

Eastbourne Borough Council

Planning Committee

9 July 2013

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 153 VICTORIA DRIVE**
Fascia signs.
130304, OLD TOWN **Page 3**
RECOMMEND: APPROVE CONDITIONALLY
- 2) 520 SEASIDE (LIDL)**
Single storey front extension.
130145, ST ANTHONYS **Page 9**
RECOMMEND: APPROVE CONDITIONALLY
- 3) 24 VINE SQUARE**
Erection of 3.No. Aviaries on side/rear elevation.
130197, DEVONSHIRE **Page 17**
RECOMMEND: APPROVE CONDITIONALLY
- 4) 15-19 PRIDEAUX ROAD**
Proposed change of use of No. 13 Prideaux Road including a single storey extension at side and rear, and first floor glazed link extension in order to extend the existing Palm Court Nursing Home at No. 15-19 Prideaux Road.
130220, UPPERTON **Page 23**
RECOMMEND: APPROVE CONDITIONALLY
- 5) SILVERDALE GARAGES, SILVERDALE ROAD**
Provision of a 5-6 bedroom single private dwelling with garage, staff quarters, swimming pool and roof-top garden.
120927, MEADS **Page 33**
RECOMMEND: APPROVE CONDITIONALLY

Leigh Palmer
Development Manager

27 June 2013

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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 Council offices at 1 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

9 July 2013

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report: 9 July 2013

Item 1

Application No: EB/2013/0268	Decision Due Date: 09.07.2013	Ward: Old Town
Officer: Mehdi Rezaie	Site visit date: 08.04.2013	Type: Other
Site Notice(s) Expiry date: 21.06.2013		
Neigh. Con Expiry: 22.06.2013		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: Determined within given timeframe.		
Location: The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
Proposal: Fascia signs.		
Applicant: Sainsbury's Supermarkets Ltd.		
Recommendation: 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 TR11 from the Eastbourne Borough Plan 2007
- Policy D1 from the Eastbourne Core Strategy Local Plan 2007-2027
- National Planning Policy Framework 2012

Site Description:

The application site lies on the corner of Beechy Avenue and Victoria Drive, bounded by a residential dwelling (1 Beechy Avenue) on its west elevation and the Eastbourne Ladies Bowling Club on the south. The surrounding area is predominantly mixed use, adjacent to a parade of shops otherwise known as Albert Parade (east elevation).

The site covers an area no greater than 2000m², with the building amounting to 596m², a two-storey detached property of no particular architectural style.

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, application withdrawn.
- 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, approved conditionally on 08.05.13.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0118) Re-grading, resurfacing and redesign of car park area and layout, approved on delegation and overturned at committee on 12.06.2013.
- 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:

Advertisement Consent is sought for several fascia signs to be erected and inserted on the applicants building and associated parking areas, but limited within the confines of their own site.

Applicant's Points:

No Design and Access Statement or Planning Statements have been submitted.

Consultations:

- A site notification was placed nearby; this 'Notice of Application for Planning Permission' was carried out on 31.05.2013, which expired on 21.06.2013.
- Neighbour notification letters were sent out on 30.05.2013 to several nearby properties, consultation date expired on 22.06.2013.

Statutory Consultee:

- Letter for statutory consultee sent to Local Highway Manager on 30.05.2013.

Statutory Consultee Response:

- Email received from Mr. C. John (Highways Officer at East Sussex County Council) on 25.06.2013 stating:

"We do not wish to comment on this application, the illuminated signage is set back from the highway, the totem signage is replacing an existing sign, and the car park signage (one-way, no-entry, and disabled parking) is there to ensure that the car park functions correctly".

Neighbour Representations:

No comments received.

Appraisal:

The applicant proposes to introduce a sign onto the front elevation of their building (east elevation) which overlooks onto Victoria Drive. The proposed signage measures a distance of 8.2m by 0.6m and has a lumination level of 250cd/m², additionally, two LED lighting units are proposed onto the top of the fascia throughs and brackets which are to have an illuminated level no greater than 250cd/m². This externally static sign, its scale, positioning and lumination level is considered appropriate and shall in no way present any hazardous glares to oncoming vehicles, nor shall it conflict with existing road traffic signs.

Additionally, extra signage (non illuminated) is proposed on the entry/exit points to the site, in the form of four metal panelled signs, each measuring 450cm x 450cm placed on bollards which are to not exceed a height greater than 2.55m, similarly a disabled parking bay sign and two further dibond panels fixed to the wall of the main building. A further sign is placed nearing the entrance, retaining an overall height no greater than 5.6m. These signs are to be erected to control and direct the flow of traffic to minimise congestion and hazard to oncoming road users. All elements of the proposed scheme therefore adhere to 'Policy D1' on 'Sustainable forms of Development' from the 'Eastbourne Core Strategy Local Plan 2007-2027' and 'Policy TR11' on 'Car Parking' from the 'Eastbourne Borough Plan 2007'.

The proposed fascia sign is visible from the public realm, notwithstanding this; the sign is located approximately 4m above street level and distanced some 15.2m away from the highway, considered unintrusive as it would not dominate its surroundings.

As a whole, the architectural framework of the existing building is considered chaotic; the building does not relate well to its elements, the proposal however, to include a new colour scheme (beige) would introduce a centralised design concept and much needed renewal of its facade, revamping the aesthetic quality on three elevations.

The proposed fascia sign is well fenestrated and shall therefore have a positive impact on the visual amenity, the proposed scheme therefore adheres to 'Policy UHT1' (a) on the '*Design of New Development*' and 'Policy UHT4' (c) on the '*Visual Amenity*' from the '*Eastbourne Borough Plan 2007*'.

Windows on all three elevations (north, east and south) are to be internally frosted with a grey coloured sheet, by virtue of material choice, the proposed fascia (east elevation), its scale, colouring, lettering style relates well on the architectural composition of the building on which it is fitted, in keeping with the surrounding scale and townscape, and would not detract the visual amenity of the streetscene. The applicants choice in material and finishes falls in keeping with that on the main building and therefore in accordance with 'Policy UHT1' (b) on the '*Design of New Development*' from the '*Eastbourne Borough Plan 2007*' .

Human Rights Implications:

It is considered that there are no adverse Human Rights implications.

Conclusion:

The newly proposed illuminated signage, the totem signage and car park signage are of a sensitive design which blends in well to its streetscene, moreover, enhancing the character of the building. Applicant's choice of materials and details maintain and reflect the local variations as appropriate. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012). Having regard to the material considerations and all other matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission, subject to the following conditions.

Recommend: Permission be granted approval subject to the following conditions:

1. Details – Compliance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the 'Proposed Elevations East and North' labelled 'Dwg No: P-9772-220' and 'Proposed Elevations South' labelled 'Dwg No: P-9772-221' and 'Proposed Signage Details' labelled 'Dwg No: P-9772-222' all dated 30.04.2013.

