Tuesday, 6 January 2015
at 6.00 pm
Town Hall, Eastbourne

Planning Committee

Members of the public are welcome to attend and listen to the discussion of items in the “open” part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.

The Planning Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.

An induction loop operates to enhance sound for deaf people who use a hearing aid or loop listener.

If you require further information or assistance please contact the Local Democracy team – contact details at end of this agenda.

This agenda and accompanying reports are published on the Council’s website in PDF format which means you can use the “read out loud” facility of Adobe Acrobat Reader.

Please ask if you would like this agenda and/or any of the reports in an alternative format.

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

Agenda

1 Minutes of the meeting held on 25 November 2014. (Pages 1 - 12)

2 Apologies for absence.

3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.
4 **Urgent items of business.**
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

5 **Right to address the meeting/order of business.**
The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

6 **5 The Courtyard, Wharf Road. Application ID: 141327.** (Pages 13 - 18)

7 **26 Desmond Road. Application ID: 141390.** (Pages 19 - 24)

8 **34 Dillingburgh Road. Application ID: 141389 (PPP).** (Pages 25 - 30)

9 **45 Darley Road. Application ID: 141356.** (Pages 31 - 34)

10 **49 Babylon Way. Application ID: 141388 (HHH).** (Pages 35 - 38)

11 **58 Darley Road. Application ID: 141357.** (Pages 39 - 42)

12 **Courtland Hotel, 3-5 Willmington Gardens. Application ID: 140711 (PPP).** (Pages 43 - 62)

13 **1 Hillbrow, Denton Road. Application ID: 141355.** (Pages 63 - 66)

14 **Hurst Arms, 76 Willingdon Road. Application ID 141112.** (Pages 67 - 74)

15 **Rear of 2-8 Upwick Road. Application ID: 141312.** (Pages 75 - 82)

16 **Trident Fish Restaurant, 23 Albert Parade. Application ID: 141224 (PPP) and 141225 (ADV).** (Pages 83 - 92)

17 **Unit 1 Britland Estate. Application ID: 141316 (PPP).** (Pages 93 - 96)

18 **South Downs National Park Authority Planning Applications.**

**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.
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).

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 electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Registering to speak – Planning Applications - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within 21 days of the date of the site notice or neighbour notification letters (detail of dates available on the Council’s website at www.eastbourne.gov.uk/planningapplications).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council’s website.

Please note: Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

Further Information

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

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415023/415021   Text Relay: 18001 01323 410000,    Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk
This page is intentionally left blank
Present:-

Members: Councillor Ungar (Chairman) Councillor Harris (Deputy-Chairman) Councillors Hearn, Jenkins, Miah, Murray, Murdoch and Liddiard (as substitute for Taylor)

92 Minutes of the meeting held on 28 October 2014.

The minutes of the meeting held on 28 October 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

93 Apologies for absence.

An apology for absence was reported from Councillor Taylor.

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

Councillor Ungar declared that with regard to minute 99, Cavendish School, Eldon Road, having made representations regarding this application to East Sussex County Council’s Planning Committee, he had previously reached a view in relation to this application and considered himself as being pre-determined with regard to it. Councillor Ungar did however address the committee, having earlier taken legal advice that, in the circumstances, it would be acceptable for him to have the same degree of participation in this matter as if he had declared a personal and prejudicial interest under the Council’s Code of Conduct for Members. He withdrew from the room during the officer’s report and following his address whilst the application was considered and voted upon.

95 17 Ratton Road. Application ID: 141167 (HHH).

Two storey side and rear extension to house, recessed from main elevation and subservient to main ridgeline to create space for master bedroom, en-suite and utility space. Existing garage to be re-built with new roof to match that of house – RATTON. Eight letters of objection had been received.

The relevant planning history for the application site and observations of the Specialist Advisor (Arboriculture) and the Specialist Advisor (Conservation) were summarised within the report.

Councillor Belsey, Ward Councillor addressed the committee in objection stating that the large extension proposed would result in an
overdevelopment of the site, reducing the proximity of the building to its neighbour, resulting in the loss of light.

**RESOLVED: (By 7 votes with 1 abstention)** That permission be refused on the grounds that the proposed extension, by reason of its siting, scale and design, would be an obtrusive and visually dominant form of development resulting in the disruption of the symmetry of a pair of historic properties, to the detriment of the Area of High Townscape Value. The proposal therefore conflicts with Policies UHT1 and UHT16 of the Eastbourne Borough Plan Saved Policies 2007, Policies B2 and 10A of the Eastbourne Core Strategy Local Plan2013 and paragraphs 7,17,56,58, and 126-135 of the National Planning Policy Framework.

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

**96 Garage block at the south side of St James Road. Application ID: 140959 (RMT).**

Application for approval of Reserved Matters (Access, Appearance, Landscaping and Scale) following approval of outline planning permission granted 6 August 2013 (Ref: 120432) for the demolition of existing garages and erection of a terrace of three houses with associated parking – DEVONSHIRE. Three objections had been received.

The relevant planning history for the application site and observations of the Planning Policy Manager and Specialist Advisor (Arboriculture) were summarised within the report. East Sussex County Council Highways made no response due to the nature of the application.

The agent for the application had submitted a supplementary statement which was reported at the meeting.

Mr Holley, addressed the committee stating that he had no issue with the boundary wall and requested that condition 5 of the original outline planning permission (granted on 5 August 2013) be discharged at the earliest opportunity. Mr Holley raised concerns about the height of the proposed obscured glass windows.

The Specialist Advisor (Planning) advised the committee that the discharge of condition 5 would resolve any boundary treatment issues.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) The proposed development shall be carried out in strict accordance with the following plans and documents:
1428/01 Rev D – Proposed site location and layout plan received 16 October 2014
1428/02 Rev E – Proposed plans and elevations received 30 October 2014
Block plan received 14 July 2014
2) No development shall commence until samples or precise manufacturers
development hereby permitted have been submitted to and approved in
datails of all the materials to be used on the external surfaces of the writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter. 3) Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of trees and planting plans, species specification and samples of hard landscaping materials. 4) The finished surface to the driveways, hardstandings, paths and gardens shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the cartilage of the property. No loose surface material shall be used within 2 metres of the edge of the public highway. 5) Prior to occupation of the proposed house hereby permitted, the first floor rear windows to the rear elevation serving bedrooms and shall be obscure glazed to a height of 1.7 metres above finished internal floor level and permanently retained as such. The side casement windows shall be non-opening, fixed shut and thereafter permanently retained as such. 6) 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 prevent contamination and damage to the adjacent roads. 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than those expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority. 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), gate, fence, walls or any other means of enclosure than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority. 10) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble. 11) No bonfires or burning of waste materials shall take place anywhere on the site at any time.

Informative:

Reiteration of Conditions of Previous Applications
The conditions attached to the grant of outline consent EB/2012/0636 (OL) are re-iterated and unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with to ensure the validity of the planning permission.
Details of Materials
All external materials to be used in the development shall conform with the guidelines set out in the Eastbourne Townscape Guide.

97 **Cavalier Public House, 13 - 15 Carlisle Road. Application ID: 141169 (PPP).**

Proposed partial change of use from Class A4 (public house) to Class C3 (residential dwellings), to form 4 maisonettes comprising of 2 two-bedroom and 2 one-bedroom self-contained units – MEADS. Three letters of objections had been received.

The relevant planning history for the application site and observations of the Tourism Manager, the Specialist Advisor (Conservation), the Specialist Advisor (Planning Policy), the Specialist Advisor (Waste), the Specialist Advisor (Economic Development), the Specialist Advisor (Arboriculture) and Eastbourne Hotels' Association were summarised within the report.

A response from Campaign for Real Ale (CAMRA) was reported at the meeting and related to a loss of the trading floor and former use of the public house as an Inn providing B&B accommodation.

The Specialist Advisor (Planning) advised the committee that the public house trading floor did not form part of the application and was shown to be retained. The committee was further reminded that the upper floors had planning permission to be converted to residential and as such the Inn concept had already been lost.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission 2) In accordance with the submitted drawings 3) Materials to match the existing building 4) Details of refuse storage 5) Hard and soft landscaping and tree planting details.

98 **Land at former Cosmetica Site, Faraday Close. Application ID: 140958 (PPP).**

Demolition of existing buildings and erection of food store together with car parking, landscaping and access – HAMPDEN PARK. Seven letters of objection and 15 letters of support had been received. 14 additional communications of support had been received.

The relevant planning history for the application site and observations of the Specialist Advisor (Economic Development), the Specialist Advisor (Arboriculture), the Specialist Advisor (Planning Policy), the Specialist Advisor (Environmental Health), the Environment Agency, the Local Highway Manager, the County Archaeologist, Bespoke and Southern Water were summarised within the report.

