable the restaurant to expand internally to incorporate the floor space of the area formally used as the takeaway.

As part of the previous application, permission was also given for an extension to the rear of 20 Albert Parade to form a kitchen and food preparation area for use with the restaurant and takeaway.

This current application proposes to increase the depth/width of the rear extension by 1.4 metres than what was previously approved and enlarging the footprint to incorporate an extended area to the rear of 21-23 previously granted permission under reference 080576.

Planning Status:

The application has been referred to committee due to the prominence of the host building in its location, and the progressive incremental growth of the business present in the premises through various planning applications.

The development for which consent is sought has already commenced (at the risk of the applicant) with initial works started in accordance with the permission granted under referenced 140057.

In assessing the current application, it is recommended that the current application be granted approval subject to conditions.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
7. Requiring good design
8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution (Sustainable Neighbourhoods)
C4: Old Town Neighbourhood Policy
D4: Shopping (Albert Parade) District Shopping Centre
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development
UHT4: Visual Amenity
HO20: Residential Amenity
SH7: District Local and neighbourhood centres
D4: Shopping

Site Description:

The application relates to adjoining commercial units (20 & 21 Albert Parade) on the ground floor with residential use on the upper floors, situated in Albert Terrace, a Parade of shops on Green Street in the Old Town area.

The former ground floor use for 20 Albert Parade (Fish & Shellfish Co.) is as a fishmongery, with a dedicated access to the shop via a recessed doorway set in to predominantly glass fronted facade. The upper floors split in to flats, are accessed from the pavement via an adjacent dedicated access door.

20-23 Albert Parade occupies the South Eastern corner of the Albert Terrace parade of shops at the road junction of Green Street and Chamberlain Road which has been used as a number of years to house a successful Fish restaurant with takeaway known as The Trident.

The restaurant with takeaway has recently been enlarged through the Change of Use of the commercial unit at number 20 (former Fish and

Shellfish Co shop) to incorporate a re-positioned takeaway element to the business, to allow for a re-design of the restaurant area of the business.

To the rear of the rear of the application site lies an access road known formally as Albert Terrace running along the rear of the commercial units 13 - 23 commonly utilised for deliveries to the various stores.

Beyond Albert Terrace, located to the North East of the application site lies 1 Chamberlain Road, a Semi-detached residential dwelling on the Western side of Chamberlain Road.

Other nearby residential units include, the flat above 19 Albert Parade, 2 Chamberlain road on the opposite side of the road, and Cheriton Court, sheltered accommodation for the elderly on the opposite side of Green Street.

Relevant Planning History:

140057

Proposed Change of Use at no. 20 Albert Parade from A1 to A3 (including takeaway) in conjunction with existing restaurant at no. 23. Extension at the rear to form kitchen and food preparation area, together with replacement shopfront. Re-positioning of entrance staircase to existing first floor maisonette (no. 21) from front to rear of property.

Planning Permission - Approved conditionally 26/03/2014

141224

New shopfront with amendments to windows and openings on front elevation to include new fixed planters, decorative screens and gate to external demise line, installation of an ATM and other associated works. with new external lighting.

Planning Permission – Refused at Committee – 07/01/2015

141225

Main restaurant signage to include: 2no. fascia signs Halo illuminated formed lettering (Trident Restaurant) on an aluminium signage fascia, 1no. projecting sign box with internal spotlight over entrance and internally illuminated menu totem sign. Signage for takeaway to include 1no. projecting sign and 1no. Halo illuminated formed lettering on an aluminium signage fascia. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along Advertisement.

Approved at Committee – 07/01/2015

080576

Proposed single storey flat roof extension with rooflight at side to enlarge restaurant, together with extension at the rear to form enlarged kitchen and improved customer toilet facilities.

Planning Permission - Approved conditionally - 28/10/2008

940326

Change of use from bank to fish and chip restaurant and take-away together with new shop front and doorway and replacement windows to groundfloor.

Planning Permission - Approved conditionally 27/06/1994

Proposed development:

The applicant seeks permission for an extension to the rear of the entire premises which consists of numbers 20-23 Albert Parade. The extension to the rear of 20 Albert Parade (the site of the new takeaway for the business) will see this element project approximately an extra 1.4 metres (to 8.75 metres) from that of the rear elevation granted permission under ref: 140057 but with a re-design to the fire escape and access to the residential accommodation on the upper floors of 20 Albert Parade.

In addition, the applicant proposes to enlarge the rear extension to project also from the rear of the remaining part of the premises 21-23 Albert Parade providing an additional 80 sqm of floor space on ground floor level for use as a kitchen and food preparation area and for the improvement of the customer toilet facilities for use at the business.

The redesign of the external access stairway / fire escape serving the residential accommodation above 20 Albert Parade would see the access stairway providing a fire escape for use to the rear of the restaurant and serving the rear of the food preparation area.

Consultations:

External:

Local Highway Manager:

- Relates to extension of toilets and food prep/kitchen
- No additional impact on highway as a result
- Remaining area of hard standing large enough to park car in

Neighbour Representations:

21 letters of consultation have been sent to surrounding neighbours with 1 objections received covering the following points:

- Overshadowing of property
- Parking Issues

Appraisal:

Principle of development:

There is no objection in principle to extending the property to the rear so long as it does not have unacceptable impact on the amenities of nearby occupiers, and respects the character of the area and does not have an unacceptable negative impact on the street scene.

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

Notwithstanding previously granted recent consents, it is considered that the extension/ although sizeable is acceptable in terms of its mass, scale, position and impact to neighbouring properties.

There is considered to be no impact in terms of loss of light or overshadowing to properties at Cheriton Court and 2 Chamberlain, although it is acknowledged, that there may be some impact to 1 Chamberlain Road to the North, and the properties at 19 Albert Parade.