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

2. Details – Compliance

That all materials to be used in the external surfaces of the development hereby permitted shall match details specified on the submitted plans and elevations, in terms of type, texture and colour.

Reason: To secure that the development is in harmony with the existing building.

3. Details – Compliance

Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interest of visual amenity.

4. Details – Compliance

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

5. Details – Compliance

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, or so as otherwise to render hazardous the use of any highway.

Reason: In the interest of highway safety.

Summary of recommendations:

The newly proposed illuminated signage, the totem signage and car park signage are of a sensitive design which blends in well to its streetscene, moreover, enhancing the character of the building. Applicant's choice of materials and details maintain and reflect the local variations as appropriate. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the 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 9 July 2013

Item 2

App.No.: EB/2013/0123	Decision Due Date: 12/04/2013	Ward: St Anthony's
Officer: Toby Balcikonis	Site visit date: 01/06/2013	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 25/04/2013 Weekly list Expiry: 25/04/13 Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure		
Location:	(LIDL) 520 Seaside, Eastbourne	
Proposal:	Single-Storey Front Extension	
Applicant:	Mr Jason Gratton	
Recommendation:	Approve	

Planning Status

- Flood Zone 2
- Flood Zone 3
- Waste Disposal Site / Landfill
- Classified Road
- Public Sewer

Relevant Planning Policies:

Relevant Borough Plan Policies:

UHT1	Design of New Development
UHT4	Visual Amenity
HO20	Residential Amenity
TR11	Car Parking

Relevant Local Plan Policies:

3.14	Neighbourhood 13: St Anthony's & Langney Point
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Site Description:

The application site is located on the A259 at the junction of Seaside and Leeds Avenue, approximately 2 miles northeast of Eastbourne Town Centre. The site is surrounded by residential developments to the North and East, Tollgate Community School is located adjacent to the site to the South and beyond that, an Industrial Estate.

The area is approximately 1.1 acres with vehicle access into the site from Seaside Road, and a separate pedestrian access from Leeds Avenue adjacent to the customer entrance.

The principle elevation of the store lies 100metres from seaside across the attached car parking area out front.

The area is characterised by its mix of uses from residential (including flats, residential care homes, and single private dwellings), commercial (Gibbons Windows), Community centres (St Anthony's Church / Centre) and lies within the St Anthony's shopping district with Winston Crescent shops adjacent to the south of the site.

The northern boundary to the site is formed by Leeds Avenue which leads off from Seaside. At the junction of the 2 roads is sited Kingsford Court, a block of 12 residential flats whose principle elevation runs the width of the LIDL carpark ending almost directly opposite to the front elevation of the LIDL store which sits the main entrance to the building under a canopy which extends..... m out from the main building.

Running adjacent to the North side elevation of the store is situated a run of 12 vehicle garages belonging to the Kingsford Court flats. The area directly in front of each of the garages is a flat parking area large enough in length to park a typical family saloon car. The garages are accessed from Leeds Avenue via a dropped kerb carriage crossover which runs the full length of the garages.

The existing store is positioned to the Western side of the site adjacent to the rear site boundary, the remaining site is used for car parking, service area and perimeter landscaping. A total of 83 car parking spaces are currently provided including 4 disabled spaces and 4 parent and child spaces both located adjacent to the customer entrance.

Relevant Planning History:

App Ref:	Description: Display of two advertising billboards
EB/2012/0032	on front elevation facing St Anthony's Avenue
Decision: Granted	Date: 08/03/2012

Proposed development:

The applicant proposes to construct an extension at the front of the store adjacent to the entrance canopy with the purpose of increasing the storage space within the unit.

The width of the extension is 5.2metres which will result in the loss of 12 parking spaces (83 to 71) but whose width enables the additional building area to sit within the confines of the parking area it aims to replace and thus does not affect the existing circulation routes within the carpark.

The external finishes of the foodstore were chosen from a "palette of modern traditional materials" of which the proposed extension would also be constructed of.

The main reason for the extension is to improve the efficiency and productivity within the store. The internal dimensions of the new storage area are 4.8m x 28.5m resulting in a total internal floor area of 147.2 sqm.

Applicant's Points:

The new accommodation is required to provide a modest increase in stockholding and the ability to replenish stock from both sides of the sales area improving the efficiency and productivity within the store.

The proposed extension to the existing Food Retail Store will:

- Support the local economy.
- Provide an investment that will safe guard existing employment.
- Enhance an existing resource that will be of benefit to the whole community.
- The new storage area will not be accessible to customers.
- Pro rata the new parking provision per sqm of floor space more than sufficient despite the loss of 12 parking bays.
 - Comparing 9 similarly sized stores, Eastbourne LIDL could decrease to 65 spaces but proposes to keep 71.

The proposed extension will integrate successfully into the existing fabric of the surrounding area and will be of social and commercial benefit to the local community.

Summary Information

Existing/proposed sales Area:	1053.4sqm (unchanged)
Change in floorspace:	147sqm of storage space added
Number of jobs created/lost:	No change
Existing parking spaces:	83 Spaces
Proposed parking spaces:	71 Spaces
Building Materials:	To match existing

Consultations:

Highways Manager – Consultation date: 07/05/2013

Response Received: 07/06/2013

This application proposes an extension to the store which will add 147m² of storage area for the store. The extension is to be built over part of the existing car park which would reduce the level of on site parking from 83 spaces to 71 spaces.

Had this proposal been for an extension of the trading floor then the outcome may well have been different. As it is not however, it is unlikely to be an increase in the number of customers/trips to the store. The applicant has also provided additional information regarding parking provision at other stores. This has shown that the level of parking proposed is in line with these examples.

The applicant has also stated that the car park is used by visitors to the nearby shops, school and nursery which take up a number of spaces. This has also been stated in some of the objections. As it is not the responsibility of the store to provide parking for adjacent sites this also needs to be taken into account.

The accessibility of the site must also be taken into account as it lies on a well served bus route with bus services which operating with a service frequency up to every 7/8 minutes. These routes link the site to large parts of the town.

The applicant has also suggested that they are looking at the possibility of installing parking controls/management during the day parking is limited to 90 minutes to ensure that there is a regular turnover of spaces to maximise the availability.

Following discussions with the applicant a strategy for monitoring and controlling the parking situation has been suggested. This involves parking surveys carried out within 3 months of the development being opened. The resulting data will then be analysed and through discussions between the applicant, EBC & ESCC a decision will be made about installing a car park management system. If it is deemed necessary then this will be agreed jointly between the applicant, EBC & ESCC. It should be noted that any system would only operate during the day overnight parking does not currently concern the applicant.