The applicant also submitted a further statement which was reported at the meeting. In summary the statement commented on the creation of 30-40 jobs, secured by a local labour agreement, following 5+ years vacancy of
the site. Consultation with the local community had been a key concern of Aldi in developing the site with 87% of residents supporting the application, with no objections to its design or appearance. East Sussex County Council Highways were satisfied with the proposed access arrangements, with a new vehicular access to Faraday Close being provided at the request of residents. Parking arrangements supported local business with the car park being made available for visitors to the Hampden Park retail area.

The applicant had requested permission to address the committee. The Chairman advised that it would be possible to suspend the current rules regarding applicants addressing the committee without the presence of an objector with the full agreement of members. A motion to suspend the current rules was proposed and seconded and supported unanimously and the applicant was permitted to address the committee.

Mrs Neil, addressed the committee in support stating that 95% of the residents who were direct neighbours of the site supported the proposal. The development would resolve the current concerns of anti-social behaviour at the site and would be a great asset and improvement for the residents of Hampden Park.

Councillor Belsey addressed the committee in support highlighting the overwhelming support for the development and improvements to a prominent derelict site. Councillor Belsey referred to the creation of jobs and the overall benefit to the residents of Eastbourne.

Mr Stanley, Property Director, Aldi, addressed the committee reiterating the comments of the applicant reported earlier to the committee. Mr Stanley also highlighted the £5.1m investment at the Hampden Park site, which would improve the offer for the residents of Eastbourne. Consultation with residents showed overwhelming support for a retail offer rather than industrial use adding that the site was unviable for industrial use, which had been demonstrated by the site having been vacant for in excess of five years.

**RESOLVED: (A) (Unanimous)** That planning permission be granted subject to the prior conclusion of a S.106 Agreement or S278 Highways Agreement to secure a financial contribution towards or the delivery of the proposed Highway improvements to Lottbridge Drove, Mountfield Road Roundabout and the provision enhanced bus stops, Travel Plan and associated audit fee, local employment initiatives, contributions to off-site tree protection and subject to the following conditions: 1) Commencement of development within three years 2) Drawing Nos. of approved plans 3) Samples of all materials (internal and external) 4) Construction Method Statement and Management Plan including temporary structures, site compound and hoardings, construction access details etc 5) Details of Opening hours for the store 6) details of delivery times 7) Details of all plant and machinery (e.g. air conditioning, refrigeration units) including predicted noise levels 8) Details of directional signage to car park and service road 9) Construction Traffic Management Plan to include travel routes and number of vehicle movements 10) Finished floor levels 11) Prior to their installation details of any external solar power equipment 12) Parking is provided in accordance with submitted details 13) Cycle storage and staff shower facilities 14) Tree protection Lottbridge Road 15) Details of
boundary treatments 16) Limited Range Discounter only 17) No more than 20% floor area to be non-food retailer 18) Car park controls limited to 2 hours

**RESOLVED (B):** In the event that the S.106 is not concluded to the satisfaction of the Local Planning Authority by 30 Jan 2015 that delegated authority be given to the Senior Specialist Advisor (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.

99 Cavendish School, Eldon Road. Application ID: 141334.

ESCC Consultation: Construction of a new two storey, two form entry primary school including nursery provision with associated parking, 2no. 3G sports pitches, playing surfaces and games court as an extension to the existing school – **OLD TOWN.** One letter of objection and one letter of support had been received.

The relevant planning history for the application site and observations of the Specialist Advisor (Arboriculture) and the Specialist Advisor (Planning Policy) were summarised within the report.

Councillor Ungar, Ward Councillor addressed the committee in objection stating that the proposal was strategically in the wrong area of Eastbourne, it would be an overdevelopment of the site and would result in a loss of open space, inadequate parking facilities, and an increase in traffic generation. There would also be a loss of Elm trees which would be detrimental to the street scene.

Mr Fitzpatrick, Head Teacher, addressed the committee in support stating that the school buildings had not changed since the 1930’s. A ‘through school’ was supported by both parents and students, with the enquiries for the reception class indicated potential 1/3 enrolment already. There had been a reduced number of pupils enrolling at the senior level.

Mr Hambrook, ESCC, addressed the committee stating that there had been an increase of 1000+ births year on year in Sussex, which led to an increase in the demand for school placements. There would be little change in overall numbers of students at the site due to the development of the free school Gildredge House.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

The committee considered the application and acknowledged the need to provide primary school places in Eastbourne however, members felt that this site was inappropriate due to the impact on traffic in and around the school and the increased danger for students. Members felt that the design was out of keeping with the existing school building.

**RESOLVED: (Unanimous)** That East Sussex County Council be advised that no objection was raised in principle to the provision of a new school on
the site subject to appropriate conditions. However, concern was raised with regard to the following:

1) The increased traffic generation and parking within the surrounding roads during pick up and drop off periods and an inappropriate vehicular exit point onto Eldon Road, close to the busy junction with Willingdon Road adding to existing traffic congestion at this junction and consequently within the school grounds.

2) The adverse impact on surrounding residential amenity with regard to increased on-street parking and traffic, noise and disturbance from the new pedestrian and vehicular access and from Cobbold Road.

3) The poor quality of design within this prominent location would adversely impact on the appearance and open nature of the site and the street scene.

4) The loss of playing fields for the existing school within the site which were not adequately replaced or provided elsewhere.

5) The potential removal of 2 mature Elm Street trees which made a significant contribution to the appearance of the street scene and environmental amenity. The trees were considered a constraint to development and should be retained as part of any redevelopment.


Construction of a new lifeboat station to house the D-class inshore lifeboat and the shore facilities for the Tamar-class all weather lifeboat; Installation of davit crane for launching the ILB D-Class lifeboat over the sea wall; and Siting temporary lifeboat station for duration of the build – SOVEREIGN.

The observations of the East Sussex County Council Highways department and the Environment Agency were summarised within the report.

The committee was advised that it had been confirmed that the existing lifeboat station at Fishermen’s Green was leased to the RNLI by the Council, and that they would surrender the lease on their renewal date in 2018 back to the Council.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) Samples of materials 4) Demolition and construction method statement 5) Hours of construction 6) The temporary containers shall only be in place during the construction period of the approved development and shall be removed on occupation of the building hereby approved.

Informative:

This application does not grant permission for the flagpole/flag shown on the approved drawings which would constitutes an advertisement for which advertisement consent is required, a further application would be required for advertisement consent prior to the display of this advertisement.

101 35 Melvill Lane. Application ID: 140153 (PPP).

Erection of a five bedroom dwelling including annexe, with access from Melville Lane – RATTON. 10 letters of support and four letters of objection had been received.
The relevant planning history for the application site and observations of the Specialist Adviser ( Arboriculture), the Highway Authority, the Specialist Adviser (Planning Policy), the County Ecologist and South Downs National Park were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the prior conclusion of a s106 legal agreement to secure a financial contribution towards off site affordable housing, and the following conditions: 1) Commencement within three years 2) Compliance with plans 3) Affordable housing and flood storage contributions 4) Samples of materials 5) Tree protection 6) No burning on site 7) No excavations near trees 8) Routes of services 9) Tree replacement and landscaping details 10) Tree maintenance programme 11) Retention of boundary trees and planting 12) Details of surface water drainage 13) Restriction of permitted development rights (windows) 14) Restriction of permitted development rights (extensions) 15) Obscure glazing in side elevation with restrictors 16) No illumination of site without prior approval of LPA 17) Details of external plant and machinery (heat recovery etc) 18) Hours of operation during construction 19) Route for construction vehicles 20) Removal of existing stable roof by hand 21) Submission of compliance with Code Level 4 22) Submission of details of a Sustainable Urban Drainage Scheme 23) Submission of details of a scheme for the removal of spoil under licence.

102 St Thomas A Beckett RC Junior School, 7 Tutts Barn Lane. Application ID: 141078 (PPP).

Erection of a single storey building situated between the Junior & Infant schools to create additional office, administration and staffroom space involving alterations to access road and associated landscaping – UPPERTON. One letter of objection had been received.

The relevant planning history for the application site and observations of the County Archaeologist and the Specialist Advisor (Planning Policy) were summarised within the report.