The rear access to the residential property on the upper floors at 19 Albert Parade is located adjacent to the proposed extension. Once entered, the residential accommodation is reached via an internal stairway leading up to a landing within the flat.

Although the doorway with glazing panel, will suffer from a loss of light and overshadowing as a result of the proposed extension, the affect is considered to be acceptable as it does not serve a main habitable room, and the effect is certainly not significantly worse than that already granted by the live planning permission.

The proposed rear extension, albeit large in size remains subservient to the host property and not out of character with the site and surrounding area. The objector has commented about the impact to their dwelling at 1 Chamberlain Road, but it is considered that the size of the extension and the distance to the property will mean that there will be limited impact by way of overshadowing.

It is acknowledged that there may be some impact from the most Easterly part of the rear extension in the winter months when the sun is lower in the sky, although it is considered to be for a small fraction of the day in the early afternoon, after which the rear of the property is shadowed by the existing building which is considerably taller than the proposed rear addition.

As a result of the current application, the rear elevation of the development will be approximately 1.4 metres closer (within 9.4 metres at its closest point) of the building at 1 Chamberlain Road. The revised scheme however repositions the rear stairway access / fire escape away from this part of the

development and relocates the stairway to the rear of 21-23 from its previously location similar to that of the new proposed elevation.

As per the previous submission to extend to the rear, it is recommended that the rear window of the food preparation area be conditioned to be obscurely glazed (and retained as such thereafter) in order to preserve the amenities of the nearby residents to the rear and to ensure that there is no adverse impact as to any loss of privacy.

The proposed works would also see a reconfiguration of the access to the upper floor flat at 20 Albert Parade, to that previously granted consent. The new arrangement will see the occupant access their property from a staircase to the rear of 21-23, and along the rear of the property on a walk way created above the new flat roof of the extension.

The walk way is positioned away from the extremities of the new rear extension so as to allay any concerns as to the loss of privacy from its use. In addition, walk ways provided a transitory function further reducing any impact to loss of privacy through its use.

On balance, it is considered that the submitted proposal accords with Policy HO20 in that it does not have an unacceptable impact to the amenities of the surrounding residential units, and for this reason is considered to be acceptable.

Design issues:

The Trident fish restaurant occupies a building formerly used as a bank, which dominates its corner plot and provides a visual focus for this end of the parade of shops.

It is considered that the proposed rear extension respects the existing form when viewed from Green Street and to a lesser extent from Chamberlain Road. The proposed rear additions in the Eastern side of the building are stepped in and staggered to re-enforcing the hierarchy of the main building to the addition, and respecting its visual form, lessening its impact on the host property and the street scene.

At its furthest point, the projection to the rear is proposed to be no greater than which exists at 16 Albert Parade, given permission consent under permission EB/1972/0026 and on balance is considered to accord with Policies UHT1 & UHT4 of the Borough Plan and D10a of the Eastbourne Core Strategy Local Plan.

The extension is proposed to be finished in render, the colour of which is not noted. The rear of the other buildings along the parade are red brick, with any additional building constructed also of red brick to match the host building. At present no other rear elevations are rendered.

It is noted that development to the rear, not in the public realm is not particularly uniform in terms of its style, size and scale and lacks rhythm. To ensure that development would harmonise with its surrounding, it is recommended to condition the proposed finish to ensure its suitability.

Impacts on highway network or access:

There should be no adverse impact to the safety of persons using the adjacent highway as a result of the proposed extension. The submitted planning application states that there will be no change to the number of parking spaces available on site (with existing spaces labelled as 0).

Despite the view by the applicant that no parking spaces exist at the premises, this is not a view held by the officer. However, notwithstanding the loss of some of the area to the rear which has the potential to be used for parking, the remaining land to the rear at 3.1 x 9 metres would still leave an area large enough for a single parking space to the rear for use by the business.

Although not ideal, given very low traffic flows and speeds in Albert Terrace this would be acceptable as it will not create a significant impact on the highway network.

There will be no increase in user traffic and therefore parking as a direct result of the development proposed under this application, which will not in and of itself attract more customers, added to the fact that the parade is served by regular buses to and from the location, it is recommended that the grant of planning consent is not restricted due to any impact to parking as a direct result of the proposed development.

Other:

The current refuse storage is located to the rear of the premises, which will be impacted by the proposed extension. The resulting development will lead to the creation of a void to the rear underneath the ground floor level (as established by the front elevation fronting Green Street) which would provide adequate provision for the siting of refuse storage. The submitted drawings do not indicate the proposed position of the refuse storage, and it is suggested that a condition be proposed to ensure a suitable location is established.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The proposed rear extension and re-configured fire escape is considered to be acceptable in that it is considered to be in harmony with the host property and street scene and will not lead to an unacceptable impact to visual or residential amenities and therefore accords with policies D10a of the Core Strategy Local Plan, and policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan Saved Policies and the NPPF.

Recommendation:

It is recommended to approve the application with the following conditions:

Conditions:

- 1) Time Limit
- 2) Approved Drawings
- 3) Materials –
- 4) Hours of Construction
- 5) Positioning of external flue vents –
- 6) Flat roof area not for amenity/recreation space
- 7) No new windows / doors –
- 8) Permanent access maintained for residential property on upper floors of 20 Albert Parade
- 9) Obscure glazing to rear window of food prep area (facing 1 Chamberlain Rd) –non-opening below 1.7m above finished floor level?
- 10) Fire exit to the rear of food preparation to remain closed except when being used for emergency access
- 11) Details of Bin Storage area.

Informative:

- 1) Pre Commencement conditions