On this basis The Highway Authority does not wish to restrict grant of consent subject to recommending that any consent shall include the following attached conditions:

- Within 3 months of the proposed extension opening, parking surveys will be carried out following discussion with the Highway Authority, to determine if a Car Park Management System needs to be implemented. This decision will be made by Eastbourne Borough Council in consultation with the Highway Authority and if deemed necessary the Car Park Management System strategy will be agreed by the same.

Reason: In the interests of highway safety

Neighbour Representations:

24 neighbouring addresses were consulted as a result of the application with 12 representations received.

The 12 residents of the adjacent Kingsford Court submitted a collective response (summarised below):

- Difficulties in parking day & evening since store built
- Store gets extremely busy where parking provision seem insufficient
- Parking overflows out on to surrounding areas and blocks in residents parking areas blocking resident's garage access.

Further comments received:

- LIDL carpark also used by nearby Nursery, St. Anthony's Church and parents picking up and dropping off children from Tollgate school.
- Congestion on roads caused by cars entering and exiting the carpark.
- LIDL's delivery lorry often has trouble negotiating carpark due to cars blocking loading bay areas.

Appraisal:

The proposed extension will be constructed of materials used for the existing LIDLs store (including: Alucobond Panel Gables/fascias, Terracotta tiles for roof, galvanised mild steel external metal work) harmonising with its appearance and character, making it acceptable under the provisions of Policy UHT of the Borough Plan.

The single storey construction, at under 4 metres in height will not be overbearing in size and scale, and at 5.2 metres in depth will align with the canopy sited over the entrance and trolley storage area at the front of the store helping the new development blend in with the parent building and not project from it. Its positioning alongside the canopy will lessen any visual impact with neighbouring properties to the East helping to conceal the new development.

There will be no effect on any important vistas or erosion of local distinctiveness, or any kind detrimental impact on visual amenity as a result of the proposal and for that reason it accords with Policy UHT4 of the Borough Plan.

There are no concerns of overshadowing or loss of light to neighbouring properties from the proposed development due to its siting size and scale. The additional storage area will be served via the existing loading bay on the West side of the site so there are no concerns for increased noise, general disturbance or odour. For these reasons, there is no conflict with Policy HO20 concerning the potential loss of Residential Amenity to nearby properties.

The compliance of the new development with regard to residential and visual amenity, and accordance with policies relating to the design of new developments leaves the impact of the loss of 11 parking spaces to the front of the store.

Currently there are 4 disabled access bays on site situated in the area proposed for the extension. The applicant seeks to reposition these bays to a suitable location within the carpark seeking to minimise any impact to any disabled customers wishing to use the store.

The addition to the store is not to increase its sales area, but to provide a larger and more efficient storage system. There is not thought to be a direct increase in the amount of customers visiting the site as a direct result of the new development, and for this reason the provision for parking does not need to increase and so the question is to whether the decreased provision can support the existing and future patronage of the store.

Taking in to account the evidence from the applicant regarding parking provision in 9 similarly sized sites, and appraisal from Highways, the number of proposed spaces is considered to support the site. It was however noted that, if the application had been an extension designed to increase the sales area of the store then the feedback received from Highways may not have been to support the application.

In addition to feedback offered from Highways it was also highlighted that the site is served by regular buses every 7/8 minutes thus helping to minimise the need for use of a private car to travel to and from the site. Situated on site and set to be retained, are cycle stands to enable secure storage of customer bicycles, further helping to reduce the need for provision of car parking spaces.

Received objections from nearby residents make representations with regard to the impact of people, whom some of which are potentially LIDL customers parking in the surrounding roads when the store's carpark is full, causing obstructions to their own private parking facilities which include a garage with access and parking in front for each of the 12 residential flats in the adjacent Kingsford Court.

Noted by Highways, the applicant and in received representations, the LIDL carpark and also surrounding roads are used by others visiting the area for other reasons than to use the store. One of the busiest times for the carpark correlates with the parents using the spaces when dropping off and picking up their children from the adjacent school and nursery and also people using St. Anthony's church opposite and the nearby Winston Crescent parade of shops.

It is not the store's responsibility to provide parking for these other uses, but does not currently enforce any restrictions with regard to their car parking, although the applicant has suggested that they are looking at the possibility of installing parking controls/management during the day parking is limited to 90 minutes to ensure that there is a regular turnover of spaces to maximise the availability.

Overall it is considered that the reduced proposed parking provision is sufficient for the requirements of a store of this size, a view that is supported by the Highways Manager of East Sussex County Council.

The new additional storage would not be accessible by the public/patrons for the store and will not have a direct increase in people visiting the store and parking on site. For this reason the proposal accords with the council's policies for relating to the provision of parking in the Borough Plan.

Policy 3.14 of the Local Plan focusing on the neighbourhoods of Langney Point and St Anthony's, the area in which the application site is located aims to actively increase its economic by looking to allow additional employment floorspace, This vision for the area is also committed to reducing the impact of the car, and thus helping to minimise any negative impact felt by residents living in this area. With the provision of cycle storage facilities on site, the LIDL store adheres to this sustainable vision for the area's future.

Overall the application is considered acceptable, and therefore recommended for approval.

Human Rights and Equality & Diversity Implications:

The proposal is considered to have no significant Human Rights or Equality and Diversity implications.

Conclusion:

The proposal does not harm the distinctiveness of the local area, and is appropriate in scale, form, materials and setting and as such accords with Policy UHT1.

There is no loss or change to screening as a result of the proposal, and as it is not in the public realm does not erode local distinctiveness or have an effect on an important vista, and for these reasons is acceptable as it does not conflict with Policy UHT 4.

The provision of parking deemed sufficient as to accord with the requirements of the council's parking policy, TR11.

The proposal does not have a negative affect on residential amenity in its locale, and there will be no loss of outlook, privacy, overshadowing or loss of light. As a result of the development there is thought to be no concerns of an increase in noise or general disturbance and therefore adheres to Policy HO20 of the Borough Plan.

Overall the development adheres to the criteria laid out in the Local and Borough Plans and its policies.

Recommendation:

Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Matching materials
- (3) Plan No.s

INFORMATIVE:

Monitor use of parking on site, implementing parking measures if deemed necessary by ESCC Highways.

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**.

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Item 3

App.No.: EB/2013/0136	Decision Due Date: 07/05/2013	Ward: Devonshire
Officer: Toby Balcikonis	Site visit date: 01/05/2013	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 01/05/2013 Weekly list Expiry: 01/05/2013 Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure		
Location:	24 Vine Square, Eastbourne	
Proposal:	Erection of 3 Aviaries on Side/Rear Elevation	
Applicant:	Mr Michael Willsher	
Recommendation:	Grant Planning Permission	

Planning Status

- Flood Zone 2
- Flood Zone 3

Relevant Planning Policies:

UHT 4: Visual Amenity
 HO20: Residential amenity

Site Description:

The application site is a semi-detached property within a predominantly residential area. The front elevation has a North-East aspect and faces out on to the junction of Vine Square and Martello Road. Other use of the area includes a sizeable commercial site (Stone Cladding showroom, Marshalls Yard) adjacent to the adjoined property (22 Vine Square) and beyond that to the North-West, a school (St Andrews).