RESOLVED: (By 6 votes with 2 abstentions) That permission be granted subject to the following conditions: 1) Time limit 2) Travel Plan 3) Materials to match existing

103 Eastbourne Pier, Grand Parade. Application ID: 141413.

Listed building consent is sought for works to the Grade II* listed building, namely; 1) Dismantling the steel super structure [Arcade] and removal from site 2) Removal all fire-damaged cast iron furniture (balustrades, lighting columns and wind-breaks) and timber waling beam support sections, in all areas affected by the fire. Refurbish and replace where required, replacement balustrade posts and panels in steel / alloy 3) Replace all lattice girders and deck beams, test cast iron piles for cracking or heat defects. Repair, strengthen or replace where necessary – DEVONSHIRE.
The committee was advised that the public consultation period had not yet expired and therefore the recommendation on page 98 of the report was correct, not as stated on page 93 of the report.

At their meeting on 18 November 2014 the Conservation Advisory Group had no objections to the proposals and very much looked forward to the next stage of the project.

The Specialist Advisor (Conservation) advised that the scheme of recording in accordance with Level 3-4 of the EH guidance should be adopted and implemented in this demolition programme.

The committee was advised that English Heritage had commented on the proposals as follows: the nineteenth century pier was grade II* listed, although only parts of the substructure were original. Following the severe fire damage on 31 July 2014, the 1925 pavilion (referred to in the application documents as ‘the Arcade’) with a relatively intact interior was completely destroyed.

Structural surveys had now been carried out, indicating that many of the original Eugenius Birch cast iron piles appeared to be in sound condition, but that later steel girders, beams and cross-bracings of the substructure had suffered damage to a lesser or greater degree, and needed to be replaced. The timber deck in its entirety was lost within the affected area and much of the cast iron balustrading and its integral lighting columns had also been damaged.

This application sought to dismantle the steel frame of the Arcade, remove and replace as necessary the modern girders and beams, replace timber decking, refurbish were possible cast iron balustrading, lighting and columns, and faithfully replicate these details elsewhere.

The National Planning Policy Framework required that in determining applications, any harm to or loss of significance to designated heritage assets required clear and convincing justification (Para.132). Here, the fire had undoubtedly resulted in very severe harm to the significance of Eastbourne Pier.

English Heritage was persuaded however that there was no reasonable possibility of repairing the very warped and damaged 1925 Arcade building, and that little additional harm to the significance of the Pier would arise as a result of its being dismantled.

Further there were clear public benefits associated with re-opening the Pier and beginning a process of repair and reconstruction.

In agreement with the Local Planning Authority, English Heritage therefore accepted the loss, subject to a detailed recording exercise, which the Applicant had been ably undertaking since the early days following the fire. The removal of the Arcade would facilitate further investigation of the caps to the nineteenth century cast iron piles, and English Heritage recommended that method statements for any repairs to these elements were also sought by condition, or a further application for Listed Building Consent invited, as required.
As agreed previously and used elsewhere on the Pier, a steel/alloy replica of balustrading and lighting columns that were not capable of repair was acceptable to English Heritage, and Eastbourne Borough Council may also wish to control this through conditions as necessary.

English Heritage was pleased with the response to the fire and considered that removal of the damaged structure that was beyond repair was both justified and necessary. Once this stage of the work was underway English Heritage remained willing to engage with the Council and the Applicant at the earliest opportunity to help set the parameters for what was likely to be acceptable with regard to a replacement building to bring this celebrated structure back into full and active use.

English Heritage recommended that this application be determined in accordance with national and local policy guidance, and on the basis of the Council’s expert conservation advice.

RESOLVED: (Unanimous) That delegated authority be given to the Senior Specialist Advisor (Planning) to approve listed building consent subject to no objections being received from statutory consultees, and subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) A recording condition, the findings of which to be submitted to the LPA following completion of the works. (Item 1) 4) A repairs condition to accommodate the investigative works required to the screw piles following the dismantling and removal of the Arcade structure. (Item 3) 5) Prior to any demolition work commencing a method statement shall be submitted to and approved in writing by the Local Planning Authority, the method statement will highlight a safe working compound, access arrangement for the removal of the demolished material, parking, external illumination and turning areas on the Public Highway. The details as approved shall be implemented at the site and be retained as such thereafter 6) Prior to any demolition work commencing at the site details of the working hours/operating times shall be submitted to and approved in writing by the Local Planning Authority. The working hours/operating times shall be adhered to unless previously agreed in writing by the Local Planning Authority.

104 Employment Land Local Plan.

The committee considered the report of the Senior Head of Development which sought members views on the proposed submission version of Employment Land Local Plan due to be considered at the Cabinet meeting on 10 December 2014.

Members were reminded that in May 2012, the Eastbourne Core Strategy Local Plan was subject to Public Examination by a Planning Inspector. The Inspector expressed concerns over the evidence that supported Core Strategy Policy D2: Economy, particularly relating to the employment land supply. In order to address this issue without delaying the adoption of the Core Strategy, the Inspector recommended that Core Strategy Policy D2: Economy be the subject of an early review, leading to its replacement with
an additional Local Plan to deal specifically with the employment land supply.

In order to meet this requirement an Employment Land Local Plan (ELLP) was being produced. The ELLP would guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development, in order to achieve a sustainable economy and make Eastbourne a town where people want to live and work. It specifically related to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.

The report further detailed the representations on the proposed draft ELLP and the subsequent amendments that were made.

In order to progress the ELLP toward adoption a Proposed Submission version now needed to be published to allow for representations to be made on issues of soundness.

Following the representation period, it was recommended that the Local Plan Steering Group consider a summary of representations and the need for further changes, and that the Senior Head of Development be given delegated authority to approve the submission of the ELLP to the Secretary of State ahead of public examination by a Planning Inspector. It was anticipated that this would take place around May/June 2015. If found sound at examination the ELLP would be formally adopted by the Council.

Planning Committee was asked to consider the proposed submission and any comments would be considered and reported verbally to Cabinet at its meeting on 10 December 2014.

In addition the committee was advised that the planning application relating to the land at the former Cosmetica site, Faraday Close (ALDI application) was located within the Designated Industrial Estate as identified by the Employment Land Local Plan. In the event that the current application for the land at the former Cosmetica site, Faraday Close site (ref: 140958) was approved by Planning Committee, the industrial estate boundary would need to be amended to remove this site from the designated area.

Members were asked to give delegated authority to the Senior Head of Development to amend the boundary of the designated industrial estate before the report was considered by Cabinet.

RESOLVED: (Unanimous) That delegated authority be granted to the Senior Head of Development to amend the boundary of the designated industrial estate as detailed within the report, prior to its consideration by Cabinet in December 2014.

105 Article 4 Direction - The Park Close Conservation Area.

The committee considered the report of the Special Advisor (Conservation) seeking confirmation of the Article 4 Direction for the Park Close Conservation Area.
Members were reminded that the designation of Park Close as a Conservation Area arose following a definition of the special architectural and historic interest of the area was compiled in the form of a detailed character analysis. The Council, in its role as local planning authority, sought to manage any significant changes to the area in ways that maintained and strengthened its special interest.

The Park Close Conservation Area Management Appraisal was considered by Cabinet on 23 October 2013. It set out the special nature of the area with a recommendation for protection of the setting of the heritage assets. At its meeting on 4 March 2014, the Planning committee supported the making of an Article 4 Direction for Park Close. The special nature of Park Close was partially controlled by virtue of its being a Conservation Area, however, even in a Conservation Area, householders had “permitted development rights” that, if implemented without oversight, could erode the special historic and architectural character and appearance of Park Close. Members therefore also recommended that subject to consultation with the residents; this position should be modified by the local planning authority.

The Direction under Article 4, attached as appendix A of the report, arranged matters so that homeowners would need to seek specific council permission for works such as; replacement windows, doors and bargeboards, the removal of front gardens to create parking spaces and other works which currently would not normally require planning consent. There would be no charge to the homeowner for an Article 4 application to seek permission for works controlled by such. The administrative and other costs for considering such an application would be met by the Council.

Before deciding whether to confirm the Direction, members were requested to consider the results of the statutory consultation that had taken place. The consultees were listed within the report and the representations received were included as appendix D of the report.

The Notice of the making of the Direction had been communicated to all interested parties and local media. A specified period of 28 days was given for the receipt of representations on the Direction. The Notice included the proposed date on which the Direction, if confirmed after any representations have been considered, would come into force, which would therefore be 31 January 2016.

**RESOLVED**: (Unanimous) That the Article 4 Direction for the Park Close Conservation Area be confirmed.

106 **South Downs National Park Authority Planning Applications.**

None received.

The meeting closed at 10.16 pm

Councillor Ungar (Chairman)
### Executive Summary:
Given the location of the premises 180 metres from the mainline train station and 60 metres from a main bus route within the town centre, it is considered that the site is more than adequately served by public transport with all services, facilities and shopping within close proximity to the town centre.