6 metres to the South-East, running parallel with the application site lies the semi-detached neighbouring properties of 26 & 28 Vine Square with the boundary between 24 and 26 at an equal distance of 3 metres between the closest point of the dwelling houses.

The described arrangement of 2 lots of Semi-detached properties is exactly mirrored to the rear of the properties (addressed 20 – 26 Winchelsea road) with rear shared boundaries equidistant from the rear elevation at 10 metres (20 metres separates the opposite pairings). The application site shares a rear boundary with 22 Winchelsea Road.

A fence from the boundary shared with 26 Vine Square across to the rear elevation of the applicant dwelling house forms an enclosed rear garden measuring 7.5m wide by 10m in length.

Relevant Planning History:

There are no previous planning applications on this site.

Proposed development:

The applicant has constructed an arrangement of aviaries in order to house 2 birds of prey. His collection consists of a Harris Hawk and a Great Horned Owl, both housed in separate enclosures. The applicant keeps these birds as a hobby and has plenty of experience of looking after birds of this nature. The birds are housed in the aviaries all year round, and they are taken out regularly to fly (exercise) and to hunt (birds and rodent which some of which will be their feed).

The diet of the birds have to be strictly controlled and their weights closely monitored in order to keep them in peak condition for flying and hunting, and the food needs to be fresh. They are fed with a mixture of rabbits, mice and pigeons either caught and frozen, or purchased and stored frozen. The food is then defrosted and eaten fresh, with any leftover / uneaten food removed from the aviaries to help prevent infection / illness and smells from rotting meat.

The aviaries are maintained and cleaned regularly in order to keep the birds healthy, and so the applicant does not foresee smell being an issue at all, now or in the future.

Mr Willsher advised that the aviaries were constructed with the welfare of the birds in mind. The recommended minimum size for an enclosure for a bird of prey is 6ft by 6ft, large enough for the occupant to full stretch its wings. It is widely held that a larger enclosure is better to give the birds space to move and fly short distances.

The applicant is applying for retrospective planning permission for the erection of three aviaries to the rear of the property. Each unit is partially clad with shiplap timber over a wooden frame construction and enclosed by shallow pitched (almost flat) felted roofs with 50mm / 150mm diameter wire mesh to the front back and sides.

The arrangement of the aviaries (all measuring 2.10m in height and 2.6m in width) comprises of 2 main blocks, the largest of which forms an inverted 'L-Shape' (covering total area of 33m²) along the boundaries of 26 Vine Square (8m) and 22 Winchelsea Road (7.5m) maintaining a distance of 0.5m from the two named boundaries and 1 metre with the boundary of 22 Vine Square.

The remaining standalone unit (2.6m x 5.25m, comprising area of 13.75m²) projecting along the boundary with 22 Vine Square at a distance 0.5metres from the boundary fence and 1m from rear elevation of 24 Vine Square.

An inner courtyard, constructed of a permeable purple slate covering, is formed between the 2 blocks of aviaries (which maintain a distance of between 1m -2.5m from each other).

Applicant's Points:

- Larger enclosures better than minimum 6ft x 6ft
- Food not stored in open and is closely regulated and fresh
- Enclosures regularly maintained and cleaned so no smell issues
- Height of enclosure limited to lessen impact on neighbours

Summary Information:

- 3 Aviaries predominantly wood in construction
- 2.10 height
- Maintain a distance of at least 0.5metres from all boundaries
- Total area covered by development: 47m²
- Total area within curtilage of property: 122.63m²

Consultations:

Environmental Health (Contacted 14/06/13):

There are no known noise or smell issues with this Aviary and I cannot put any restrictions on the application.
If there are ever any problems with noise or smell then this would be dealt with by use of the nuisance provisions in the 'Environmental Protection Act 1990'

Neighbour Representations:

3 Neighbours with shared boundaries (22 & 26 Vine Square, and 22 Winchelsea Road) consulted, with 1 objection received (points summarised below).

- Stated that there is no adverse smells at present from the keeping of birds, but worried that in summer there may be.
- Stated that the start date and completion of works later than suggested.

Start date of works & completion

- Leylandii trees screening cages getting large and damaging existing fences.

Appraisal:

Ordinarily this development would be assessed under the General Permitted Development Order (buildings incidental to the enjoyment of a dwelling house) and would have been found acceptable for the following reasons, that the development is/has:

- not on land forward of the principle elevation
- single storey with lower than maximum eave height 2.5m and maximum roof height of 3m for roof type
- within maximum height of 2.5m within 2m of a boundary
- no balconies or raised platforms
- under half of the land around 'original house' being used for the said development
- not within area of special interest (AONB etc.)
- not listed building or in conservation area.

For this particular site the Permitted developments rights have been removed and therefore the development must be assessed with greater regard to the NPPF and localised Borough Policies paying specific regard to design, visual and residential amenity.

The size of the development is suitable for the purpose of housing the existing birds of prey and at 2.10m tall the aviaries are not overbearing in height and do not have an adverse effect on resident amenity due to their scale through loss of outlook or overshadowing, and as there are no habitable rooms to consider, does not result in any loss of privacy to neighbours. The applicant did limit the height of the aviaries so as not to impinge on surrounding neighbours. The size and scale of the development is deemed to be suitable so as to accord with the relevant policies in the Borough Plan.

The existing aviaries are standard in construction and the materials used are not out of keeping with the local neighbourhood and do not detract from the visual amenity of the area, and for this reason accord with the relevant policies of the Borough Plan.

The development falls within identified flood risk zones, but as there is no increase to population density on the site and that the materials used in the construction along with the use of permeable flooring helps ensure that there is no increased danger arising from flooding, the aviaries do not pose an issue in this regard. Similarly it is deemed that there is no adverse effect to the other identified constraints caused by the siting of the aviaries.

As noted on site visits and noted in neighbour representations there is currently no disturbance caused by noise or odour as a result of the development. The neighbour was concerned that in the heat of the summer this may become a problem, but as the keeping of birds in aviaries is not an uncommon practice in British gardens and if maintained properly, established aviaries are of little cause for concern to neighbouring properties on the grounds of eroding their amenity.

The aviaries are used to house a small number of birds (two), and there have been no recorded complaints of noise or odour submitted as a result of this development, and as such was not recommended for refusal by Environmental Health.

A point to note is that if noise or odour were to become an issue then these would be dealt with by the use of the 'Nuisance Provisions' in the Environmental Protection Act 1990.

With regard to the concerns expressed about the Leylandii trees on the application site, the view is held that these cannot be considered to be part of the development, and so cannot be factored in to the decision to grant or refuse planning permission. The maintenance of these trees is a civil matter and falls outside of the reaches of the planning department.

For these reasons and in the development's accordance specifically with policies UHT4 or HO20 of the Borough Plan this application is recommended for approval.

Human Rights and Equality & Diversity Implications:

The proposal is considered to have no significant Human Rights or Equality and Diversity 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.

There are no recorded issues with regard to noise or odour as a result of the use of the development since its completion, and exist statutory measures for dealing with such issues if they were to arise in the future.

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).

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

- 1) Restricted use (non-commercial).
- 2) Within two months of no longer being used as an aviary, the structure should be removed.

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 9 July 2013

Item 4

App.No.: EB/2013/0230	Decision Due Date: 29/05/2013	Ward: Upperton
Officer: Katherine Gardner	Site visit date: 23/05/2013 and 18/06/2013	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 30/05/2013 Weekly list Expiry: 30/05/2013 Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure. Late request for objector to speak at committee.		
Location: 13 Prideaux Road, Eastbourne, East Sussex, BN21 2ND		
Proposal: Proposed change of use of number 13 Prideaux Road from use class C3(a) to C2, including a single storey extension at the side and rear, along with a first floor glazed link extension in order to extend the existing Palm Court Nursing Home at Number 15-19 Prideaux Road.		
Applicant: Doctor. T. Durgahee		
Recommendation: Approval (with conditions)		

Planning Status:

- Source Protection Zone
- Tree Preservation Order 143
- Primarily Residential Area

Relevant Planning Policies:

- UHT1 – Design of a New Development
- UHT4 – Visual Amenity
- UHT5 – Protecting Walls/Landscape Features
- UHT7 – Landscaping
- TR11 – Parking
- HO17 – Supported and Special Needs Housing
- HO20 – Residential Amenity
- NE28 – Environmental Amenity

Site Description:

The application site is currently a single private dwelling comprising of one detached property. It is a 2 storey 6 bedroom property with parking at the front and a long back garden. It is subject to Tree Preservation Order 143.

It is on the South side of Prideaux Road and opposite the junction with Kings Drive and St Thomas A Beckett Primary School.

It is next door to Palm Court Nursing Home (15-19 Prideaux Road) and number 11, another large dwellinghouse currently occupied, which also has a long garden to the rear.

There is a driveway and garage to the left of the dwellinghouse separating numbers 11 and 13. There is currently a side gate and garden area with a shed separating numbers 13 and 15. The garden backs onto a glass conservatory and garden of an adjoining property in Le Brun Road. The rear gardens are bounded by substantial brick walls on all sides.

The external walls are white pebbledash and have timber detailing on the gables. The roofing is plain tiling and the property is of a Tudor style, in keeping with nearby residencies. There are currently 53 rooms in the property, 10 of which are double rooms, housing 2 residents each.

As per the Relevant Planning History (below) the Nursing home has already seen the erection of a single storey extension to the rear of numbers 15-17. When looking from the rear, the application site is adjacent, to the right, of this previous addition. The property is currently next to a storage area/outhouse at number 11, separated by a wall which increases in height halfway along the rear garden, and on the side elevation of number 11 facing the application site, are the kitchen door/windows on the ground floor and 1 bedroom and a bathroom/toilet on the first floor. There are also 3 bedrooms on the rear elevation of number 11 with an outlook to the rear of number 13 from the first floor.

There are bus stops directly outside the application site on both sides of the road.

Relevant Planning History:

App Ref: EB/2009/0659	Description: Change of use from single private dwelling to become part of Palm Court Nursing Home. To include erection of a single storey extension and revision to vehicle access
Decision: Approved Conditionally	Date: 25/11/2009

App Ref: EB/2011/0282 Description: Discharge of conditions 3 (materials), 4 (tree protection), 6 (details of services) and 7 (details of hedge) of permission EB/2009/0659 (FP) for the change of use from single private dwelling to become part of Palm Court Nursing Home. To include erection of a single storey extension and revision to vehicle access
Decision: Discharged Date: 25/07/2011

App Ref: EB/2011/0283 Description: Variation of condition 9 of permission EB/2009/0659(FP), to permit a minor material amendment to the single storey extension, comprising an increase in length by 1.5m and the provision of a bay window at the rear.
Decision: Approved Conditionally Date: 08/07/2011

Proposed development:

There are a number of elements to this application:-

- Firstly, the applicant wishes to apply for a change of use from class C3 (a) (dwelling houses) to C2 (residential institutions).
- Secondly, the proposal involves erecting a single storey extension to both sides and rear of the property.

The extension will be formed in brick and render with timber detailing to the gables in order to match existing. The roof tiling used will also match the existing plain tiles and consist of flat roof tops with sloping edges. There will be black uPVC rainwater goods installed on the extension and white uPVC windows and doors throughout.

The proposed side extension, to join numbers 13 and 15, is set back from the front elevation and the rest of the extension is to the rear of the property.

The first floor will contain 6 ensuite bedrooms converted out of the first floor of the original site.

The ground floor (including extension) consists of 12 en suite bedrooms and a large lounge area. On the South East elevation, next to number 11, the extension does not protrude beyond the plane of this existing elevation, leaving a distance of 4.10m between the boundary with number 11.

There is a 148 square metre lounge area on the ground floor which is to be lit via 2, 4x6m roof lanterns and there are numerous skylight windows proposed throughout the adjoining corridors.

The rear extension will match the addition already made to numbers 15-19, in both style and materials; however it will extend slightly beyond the rear elevation of number 15. There will still be sufficient space for a garden area as with 15-19 Prideaux Road.

The proposed development extends a maximum depth of 26.85m, which equates to 19.61m beyond the current rear elevation. The highest point of the ground floor extension, including the peaks of the roof lanterns does not exceed 4.95m.

The roofing on the rear and side extension will match that of the extension approved at number 15-19 Prideaux Road, with a pitched roof and plain tiling.

Palm Court currently houses 53 rooms of which 10 are double rooms. Therefore, the additional rooms will now house 10 individuals in the double rooms; therefore of the 18 bedrooms proposed in the extension, there will be a net increase of 8 rooms/possible residents.

- Thirdly the proposal includes a first floor glazed link extension to attach numbers 13 and 15, in order that 13 Prideaux Road becomes part of Palm Court Nursing Home.

The first floor addition, which can be seen from the front of the property, is the glazed link between numbers 13 and 15. The highest point of this, from the ground, reaches 6.10m, just beyond the eaves of the host property, and the maximum width is 2.51m. The height of the glazed link itself is 2.57m.

There are no proposed changes to the boundary walls but the existing garage will be removed.