Any parking requirements generated by the proposal could be provided on-street where a parking permit would be required (if available) or the residents pay to park in specific bays or park further afield in uncontrolled parking areas.

The occupiers of the property are also provided with the choice of using a Smart car (being 2.69 metres long and would fit into the garage) or similar sized small car or the use of bicycles or a motor cycle. It is a sustainable location within the town centre and as such, it is considered that the proposal accords with Policy TR11 of the Eastbourne Local Plan and Policy C6 of the Eastbourne Core Strategy.

### Planning Status:
Mixed commercial and residential area.

### Relevant Planning Policies:
National Planning Policy Framework 2012
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Eastbourne Core Strategy Local Plan 2006-2027
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy
D10a: Design

Saved Borough Plan Policies 2007
UHT1: Design of New Development
HO20: Residential Amenity
TR11: Parking

Site Description:
The application site is located within a courtyard of 6 new houses constructed approximately 10 years ago situated on the south side of Wharf Road. The property is located approximately 180 metres from Eastbourne mainline train station within the town centre.

Residential properties adjoin both sides of the site and on the opposite side of the road are the backs of commercial uses in St Leonards Road. The rear of the site abuts the Enterprise Centre car park.

Relevant Planning History:
990674
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. Planning Permission Approved conditionally 27/05/1999

Condition 5 of this permission requires the garages to be retained permanently for parking.

The application was generated by a complaint from a local resident and a subsequent enforcement investigation where it was found that the rear part
of the garage had been converted to residential accommodation in association with the existing ground floor accommodation.

140901 Conversion of garage to extend habitable living space. Withdrawn 01/09/2014

**Proposed development:**
The current application seeks retrospective planning permission for the conversion of part of the garage to residential accommodation. A large part of the garage is retained for parking a small car (such as a Smart car) and for bicycles and motor cycles. The new garage length is 2.75 metres long.

**Consultations:**
**Internal:**
None

**External:**
ESCC Highways (development control) – No objection.

**Neighbour Representations:**
A letter of support from a resident of the Courtyard has been received offering 100% support.

An enforcement complaint was received in May 2014 that the garage was being used for other reasons other than parking.

**Appraisal:**
The main considerations in the determination of this application are the acceptability of the new internal layout and impact of the proposed development on parking and on-street parking capacity.

**Design**
Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout.

The applicant has converted part of the rear of the garage to provide a kitchen area to enhance the existing accommodation. A site visit to the premises revealed that the previous accommodation would have been very small to incorporate a kitchen, dining room and living room. The resulting accommodation significantly improves the internal accommodation with room in the garage to house a Smart Car, bicycles or a motor cycle.

As such, it is considered that the proposed layout is acceptable and would accord with Policy UHT1 of the Eastbourne Local Plan.
Parking and Access
Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

Given the location of the premises 180 metres from the mainline train station and 60 metres from a main bus route within the town centre, it is considered that the site is more than adequately served by public transport with all services, facilities and shopping within close proximity to the town centre. Any parking requirements generated by the proposal could be provided on-street where a parking permit would be required (if available) or the residents pay to park in specific bays or park further afield in uncontrolled parking areas.

East Sussex County Council Highways have been consulted and consider that as the site is so centrally located, a car free development could be argued and to lose one space (although regrettable) is acceptable under the NPPF as it would not create a severe impact on the highway.

The occupiers of the property are also provided with the choice of using a Smart car (being 2.69 metres long and would fit into the garage) or similar sized small car or the use of bicycles or a motor cycle. It is a sustainable location within the town centre and, as such, it is considered that the proposal accords with Policy TR11 of the Eastbourne Local Plan and Policy C6 of the Eastbourne Core Strategy.

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:
Given the location of the premises 180 metres from the mainline train station and 60 metres from a main bus route, it is considered that the site is more than adequately served by public transport with all services, facilities and shopping within close proximity to the town centre. Any parking requirements generated by the proposal could be provided on-street where a parking permit would be required (if available) or the residents pay to park in specific bays or park further afield in uncontrolled parking areas.

However, the occupiers of the property are also provided with the choice of using a Smart car (being 2.69 metres long and would fit into the garage) or similar sized small car or the use of bicycles or a motor cycle. It is a sustainable location close to the town centre and as such, it is considered
that the proposal accords with Policy TR11 of the Eastbourne Local Plan and Policy C6 of the Eastbourne Core Strategy.

**Recommendation:**
Approved conditionally

**Conditions**

1. The remaining area of garage shall be used for the parking of a small car, motor cycle or storage of bicycles and for no other purpose and shall be permanently retained as such in perpetuity.
   
   **Reason:** To ensure a satisfactory form of development and a choice of a range of modes of transport for the residential occupiers.
App.No: 141390  
Decision Due Date: 6 January 2015  
Ward: Devonshire  
Officer: Thea Petts  
Site visit date: 25th November 2014  
Type: Householder  

Site Notice(s) Expiry date: N/A  
Neighbour Con Expiry: 29th November 2014  
Weekly list Expiry: 1st December 2014  
Press Notice(s): N/A  

Over 8/13 week reason: Cycle of planning committee  

Location: 26 Desmond Road, Eastbourne  
Proposal: Demolition of rear conservatory and erection of single storey extension  
Applicant: Mr G. French  
Recommendation: Approve conditionally  

Planning Status:  
End of terrace residential property located in a predominantly residential area.  

Relevant Planning Policies:  
National Planning Policy Framework 2012  
Core Strategy Local Plan 2013 Policies  
C3: Seaside Neighbourhood Policy  
B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
D1: Sustainable Development  
D10a: Design  

Eastbourne Borough Plan Saved Policies 2007  
HO2: Predominantly Residential Area  
HO20: Residential Amenity  
UHT1: Design of New Development  
UHT4: Visual Amenity  

Site Description:  
The two-storey terraced dwelling faces Desmond Road, adjoining 24 Desmond Road and sharing a boundary with no. 28. To the rear of the
terrace is a public alleyway, which also runs to the rear of properties on Penhale Road. The property is located 24m from the rear elevation of no. 17 Penhale Road. The step-in arrangement at two-storey level mirrors the majority of neighbouring dwellings along the rear elevation, although a number also have single-storey extensions. The majority of properties along the south west flank of the road benefit from small front gardens and rear gardens which mirror the footprint of the dwellings and front gardens put together.

The application property currently has a conservatory measuring 2.25m to the eaves and 2.9m in height. A fence approximately 1.8m high currently stands between the properties on the ground level of no. 24. This structure runs along the length of the border with no. 26 Desmond Road.

Relevant Planning History:

130134
Single storey rear extension with roof lantern, and part extension at first floor level (in line with existing shower room).
Householder - Refused, 08/07/2013
By reason of the height of the single storey element along the boundary, and the proximity of the two-storey element to the neighbouring property, the development would enclose the rooms set-back at no. 24 Desmond Road and would result in a loss of light to habitable ground-floor and first-floor rooms. 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 and HO20 of the Eastbourne Borough Plan (Saved policies, 2007).

Proposed development:
The applicant seeks permission to replace the existing single storey extension (in the form of a conservatory) with a single storey rendered brick-built flat roof extension serviced by a roof lantern above, a casement window to the rear and three glazed bifolding doors also to the rear.

Approximate dimensions for the proposal are as follows: The proposed rear wall will extend beyond the innermost rear wall by 4m and 2.6m beyond the outermost rear wall. The structure is to be 2.65m in height and will have a full width of 4.8m. The rear wall of the proposed extension will meet the rear wall of an existing small rear extension (next to the boundary with 28 Desmond Road), which will provide one continuous rear wall (providing the full width of the existing dwellinghouse, 6.1m). This new rear wall will fall in line with the single storey extension to the rear of adjacent property, 28 Desmond Road.

Proposed for the roof of the enlargement is a pitched glazed roof lantern. This is to have a height of 0.5m, a length of 3m at the base and 1.85m along the ridge. The lantern is centrally located 0.65m from the rear wall of the extension.
**Neighbour Representations:**
An objection has been received and covers the following points:

- Scale of development in contrast to size of existing dwellinghouses
- The resultant structure would lead to overdevelopment of the site and an overbearing relationship with the adjoining property
- Potential loss of light
- Accuracy of plans submitted (ground levels differ at 26 and 24 Desmond Road)

**Support has been received and covers the following points:**

- Confidence expressed in the applicant’s previous building work
- Development will add value to the house and enhance local area

**Appraisal:**
**Principle of development:**
There is no objection in principle to extending a dwelling in this residential area provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

**Design issues:**
Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B1 of the Eastbourne Core Strategy provides the spatial vision and strategic objectives which seek to ensure that future growth in Eastbourne is delivered at an appropriate level and in a sustainable manner and Policy B2 seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character

The design of the proposed extension does differ slightly to other extensions along Desmond Road. However, the design is not necessarily out of keeping with the area and will make use of materials used elsewhere on the existing dwellinghouse and those used on properties in the immediate locality. Flat roof extensions are reasonably commonplace in the area, but the inclusion of a roof lantern and bifolding doors is quite unique locally, but not an incongruent addition to the scheme.