Applicant's Points:

- The applicant indicates that all tree related issues were dealt with in the original application EB/2009/0659 and the discharging of the conditions with regards to EB/2011/0282.
- The proposal is not intended to significantly increase the number of residents at Palm Court; it is in the interests of increasing amenities and quality of facilities, amenity and comfort for residents provided by the nursing home.
- In relation to parking considerations, the road is only busy during school drop off/collection times. Staff share car journeys, walk, bike or travel to work on public transport. Relatives are welcome throughout the day so there is no time for "visiting hours" where visitors are all arriving or leaving at the same time, they are staggered throughout the day, usually no more than 2 or 3 visitors at a time. The proposal offers 5 additional off street parking spaces.
- The extension would also house current residents from the more dated buildings of Palm Court Nursing Home, during a future refurbishment of these areas.

- There is no expectation of big increases in staffing levels. The fees for the better quality care proposed by the development will not be increased. It is a long term investment for better care in the community, not intended to create an immediate higher turnover through increased fees or residents.
- The quality of care administered to patients and relatively low increase in residents, and therefore staff/visitors, ensures there is not a high level of noise.
- There are currently 53 residents. There are 10 double rooms which are to be converted into single rooms to create only 43 rooms/residents in 15-19 Prideaux Road. There will be 19 bedrooms created in the conversion of number 13, therefore creating a potential maximum increase of 9 residents.
- Other Nursing Homes in residential areas within Eastbourne have at least 60 residents, and the extension would allow a maximum of 61 throughout the Nursing Home.
- In relation to privacy, the extension is single storey and has been designed to keep away from the boundary of number 11.
- The kitchen is located between 17 and 19 Prideaux Road and there is no intention to enlarge the kitchen and no food preparation will be carried out at number 13, therefore the level of smells from the property will not increase.

Consultations:

The Environment Agency – no comments.

Planning Policy Manager – no comments.

Downland, Trees and Woodland Manager – The Beech tree in the front garden of 15 Prideaux Road is protected with a Tree Preservation Order. It is considered to be of high quality and value, in such condition as to be able to make a substantial contribution to the area for a minimum of forty years. The approval of this application will have no impact on the Beech tree in the front garden of 15 Prideaux Road providing the conditions as set out below are attached to the decision notice.

Head of Environmental Health – no comments.

Neighbour Representations:

- It is not suitable for this residential area to continue to be overdeveloped with care homes.
- Road safety for residents and pupils of the nearby school are jeopardised as there is insufficient parking on site which causes a high volume of on road parking.
- The size of the development is out of proportion with the local area and as such is not sustainable.
- An increase in the size of the Nursing Home will cause increases in residents, staff, noise, traffic, use of services and pollution. This is in relation to residents, staff, visitors and service deliveries.
- There will be an increase in smell from the catering involved.
- The increased energy used by such a business would have a detrimental effect upon the local area.
- Loss of privacy caused by the change from a 6 bedroom house to a 19 bedroom business, operating 24/7.

Appraisal:

The original proposal suggested 19 bedrooms within the extension with part of the extension protruding beyond the plane of the existing South East elevation and therefore bringing it in closer proximity to the boundary with number 11. Following negotiations between the applicant and objector the architect has submitted revised plans on 21/06/2013 to supersede those received on 03/04/2013.

The main issues to consider in the determination of this application relate to :-

- The Principle of the development
- Support for local businesses
- Impact upon character of host property
- Impact upon character of the area
- Impact upon the amenities of the adjoining properties

The Principle of the development

It is considered that in this instance the loss of the dwelling house to provide an enlarged care facility would not be objectionable in principle.

The adjacent property has a long standing history as a care home use and care homes are considered appropriate within residential areas.

The applicant has provided an appropriate Design and Access Statement.

Policy HO17 states that planning permission will be granted for residential care homes subject to location in relation to public transport, shops, open spaces, entertainment and community facilities. The Nursing Home is situated in a good location and is currently maintaining its viability in this location. Also, the property itself, along with the proposed developments, is suitable for the needs of the occupants and disabled access. As the property has over 3 bedrooms it is also suitable to be converted to a non-residential establishment.

Support for local business

The application proposes an extension to an existing business which in its self creates job opportunities to support the local economy.

Care homes provide an important local facility which need to be located close to amenities and infrastructure; given the long standing nature of the care home business on this site it is considered that the support for this proposal would go some way to maintaining its viability.

The proposal is suitable in terms of policy HO17 as above.

Impact upon the host property

The proposed development does not have a detrimental impact on the site or surrounding location as the style of the original building is to be maintained and is in keeping with the already completed 15-19 Prideaux Road. Therefore, the proposal is in accordance with policy UHT1 in that it harmonises with the appearance and character of the local environment. In the same vein, the materials, formation, setting and layout of the property are also appropriate to the building itself and the surrounding area.

The extensions are set back from the front elevation, and are largely to the rear. The view of the property from the front will be changed most noticeably between numbers 13 and 15, with the addition of the first floor glazed link, which is described in detail below. This will match the property in terms of colour (white and black to match the exterior walls) but will form a length of glass panelling at first floor level which is more contemporary than the buildings that it joins.

Impact upon the character of the area

The application for change of use class of this property will not have a significant impact on the amenity of the area as the net increase in residents is a maximum of 8 and there is provision within the plan for 5 extra parking spaces. Access to these spaces is proposed via the driveway at number 15 as well as number 13, through removing the front boundary wall. There will be four within the current front driveway/garden of number 13 and one at the left of the building following the removal of the garage.

Additionally, there is a bus stop in close proximity to the application site and pedestrian, cyclist and public transport access is not affected (HO20). There is a large amount of on road parking available in Prideaux Road so suitable off site provision is closely available (TR11).

The change is in-keeping with the quiet largely residential road, and there are already a number of Nursing Homes in the locality.

The first floor glazed link, although a relatively modern addition to this style of properties', is designed to maintain their individual integrity, creating the illusion that numbers 13 and 15 are separate properties in their own right and maintaining the current view of large residential, Tudor-style properties that dominate the majority of the road.

There has been an example of this glazed link at Avalon Nursing Home, Neville Road, Eastbourne, where it does not detract from the character of the neighbourhood. The properties here are of a similar style and size to those in Prideaux Road. The link is formed of full length glass panels which would extend between numbers 13 and 15 at first floor level and allows light and a visual aspect between the properties.

The properties are to be joined at ground floor level by a bricked extension but the link provides first floor access between the properties, without forming only a bricked building which could dominate the road from numbers 13-19.

There are no proposed changes to the boundary walls and the conditions below in regard to landscaping show policies UHT5 and UHT7 have been considered.

Impact upon the amenities of the occupiers of the adjoining plots

Due to the scale of the extension, issues regarding privacy have been considered, however, as the extension is ground floor only and there are walls screening the extension, this is not considered to pose a significant problem in terms of the privacy of occupants at number 11. There is a large brick wall separating the properties to provide screening.

Due to the fact that the extension is only on the ground floor and the peaked roof lanterns do not extend beyond the eaves of the existing roof they do not cause concern in terms of their height. The extension will not overshadow neighbouring properties or affect their outlook.

The potential increase in residents has been considered in terms of increased noise, disturbance and odour. The applicant has advised that there will be no kitchen in number 13 and the current kitchen is central within Palm Court Nursing Home as existing, so increases in smell for neighbours are unlikely.

As mentioned, access to the additional parking is via the driveway at number 15 so disturbances from cars arriving and leaving will not be significantly closer to neighbouring properties than they are already. As the applicant states, visiting hours are throughout the day so there is no one period of high volume of cars, except during drop off and pick up times at the school adjacent to the site.

Access to the actual building will be through the entrance door of number 15 and via an indoor corridor to number 13, therefore the likelihood of more disturbances from deliveries etc is small, due to the central access still being via number 15.

Concerns over increase in noise are minimal due to the nature of the nursing home (Dementia Care). The applicant advises that the quality of care decreases noise from residents and as above, obtaining deliveries and accommodating visitors/staff will not significantly increase noise as the distance of these activities from existing neighbours are largely unchanged. The large lounge area is within the centre of the extension, surrounded by bedrooms on all sides, therefore the main living area within the Nursing Home, which may have formed a concern in relation to noise, will not cause a disturbance to neighbours.

Therefore amount of pollution in relation to noise and smell is unlikely to change significantly and does not currently cause a detrimental impact to neighbours or the environment. The proposal provides a neutral impact to the environmental amenity of the area.

Due to these points it is not deemed that the proposal has a significant negative impact on visual, residential or environmental amenity (policy NE28).

The extension does bring the property in closer proximity with the conservatory and garden to the rear of the site, belonging to a property in Le Brun Road, however, there is still a significant area of garden beyond the extension and therefore it does not encroach on the property to the rear. The rear elevation of the proposed extension does extend beyond the existing rear elevation but this is minimal.

It is recommended that the proposal is approved.

Human Rights and Equality and Diversity Implications:

N/A

Conclusion:

By virtue of the size, style, materials used and location of the development, this proposal is considered acceptable under the policies within the Eastbourne Borough Local Plan (Saved policies, 2007). Therefore it is recommended that the development be approved.

This is subject to conditions but the proposal accords, Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

RECOMMEND: Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Tree Protection
- (3) Restriction of bonfires - trees
- (4) Foundation details – trees
- (5) Soil Levels – trees
- (6) Location details of site office and access – trees
- (7) Restriction of no. of units to 61
- (8) Plan No.s

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 9 July 2013

Item 5

App.No.: EB/2013/0014	Decision Due Date: 23 March 2013	Ward: Meads
Officer: Jane Sabin	Site visit date: 20 February 2013	Type: Change of use
Site Notice(s) Expiry date: 28 February 2013 Neigh. Con Expiry: 24 February 2013 Weekly list Expiry: 27 February 2013 Press Notice(s)-: N/A		
Over 8/13 week reason: Negotiations and re-notification of neighbours		
Location: Silverdale Garages, 33 Silverdale Road		
Proposal: Provision of a 5-6 bedroom single private dwelling with garage, staff quarters, swimming pool and roof-top garden.		
Applicant: Elite Hotels		
Recommendation: Approve		

Planning Status:

- Area of High Townscape Value

Relevant Planning Policies:

Borough Plan 2001-2011

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT5	-	Protecting walls/landscape features
UHT16	-	Protection of Areas of High Townscape Value
H03	-	Retaining Residential Use
H07	-	Redevelopment
H08	-	Redevelopment of Garage Courts
HO20	-	Residential Amenity
TR11	-	Car Parking

Core Strategy

B1	-	Spatial Development Strategy and Distribution
B2	-	Creating Sustainable Neighbourhoods
C11	-	Meads Neighbourhood Policy
D1	-	Sustainable Development
D5	-	Housing
D10	-	Historic Environment

Site Description:

This vacant, derelict backland site was last used as garaging/parking for The Grand Hotel at ground floor level (approximately 12-15 cars), with six small flats above for staff. It is located behind numbers 35 and 37 Silverdale Road, and is accessed via a sloping, narrow drive 45m in length, which currently belongs to Rustington Court in St Johns Road and provides pedestrian access to its rear garden. The difference in ground levels between Silverdale Road and St Johns Road is significant, with Silverdale Road being on much lower ground; the application site is located half way between the two, so that it is higher than the Silverdale Road properties, but much lower than those in St. Johns Road, although it is parallel to the rear block of Highview Court.

The building on the site is arranged in a "U" shape around an open courtyard, constructed of brick, under a slate roof, with ironwork to the balcony and stairs which serve the first floor flats. Windows are timber, vertical sliding sash. The central courtyard is laid to Staffordshire stable block, as is typical of the period (Victorian) and location. The surrounding properties are all residential, and comprise a mix of Victorian and 1970's flats. The outside walls of the building also form retaining walls to the gardens of surrounding properties

Relevant Planning History:

App Ref:EB/2004/0850	Description: Demolition of first floor staff accommodation and changes to the ground floor garage walls including the installation of a security gate to provide secure overspill parking for the Grand Hotel.
Decision: Refused	Date: 12 January 2005

Proposed development:

The proposal is to convert the existing building to a 5-6 bedroom single private dwelling with a double (tandem) garage, staff quarters, basement swimming pool and roof-top garden between the ground and first floors. The scheme includes excavation to create a basement level and a new entrance through a glass boundary wall facing the drive. There is a mix of modern materials (such as the glass boundary wall) and more traditional finishes (brick chimney stack detail and courtyard ironmongery). Whilst retaining the main fabric and form of the building, the scheme is otherwise modern in design. From the outside, the main changes would be the introduction of conservation style roof lights, the provision of a first floor garden and the glass wall facing the drive

Applicant's Points:

- The site is located in Meads and an Area of High Townscape Value, two positives which have been the main reason behind the decision to retain the existing building. Other reasons are that the main walls form the retaining walls to neighbours' gardens, and that neighbours' views would be unaffected by the proposal.
- It is proposed to retain the building in the form of one family dwelling, with 5-6 bedrooms, garaging for two cars, swimming pool, staff quarters and a roof garden accessed from the first floor.
- The courtyard would have been used historically as a turning circle for horse drawn carts, and it is proposed to infill the courtyard, referencing the turning circle with a shallow pool of water, forming an "inside/outside" entrance open to the sky in part; trees would grow through the circular opening in the roof garden above.
- The ambition is to provide an exemplary modern home within the envelope of an historical asset, providing the existing building with another 150 years of existence in line with modern living standards, albeit at the "high-end".
- Privacy is an important issue for future occupiers and neighbours alike. All rooms are single aspect onto the courtyard/roof garden; the roof garden comprises timber decking and planting, and any perception of overlooking will be dealt with by using a strip of dense planting at the edge of the slab adjacent to High View Court.
- The site is overlooked by surrounding blocks of flats (High View Court to the east, and Hill Court, West Cliff Court and Rustington Court to the south); the upgrading of the building and the introduction of a roof garden will improve the outlook from all these properties, whilst preserving privacy.
- Sustainable features will include the introduction of a roof garden, rainwater harvesting, super insulated walls, floors and roofs, low u-value double glazed windows, A+ rated appliances, low energy light bulbs and water saving taps/sanitary ware

Consultations:

The Conservation officer raises no objection to the proposal, as the site is not visible from the road, and has no boundary wall. Neither chimney stacks, nor roof can be seen from the public highway. In terms of scale, there are no conservation issues, as the footprint and roofline of the proposal do not exceed existing, and there are no trees or other important landscape features associated with the building.