Concerns have been raised regarding the scale of the proposal. However, it is not considered that the proportions of the structure will be inappropriate to the setting. 26 Desmond Road is an end of terrace property and as such, excessive development on the site should be avoided to protect the amenity
of adjoining neighbours; but improvements to existing properties should not be discouraged altogether. The proposed proportions of the new rear extension are not unacceptable and do take into account the type of development site; this is reflected in the reduced proportions of this scheme opposed to the previously rejected scheme.

It is considered that the proposed development will harmonise with the established character and appearance of the area, whilst contributing appropriately to the locality.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Although the structure will have a proposed full height of 2.65m, it would have a perceived height of approximately 2.85m from the rear of adjoining property, 24 Desmond Road due to a difference in ground levels of the properties. However, the full height of the proposed structure will be approximately 0.25m lower than the ridge height, but 0.4m higher than the eaves height of the existing conservatory. Therefore the proposed structure will, in effect, be lower in height than the existing structure in addition to being lower than the height of the previously refused proposal.

It is not considered that the resultant extension will have an overbearing relationship with properties it shares boundaries with; for example, the rear wall of the proposed enlargement will fall in line with the rear wall of the extension at 28 Desmond Road. The gardens of the properties along this flank of the road are large and as such it is not anticipated that the scheme will have a negative effect on the enjoyment of these gardens. The proposal is single storey and its height is not excessive or disproportionate to itself or surrounding buildings.

Due to the aspect enjoyed from the rear of the properties along the south west flank of Desmond Road, there will be some impact on the light received by 24 Desmond Road. It is anticipated that the light received by the ground floor rooms in this adjoining property is likely to be affected to some extent before noon. The dining room will be affected up until this time and the kitchen also to some extent, which is serviced by a glazed door to the side elevation facing 26 Desmond Road as well as a rear facing casement window. However, the existing conservatory currently affects the light received by these rooms and so too has the tall fence of 24 Desmond Road. In addition, the proposed extension will be 0.8m closer to the rear wall of the main dwellinghouse than that of the existing conservatory, and as such will potentially have less of an impact on light received to the rear of 24 Desmond Road.
Desmond Road. Therefore, the light loss, when taking these other factors into account, is predicted to be minimal.

The applicant has taken into account the reasons for refusal of the previous application and has addressed the issues raised therein. The potential impact on neighbouring properties has been lessened and the proposal is considered to respect the amenity of neighbours.

Other matters:
Concerns have been raised regarding the integrity of the plans provided and how they addressed the difference in ground levels of 24 and 26 Desmond Road. The agent has provided amended plans which take into account the differences in ground levels of the two properties to allow full assessment to be made.

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:
It is considered that the proposed development would not adversely affect surrounding residential amenity and generally would be in keeping with the character and appearance of the area. It seeks to improve the internal layout of the dwellinghouse, whilst having a positive impact on its locality by improving the external appearance of the property. In terms of scale and design, the proposed extension will sit comfortably in its location and any negative impact due to loss of light is considered to be negligible when contrasted with the structure that already exists at the rear of 26 Desmond Road.

Recommendation:
Approve conditionally

Conditions:
1) Time
2) Drawings
3) Materials
4) No Permitted Development (windows and doors to side elevations)
This page is intentionally left blank
Executive summary
The proposed development, because of its size, design, height, siting and proximity to the boundary with Dacre Road, would not relate well to the existing building or the general pattern of development in the surrounding area and would therefore represent an overdevelopment of the site, resulting in an intrusive and alien feature in the streetscene, which would be detrimental to the visual amenities of the area.

Planning Status:
Residential area
Source Protection Zones 3

Relevant Planning Policies:
National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C4: Old Town Neighbourhood Policy
D1: Sustainable Development
D5: Housing
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
NE14: Source Protection Zone
Site Description:
This semi-detached two-storey dwelling is located on the northern corner of the junction of Dillingburgh Road and Dacre Road, and backs onto a service road which serves properties in Dillingburgh Road and Victoria Drive.

The property was constructed around 1927, and is typical of its era; it forms part of a very regular layout of pairs of dwellings in straight rows with long rear gardens. Permission was granted in 1960 for the use of the property as two non self-contained units, subject to a condition that the arrangement would ensure for the benefit of the applicant only, and the dwelling would be returned to single occupation. The applicant applied for the self containment of the units in 1970, the property has remained as two flats since that time.

A fence has been erected close to the rear wall of the existing dwelling so that most of the rear garden is unusable and has been left in an overgrown condition.

Relevant Planning History:
EB/1988/0447 Erection of a detached bungalow, with garage.
Dismissed - 10/03/1989

030699 Erect a single-storey two-bedroom dwelling.
Withdrawn 22/06/2003

030759 Erect a part two-storey, part single-storey split level two bedroom dwelling with integral garage.
Refused 09/10/2003

070507 Erection of single-storey extension at side to form one self-contained flat.
Refused 03/10/2007

130500 Erection of two storey, two bedrooomed detached property with garage and access from Dacre Road.
Dismissed 30/4/14

A common reason for all the above refusals and the two appeal decisions is the adverse impact on the character and appearance of the area (in respect of the two storey dwellings loss of amenity is included). The Inspector for the last appeal opined that "the dwelling would therefore represent a cramped, intrusive and harmful addition to what is a distinctive low density area composed of a regular layout of long linear plots" and concluded that "while the proposed dwelling and garage would reflect the design of
dwellings in the area, the proposed development would be harmfully at odds with its character and appearance, and the well-established building pattern of the area in particular”.

Proposed development:
It is proposed to divide the rear garden to form a plot measuring 19m in width and 12m in depth, and to construct a bungalow with an attached garage both accessed from Dacre Road. The dwelling would measure 9m wide and 6.2m deep, under a pitched roof 5m high to the ridge. It would be located to the rear of the garden, adjacent to the service road, so that the garage would also form the boundary wall, and there would be gap of 2m from the boundary with Dacre Road (reducing to 1.2m by the bay on the front elevation); this would leave a side garden of 6.5m adjoining the existing dwelling, and a rear garden of 4m where it joins the rear garden of 36 Dillingburgh Road.

The design of the proposed dwelling is unremarkable, but exhibits features common to the area, such as a front bay and tile hung gable. The floor area is small at 49 m², which is comparable to the ground floor area of nearby dwellings, but does result in small room sizes, for example the main bedroom measures 2.7m by 3.3m. The garage is of an adequate size for one car with space for a further car on the drive.

Consultations:
External:
Highway Authority  -  no response.
Environment Agency  -  no objection.

Neighbour Representations:
Eleven objections and one representation of support have been received and cover the following points:
- good use of the site and a bungalow is appropriate
- increase in vehicles and reduction of on street parking spaces which is needed due to the zebra crossing due to be constructed shortly in Victoria Drive
- will impede access to the service road and reduce visibility for drivers and pedestrians
- adverse effect on the character of the neighbourhood; the gardens are of a decent size but not large enough to be subdivided for development without harm to the established pattern of development
- the property has already been divided into two units and this would be a gross overdevelopment
- this is the 5th application to develop, all have been refused, and appeals dismissed
- overbearing impact on current outlook and amenity; loss of privacy
- no privacy for the occupiers of the new dwelling as they will be heavily overlooked
- could set a precedent
- the reasons for the previous refusals are still valid
- the development would be intrusive and contrary to local plan policies

Appraisal:
Principle of development:
Local plan policies and national guidance support the provision of sustainable development and housing. However these same policies and guidance also require that development should not result in harm to the natural, built and historic environment;
further, that good design is indivisible from good planning. Whilst gardens are no longer classed as brownfield land, there is no presumption against appropriate development, except where it would cause harm to the local area.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
This part of Old Town is characterised by an attractive uniformity created by the straightness of the roads, the predominantly two-storey buildings on generous plot sizes, regular building lines and consistent spacing between dwellings. This has been breached relatively rarely, and should not be used as a precedent to justify an incongruous and obtrusive form of development.