(Memo dated 18 February 2013)

Planning Policy supports the application in principle, subject to consideration of the impacts on amenity by the case officer. The proposal would provide a large residential unit on a brownfield site in a sustainable location. In conformity with the National Planning Policy Framework, the proposal would provide sustainable development and should be permitted. (Memo dated 1 March 2013)

The Highway Authority requested and attended a site meeting with the agent and the case officer following concerns about the length and width of the access. It was confirmed that the access is only suitable for one user (in terms of vehicles), and amendments to the garaging/turning arrangements were agreed.

Neighbour Representations:

The original submission attracted 23 objections, which are summarised thus:

- The Arabic walling design is completely of character with the existing and surrounding buildings; it will look more like a mosque than a dwelling
- The proposed development and architecture is completely out of character, and a roof garden would overlook the garden of Rustington Court
- Too ambitious for a backland development
- Loss of privacy to residents of Highview Court who have open plan patios
- Noise – complaints resulted from the use of the existing balcony by staff until the early hours of the morning for socialising
- The driveway is a ROAD and is owned by Rustington Court, it cannot be gated and is for the use of Rustington Court residents; to say otherwise is misleading.
- Object to increased traffic on the road
- If it is to be an annexe to the Grand Hotel, then there would be no need for an alcohol licence, and could result in partying and swimming at any time of the day and night
- There would be nothing to stop the eyesore of solar panels being placed on the roof.
- The proposal will use vast amounts of energy, despite any figures produced.
- Concerns about the amount of spoil produced from the excavation of the basement, and damage from vehicles servicing the construction of the proposal. Therefore a protective independent barrier should be provided to the wall adjoining High View Court for the duration of building works, and hours of works should be restricted.
- Concerns about noise from a swimming pool and roof-top garden, especially if it is to be an annexe to the hotel, and displacement of refuse bins from the drive (belonging to the adjacent flats).
- The premises were not garages, but stables. It should not be demolished, but converted either to staff accommodation or affordable housing; unacceptable to build a house that only wealthy people could afford.
- Notwithstanding the stated concerns, very keen to see something done with the site, which is becoming an eyesore.

Following amendments to the scheme (once the architect had established that the access was not in the ownership of the applicant) to remove the gates from the plans and improve the turning radius into the garage, neighbours were re-notified. Three objections were received:

- Does not remove previous objections
- There are restrictive covenants
- No provision for refuse, and concern that a refuse lorry would try and use the road, resulting in damage and obstruction
- Intensification of use of the road; the license to use the road is restricted to just one car

(Letters and emails dated 11 February to 11 June 2013)

Appraisal:

The main issues to take into account in determining this application are the impact on the character and appearance of the area, the principle of residential use for one dwelling, residential amenity and parking.

The building has been unused in recent years (although squatters have been evicted), and is in poor decorative order inside and out. The fabric of the building appears to be sound, and it forms part of the supporting walls for adjoining gardens. It is considered that the re-use and refurbishment of the building envelope is an acceptable means of bringing the site back into use. The site lies within an Area of High Townscape Value, but due to its location 45m back from the public highway and behind 35 & 37 Silverdale Road, it is all but hidden from public viewpoints. The alterations are largely internal (the rearrangement of internal walls/rooms), with the principle ones being the provision of a basement (with swimming pool) and the "roof-top" garden, which is actually level with the ceiling of the ground floor. From the outside, the existing roof would screen most of the alterations; the provision of a glazed wall across the entrance to the site would be visible, but would have a very minimal impact. Most of the fabric of the building would be retained, i.e. the roof, chimneys, outside walls, the decorative railings to the first floor balcony, the fenestration to the end elevations facing the access. As the alterations are mostly within the courtyard area, there would be no impact on the character and appearance of the Area of High Townscape Value, as much of the historic fabric of the building is to be retained.

The use of the building as one dwelling would potentially have less impact than a garage/parking compound for 12-15 cars and six staff flats, in terms of the impact on the surrounding area. Whilst planning policies requires no net loss of residential units, it is clear that in the circumstances of this particular backland site, principally a long narrow access with no passing facilities and the lack of any opportunity for additional windows on the outside walls, its development for a single user is very much the preferred option.

In terms of residential amenity, it is clear that the use of the premises as six staff flats has resulted in some conflict, by reason of the numbers of people using the site during evening hours (after staff had finished work). Whilst nearby residents have become accustomed in recent years to the site being unused, the previous use could be reinstated. It is considered that its proposed use as a single dwelling would result in no additional impact on residential amenity over and above the authorised use. With regard to overlooking of the patios of Highview Court, this is already possible from the existing balcony that serves as the entrance/walkway to the flats, and will not change. The windows on the end elevation are to be partly obscure glazed to further reduce this (even though they are mostly clear glazed currently). It is also likely that the use of the site by two vehicles (in the integral garage) would have less impact in terms of noise than the potential 12-15 in respect of the authorised use.

Parking on the site is proposed for two cars, which is considered adequate in this location so close to the town centre. Many of the Victorian properties in Silverdale Road have no parking facilities, and this is not a significant problem.

Many of the objectors appear not to have looked at the plans, or have not understood them, as objections to the demolition are unfounded, as is the overlooking from the roof garden and noise from the basement swimming pool. Other issues raised by the objectors are not planning issues, such as covenants, the number of cars using the site and the ownership of the road. There would be no justification to withdraw permitted development rights in respect of solar panels for this backland location. The protection of the walls to the sides of the access can be controlled by condition, and there is adequate space to store refuse within the site.

Human Rights Implications:

It is considered that the impact on residential amenity is within acceptable limits, and would not result in harm over and above the authorised use.

Conclusion:

The proposed development is considered to be acceptable in term of its impact on the character and appearance of the area, residential amenity and parking.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement within three years
- (2) Approved plan reference numbers
- (3) Hours of operation
- (4) Details of drainage ++
- (5) Details of refuse storage ++
- (6) Details of glazing ++
- (7) Obscure glazing in south elevation
- (8) Protection of boundary walls during construction ++
- (9) No windows/openings in outside walls/roof slopes

Informatives:

- ++ Pre- commencement conditions

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**.