Contrary to the prevailing pattern of development in the locality, the proposed detached dwelling and garage would be isolated within the streetscape of Dacre Road, which between Dillingburgh Road and Victoria Drive, has no other dwellings directly fronting it. As a result, the proposed development would appear as highly intrusive and harmfully out of character with the established pattern of development in the vicinity. Furthermore, the rear garden of the proposed dwelling would be very limited in depth, with only 4m between the rear elevation and the boundary with No. 36. Such a constrained plot depth would be harmfully at odds with the well-established character of this residential area and its building layout in particular. No.34 has already been extended at ground and first floor levels. The construction of a further residential unit within the curtilage of the original plot would intensify the use of the site and reduce the planned spacious development of this part of the town.

The dwelling would therefore represent a cramped, intrusive and harmful addition to what is a distinctive low density area composed of a regular layout of long linear plots. Whilst there may be some limited benefit from the provision of one additional dwelling, it would not outweigh the harm to the character and appearance of the area, and as such it would not represent a sustainable development as described in paragraph 7 of the National Planning Policy Framework.

As a single storey dwelling with no rooms in the roof, there would be no issues of overlooking or loss of privacy to nearby residential properties.

**Design issues:**
The design of the dwelling is, of itself, not innovative or outstanding and does not justify making an exception to the Council’s approved policies based on it sustainable location or building techniques (identified in the application as Code level 4).

**Impacts on trees:**
There are no trees remaining on the site.

**Impacts on highway network or access:**
The concerns of local residents are acknowledged, however the provision of one modest dwelling with on-site parking removing only one on-street parking space would not constitute a defensible reason for refusal.
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 current proposal, because of its size, design, height, siting and proximity to the boundary with Dacre Road, would not relate well to the existing building or the general pattern of development in the surrounding area and would therefore represent an overdevelopment of the site and would be an intrusive and alien feature in the streetscene.

Recommendation: Refuse for the following reason:

That the proposed development would, by reason of its size, siting and design, result in an incongruous and intrusive feature in the streetscene which would be out of keeping with, and detrimental to the character and appearance of the area. As such the proposal would conflict with policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011, policies B1, B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraphs 7 and 56 of the National Planning Policy Framework.

Informatives
This decision has been based on the plans submitted with the application on 3 November 2014, numbered 94262/010, 94262/020 and 94262/040.

Appeal:
Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.
App.No: 141356
Decision Due Date: 6 January 2015
Ward: Meads

Officer: Richard Elder
Site visit date: 18 December 2014
Type: Planning Permission

Site Notice(s) Expiry date: 29 November 2014
Neighbour Con Expiry: 28 November 2014
Weekly list Expiry: 18 November 2014
Press Notice(s): 25 November 2014

Over 8/13 week reason: Referred to Planning Committee

Location: Greynore, 45 Darley Road, Eastbourne

Proposal: Installation of a wall mounted canopy to be used as a smoking shelter.

Applicant: University of Brighton

Recommendation: Approved conditionally

Executive Summary:
In assessing the location, mass and scale of the proposed wall mounted smoking canopy, this is limited to an inward facing elevation of a mobile building located within the centre of the site. As such, it is considered that it would result in little or no harm to the character or appearance of the surrounding conservation area.

With regards the impact on visual amenity, due to its discreet location within the centre of the campus, it is considered that there would be no impact on visual amenity.

Planning Status:
Predominantly residential area.

Relevant Planning Policies:
National Planning Policy Framework 2012
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C11: Meads Neighbourhood Policy
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
HO20: Residential Amenity

Site Description:
The University of Brighton, Greynore, Darley Road falls within the Meads Conservation Area. The built character of which is defined by a mix of ecclesiastical, educational and residential buildings, including All Saint’s Hospital.

Although mixed in use, Darley Road is primarily residential in scale. The visual character, defined by the aesthetic merits attached to the buildings which vary according to their function. The urban blocks sited on the south end of the road, are noticeably larger in scale to accommodate the identified educational uses, such as the red brick and flint chapel, associated with the Edwardian buildings of St. Andrews.

In context Greynore, located on the east side opposite St Andrews, is sited behind Robert Dodd House as part of a campus which contains several modern buildings, some attached to older properties such as the frontage block on the north side of the road (dated 1884). In addition to which the brick and flint wall, which form boundary of the site, makes a positive contribution to the character and appearance of the conservation area.

Relevant Planning History:
None relevant

Proposed development:
The installation of a wall mounted smoking canopy to an existing portacabin building within the centre of the campus.
Consultations:
Internal:
Estate Manager – No response
Specialist Advisor (Arboriculture) – No objection
Specialist Advisor (Conservation) – No objection

External:
County Archaeologist – No objection

Neighbour Representations:
None received

Appraisal:
The main considerations in the determination of this application is the impact of the proposed development on the character and appearance of the building, surrounding conservation area and visual amenity.

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy D10 requires all significant heritage assets to be protected and enhanced where practicable. Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

In assessing the location, mass and scale of the proposed wall mounted smoking canopy, this is limited to an inward facing elevation of a porta-cabin located within the centre of the site. As such, it is considered that it would result in little or no harm to the character or appearance of the surrounding conservation area.

With regards the impact on visual amenity, due to its discreet location within the centre of the university campus, it is considered that there would be no impact on visual amenity.

As such, the proposal would accord with Policies UHT1 and UHT15 of the Eastbourne Local Plan and Policies B2, D10 and D10a of the Eastbourne Core Strategy.
**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:**
In assessing the location, mass and scale of the proposed wall mounted smoking canopy, this is limited to an inward facing elevation of a mobile building located within the centre of the site. As such, it is considered that it would result in little or no harm to the character or appearance of the surrounding conservation area.

With regards the impact on visual amenity, due to its discreet location within the centre of the campus, it is considered that there would be no impact on visual amenity.

**Recommendation:**
Approved conditionally

**Conditions:**
1. Time limit
2. Approved drawings
**App.No:** 141388 (HHH)  
**Decision Due Date:** 6 January 2015  
**Ward:** Ratton  
**Officer:** Sally Simpson  
**Site visit date:** 7 November 2014  
**Type:** Householder

**Site Notice(s) Expiry date:** N/a  
**Neighbour Con Expiry:** 29 November 2014  
**Weekly list Expiry:** 24 November 2014  
**Press Notice(s):** N/a  
**Over 8/13 week reason:** In time  
**Location:** 49 Babylon Way, Eastbourne  

**Proposal:** Proposed single-storey extension to existing front and rear elevations; together with the provision of a raised patio with access to rear garden.

**Applicant:** Mr & Mrs R Colbran  

**Recommendation:** Grant permission subject to Conditions

**Planning Status:** Predominantly residential area

**Constraints:**  
Area of High Townscape Value Area of High Townscape Value  

**Relevant Planning Policies:**

**National Planning Policy Framework 2012**  
Paragraphs 7, 11, 12, 13, 14, 17, 56, 57, 58, 59, 60, 61, 157, 158, 186 & 187

**Eastbourne Core Strategy Policies**  
Eastbourne Core Strategy Local Plan 2006-2027  
C12 Ratton & Willingdon Village Neighbourhood Policy  
D5 Housing High Value Neighbourhoods  
D10 Historic Environment Area of High Townscape Value  

**Borough Plan Policies**  
Eastbourne Borough Plan 2001-2011  
UHT1 New Development  
UHT4 Visual Amenity  
UHT16 Area of High Townscape Value  
HO2 Predominantly Residential Areas  
HO20 Residential Amenity
Site Description:
The application site comprises of a two storey detached property with integral garage located on the southern side of Babylon Way. The plot is roughly rectangular in shape with a long rear garden that slopes away from the house.

Relevant Planning History:
None.

Proposed development:
The applicant is seeking planning permission for a front and rear extension to their residential property.

The single storey rear also includes a raised patio and centrally located access steps to the rear garden. The rear extension will extend from the existing rear elevation by 4.27m, covering the width of the house, a distance of 10.18m. The proposed patio will extend from the proposed extension by approx. 3m and extend the width of the proposed extension, a distance of 10.18m. The height of the patio will be 0.86m from ground floor level.

The front elevation will extend from the existing front elevation by 1.25m and extend along the front by 3.29m

Both the front and rear extension will be formed from brickwork to match the existing dwelling, with aluminium double glazed units for the proposed windows and doors.

Consultations:
Neighbour Representations:
3 Objections have been received from nearby residents and cover the following points:

- Development could cause parking issues on a narrower than standard residential road, which is close to a significant bend.
- Obstructions to residential driveways caused by lorries and tradesmen’s vans.
- Disruption to the passage of traffic on this narrow road.
- Reduction of availability of off-road parking on the driveway of the site due to the extension of the front elevation which could result in additional on-road parking during and after the construction period.
- I am very concerned about the loss of light this proposal will cause.
- The extension is unnecessarily high and large, causing an unacceptable loss of light.
- The raised patio will cause a significant loss of privacy.
- The offset extension will make both the loss of light and the loss of privacy greater, than if a balanced extension had been proposed.
- The extension is out of scale and out of character.

Appraisal:
The main issues to consider in determining this application are the impacts on visual and residential amenity, particularly in terms of loss of privacy.
Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Rear Extension:- The properties to the rear of the application site are located a significant distance (approx 35m from the application site boundary to the nearest property at the rear) which will minimise any impact the proposed extension would have as regards privacy and loss of light to these properties.

The main impact would be from the rear extension and raised patio which would affect the immediate neighbours at Nos. 47 and 51 Babylon Way.

No. 47 is located on the North East side of the application site. There is a distance of 2.8 metres from the corner of No 47 to the boundary and a further distance of 2.44 m from the existing boundary fence to the application site (a total distance of 5.24 m). The concern of loss of light to No. 47 is considered to be minimal.

Any loss of sunlight as a result of this proposal would be for a relatively short period of time in the summer months, the sun during the afternoon is likely to have disappeared behind the downs.

Although not shown on the block plan provided, No. 47 has a small conservatory which as planning permission has not been sought is therefore assumed to be permitted development, measuring under 3m. Their property is also angled away from the application site.

In order to address the potential overlooking from the raised patio the agent has submitted an amended plan which proposes obscure glazed privacy screening to both sides of the proposed patio. This screening will be erected to a height of 1.70 m from the raised patio on the North East and South West elevations.

The loss of privacy is considered to have been addressed with the addition of privacy screening around the patio which will maintain privacy and minimise the risk of overlooking.

The extension and raised patio with the privacy screening is, therefore, considered acceptable in that it complies with policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (Saved Policies 2007) and C12, D5 and D10 of the Eastbourne Core Local Strategy (2013)

Front Extension:- There are no amenity issues with the front extension element of the proposal.

Design issues:
The existing forecourt parking area to the front elevation of the application site will be extended using block paving laid to ensure surface water run-off drains within the curtilage of the property and not the highway.

The proposed extensions will utilise facing brickwork to match the host dwelling, using aluminium framed double glazed units for the new windows and doors. The fascia’s and soffits on the proposed extension will be upvc.
It is considered that the materials and design of the proposed extensions, to the front and rear elevations, would blend satisfactorily with the host dwelling.

Although comment has been made about the ‘overlapping’ of the extension, it is only being extended to the edge of the existing projection which currently houses a store and cupboards, which is in line with the corner of the original part of No.47 Babylon Way.

**Impacts on trees:**
This application there are no impacts upon trees at or within the site. On this issue though it is noted that some tree have recently been removed from the rear garden. These tree were not covered by a Tree Preservation Order.

**Impacts on highway network or access:**
Concerns raised by nearby residents relating to the parking stress in the area and that this would be compounded by the delivery and construction traffic that will be attending the site during the construction period.

Babylon Way is a public highway and as such traffic is not something that can be enforced by planning regulations. However an informative can be put on the decision notice to raise awareness of the potential issue to the applicant/agent.

**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 scale, orientation and the design of the proposal and the impact on the amenities of the adjoining residents are considered, on balance, to be acceptable, subject to appropriate conditions

**Recommendation:**

**Conditions:**
1. Time Limit
2. Plan Numbers
3. Matching Materials
4. Maintain obscure glazing surrounding patio
5. Restriction of further development
6. Time limit for the implementation of privacy screen (shall be erected within 3 months from the completion of the raised decking)

INFORMATIVE: Construction and delivery traffic

**Appeal:** Should the applicant appeal the decision the appropriate course of action followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**
**App.No:** 141357  
**Decision Due Date:** 6 January 2015  
**Ward:** Meads  
**Officer:** Richard Elder  
**Site visit date:** 18 December 2014  
**Type:** Planning Permission  

**Site Notice(s) Expiry date:** 29 November 2014  
**Neighbour Con Expiry:** 28 November 2014  
**Weekly list Expiry:** 18 November 2014  
**Press Notice(s):** 25 November 2014  

**Over 8/13 week reason:** Referred to Planning Committee  

**Location:** Queenwood, 58 Darley Road, Eastbourne  

**Proposal:** Installation of a smoking shelter with seating.  

**Applicant:** University of Brighton  

**Recommendation:** Approved conditionally  

**Executive Summary:**  
The location of the smoking shelter is prominent when viewed from within the immediate setting of Queenswood. However due to its siting, the shelter is screened from the wider conservation area by means of mature boundary vegetation. Furthermore the use of natural timber against a metal frame, as construction materials, would assist with a comfortable addition, when viewed against the mature vegetation within the immediate and wider area. As such, it is considered that it would result in an introduction to the conservation area that neither enhance nor detract, resulting in a neutral effect. With regards the impact on visual amenity, due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.  

**Planning Status:**  
Predominantly residential area.  

**Relevant Planning Policies:**  
National Planning Policy Framework 2012  
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C11: Meads Neighbourhood Policy
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
HO20: Residential Amenity

Site Description:
The University of Brighton, Queenswood, Darley Road falls within the Meads Conservation Area. The built character of which is defined by a mix of ecclesiastical, educational and residential buildings including All Saint’s Hospital.

Although mixed in use, Darley Road is primarily residential in scale. The visual character is defined by the aesthetic merits attached to the buildings which vary according to their function. The urban blocks sited on the south end of the road are noticeably larger in scale to accommodate the identified educational uses, such as the red brick and flint chapel, associated with the Edwardian buildings of St. Andrews.

In context Queenwood, sited on the west side adjacent to St Andrews, now somewhat dominated, by a very new extension and a 1950s hall, added to the front and therefore very visible, within the streetscene. However the brick wall and mature vegetation associated with the school site and boundary makes a positive contribution to the character and appearance of the conservation area.

The wider area is defined by the topography of the land and open spaces provided by the playing fields associated with the educational institutions.
Both elements of which offer uninterrupted views and vistas within the immediate and wider area.

**Relevant Planning History:**
None relevant

**Proposed development:**
A 2.46m square smoking shelter canopy supported by a central post with an overall height of 3.2m manufactured in steel and finished in grey power coating with opaque polycarbonate roof panels.

The shelter would be located to the south east boundary of the site adjacent to Welcombe Crescent on a grassed area to the edge of the car park.

**Consultations:**
- **Internal:**
  - Specialist Advisor (Arboriculture) – No objection
  - Specialist Advisor (Conservation) – No objection

- **External:**
  None

**Neighbour Representations:**
None received.

**Appraisal:**
The main considerations in the determination of this application is the impact of the proposed development on the character and appearance of the building, surrounding conservation area and visual amenity.

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy D10 requires all significant heritage assets to be protected and enhanced where practicable. Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The location of the smoking shelter is prominent when viewed from within the immediate setting of Queenswood. However due to its siting, the shelter
is screened from the wider conservation area by means of mature boundary vegetation.

Furthermore the use of natural timber against a metal frame, as construction materials, would assist with a comfortable addition, when viewed against the mature vegetation within the immediate and wider area. As such, it is considered that it would result in an introduction to the conservation area that neither enhance nor detract, resulting in a neutral effect.

With regards the impact on visual amenity, due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.

As such, the proposal would accord with Policies UHT1 and UHT15 of the Eastbourne Local Plan and Policies B2, D10 and D10a of the Eastbourne Core Strategy.

**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 location of the smoking shelter is prominent when viewed from within the immediate setting of Queenswood. However due to its siting, the shelter is screened from the wider conservation area by means of mature boundary vegetation.

Furthermore the use of natural timber against a metal frame, as construction materials, would assist with a comfortable addition, when viewed against the mature vegetation within the immediate and wider area. As such, it is considered that it would result in an introduction to the conservation area that neither enhance nor detract, resulting in a neutral effect.

With regards the impact on visual amenity, due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.

**Recommendation:**
Approved conditionally

**Conditions:**
1. Time limit, 2. Approved drawings
App.No: 140711 (PPP)
Decision Due Date: 6 January 2015
Ward: Meads

Officer: Leigh Palmer
Site visit date: Type: Planning Permission

Site Notice(s) Expiry date: 05/07/2014
Neighbour Con Expiry: 05/07/2014
Weekly list Expiry: 27 June 2014
Press Notice(s): 27/06/2014

Over 8/13 week reason: Negotiations and consulting the District Valuers Office.

Location: Farrars Hotel, 3-5 Wilmington Gardens, Eastbourne

Proposal: Change of use to convert a 45 bedroom hotel to a 14 bedroom guesthouse hotel and 15 residential apartments.

Applicant: Mr Matthew Hodgson

Recommendation:
1. That no decision is issued until such time as the District Valuers Office (DVO) have ratified the financial evidence accompanying the application.
2. If the DVO support the financial evidence then delegated authority be given to the Senior Specialist Advisor if issue planning permission subject to a S106 and Planning Conditions as outlined below. The S106 should cover the delivery of affordable housing, the tariff based contributions for ESCC and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 7 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.
3. If the DVO does not support the financial evidence then the application be reappraised and reported back to Planning Committee for decision.

Executive Summary:-
This application has been delayed in reporting to Planning Committee as officers sought the views/opinion of the District Valuers Office (DVO) into the financial assumptions that have been made by the applicant.

The response from the DVO has not yet been received, however in discussions with the Chair of Planning Committee it was appropriate to bring the application forward to Committee so that the main principles in the case can be aired.
No decision will be issued until the DVO have responded and if the DVO have a different emphasis over the financial information submitted then the application will be reappraised and reported back to Planning Committee.

Notwithstanding the DVO issue (above) this application rests on whether the evidence supplied by the applicant is sufficient to comply with the relevant policies and thereby justifying the loss/reduction of hotel accommodation.

Members will know that any planning decision needs to be based upon material planning considerations and the assessment of these material considerations will lead the decision maker to an informed decision.

This application proposes the loss of hotel accommodation within the defined tourist accommodation zone; this policy (TO2) is long standing and is in essence a negative/restrictive policy with only the loss of accommodation being supported in wholly exceptional circumstances and based on sound and robust evidence.

Members should note that this policy along with the policy outlining the extent of the Tourist Accommodation Zone itself (TO1) will be reviewed under/within the emerging Seafront Local Plan; this policy review is in its formative stages and as such it should carry very little weight in the assessment of this application.

Members should also note the views of the Council’s Tourism Officer (TO) and Eastbourne Hospitality Association (EHA) whereby they suggest in broad terms that if Eastbourne is to prosper then there needs to be a refocus in the type and nature of the accommodation that is provided. Both the TO and EHA outline in their responses that it would be preferable if Eastbourne had fewer bed-spaces but of a higher quality. This higher quality would support the ambition to move Eastbourne away from the coaching trade and more over to the independent traveller. In this regard this application mirrors the ambitions of the TO and EHA.

Notwithstanding the support for the scheme from the TO and EHA members should have regard to four issues:-

1. The deliverability of the enhanced accommodation.

   Officers are satisfied that sufficient controls could be delivered via planning conditions and S106 agreement to ensure that the retained hotel/guest house is refurbished prior to a proportion of the residential units being sold/occupied (see conditions below).

   Members should be aware that whilst we can control the delivery of the enhanced hotel/guest house accommodation the planning system cannot make someone actually open and run the business.

2. The prematurity of supporting the scheme ahead of the Seafront Local Plan.

   Any decision would be based on the evidence behind the application and if refused then the decision would be based on the policy as it currently stands and as Members will be aware this is a longstanding policy that has been consistently
applied. Support for the scheme could only be made if the evidence supported the claim that the current business was unviable.

The Seafront Local Plan is in its very formative stages and should not carry any material weight in the determination of this application, so there are no issues on prematurity grounds here.

3. Whether this scheme provides a set of unique circumstances such that they could not be readily repeated on other sites/properties in the Tourist Accommodation Zone and thereby reduce the accommodation in an uncontrolled manner.

This issue is amplified within the main body of this report.

Officers are satisfied that the type and nature of the accommodation falls within the grading threshold that is very common within Eastbourne (2* - 3*) and to some extent there may be perceived to be an oversupply. In this regard the delivery of fewer bedspaces at the site but finished to a higher/more modern quality would add to the range/type of accommodation available and may better support the wider tourist economy.

In addition to the grading level, the size, location and the room frequency rates (an indication of the client group and repeat business) are such that the principle of the loss of tourist accommodation could be supported. In addition this scheme proposes the retention of enhanced accommodation within a building that will have the ability to operate independently.

Given the above the likelihood of this set of circumstances being repeated elsewhere in the Tourist Accommodation Zone is remote/ but not unlikely.

As with any application any future submission that promotes the loss of tourist accommodation would be based on its individual merits and as such whilst supporting the scheme would not create such a precedent that would obstruct alternative decisions on other sites/properties in the future.

4. Whether members feel that sufficient evidence accompanies the application to demonstrate that the current business is unviable.

This issues is articulated with the body of the report below.

In broad terms officers accept that the provision of a smaller operating establishment would make the business more viable and deliver a return on investment that would be likely to sustain going forward.

The report outlines that based on the evidence submitted with the application that not all of the criteria of Policy TO2 have been complied with, however in support of the ambitions of the EHA and the TO that officers are persuaded that the current business model is unlikely to sustain and the development scenario as outlined by this submission should be explored and supported.
Planning Status:

Conservation Area
College Conservation Area

Relevant Planning Policies:
National Planning Framework
The NPPF was formally adopted on 27 March 2012 and sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of achieving sustainable development, which should be interpreted and applied locally to meet local aspirations.

Paragraph 21 goes on to state that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow for rapid response to changes in economic circumstances.

With regard to main town centre uses, such as hotels, paragraph 24 states that local planning authorities should apply the sequential test and require such uses to be located within town centres, and then to edge of centre sites.

National Planning Practice Guidance

The NPPG was published as an online resource to guide plan-makers, applicants and decision-makers on 6th March 2014. With regard to tourism, paragraph 007 of the section on ensuring the viability of town centres, directs the reader to tourism planning guidance hosted on the Visit England website. This states that:

“There may be circumstances where a traditional market has changed and the local tourism provision needs to restructure; in some areas long standing changes in visitor numbers may have left a considerable surplus of hotel, guest house, pub and bed & breakfast accommodation. This can leave many businesses struggling on very low turnover, unable to reinvest in improving their facilities. In such circumstances, owners and developers will need to work collaboratively with local planning authorities and others to provide where appropriate a productive alternative use for premises.”


The following policies are considered relevant to this application with expanded summaries below:

Eastbourne Core Strategy Policies & Eastbourne Core Strategy Local Plan 2006-2027
B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood
C11 Meads Neighbourhood Policy
D3 Tourism
Tourist Accommodation Area
D5 Housing
D10 Historic Environment
Conservation Area

**Borough Plan Policies Eastbourne Borough Plan 2001-2011**

TO1 Tourist Accommodation Area
TO2 Retention of Tourist Accommodation
TO5 New Tourist Accommodation
UHT15 Conservation Area

**Policy D3 (Tourism)** states that the Council will resist the loss of visitor accommodation through the retention of a tourist accommodation area and protection policy, support the appropriate upgrading of existing hotels, and prepare a strategy for the future of the seafront area through the production of a Seafront Local Plan; this document is in its formative stages.

**Saved Policy TO1 (Tourist Accommodation Zone)** states that within the Tourist Accommodation Area, planning permission will be refused for proposals that are incompatible with the tourist accommodation use in consideration of the different lifestyles and special requirements of tourists. As highlighted above the Tourist Accommodation Zone will be reviewed under the Seafront Local Plan.

**Saved Policy TO2 (Retention of Tourist Accommodation).** This states that change of use of tourist accommodation within the tourist accommodation area to any other use will only be granted in exceptional circumstances where the applicant has demonstrated that the use is no longer viable. In determining viability, the policy states that the council will consider a number of criteria that are considered in more detail in Supplementary Planning Guidance. Commentary on this SPG is outlined below.

**Policy D5 (Housing)** provides the new local plan policy on affordable housing. It states that all development will be required to contribute towards affordable housing where there is a net gain of 1 or more residential units. The proportion of affordable housing sought will vary; with 40% sought in high value areas and 30% in low value areas. Where the percentage will not result in a whole residential unit, a commuted sum will be sought for the remaining requirement. Every whole affordable unit required should be delivered on site. A balance of 70:30 rented to shared ownership will be accepted subject to negotiations. This application will provide 15 residential apartments of which it is proposed that six (40%) will be affordable, with four being made available for rent and two for shared ownership subject to the requirements of the Council’s Housing Department.

**Policy D10 (Historic Environment)** states that development within conservation areas will be permitted if it enhances the character of the area, does not involve the loss of important features that positively contribute to the character of the area.

**Saved Policy UHT15 (Conservation Areas) requires that planning applications will be required to preserve or enhance the character or appearance of the area.**

Supplementary Planning Guidance of Hotels

The Council have produced **Supplementary Planning Guidance for the Assessment of Financial Viability of Tourist Accommodation** which was adopted in 2004 to guide applicants in addressing policy TO2 of the former
Borough Plan. As commented above this SPG will be reviewed and refreshed as part of the Seafront Local Plan.

Site Description:

The Courtlands Hotel is located on Wilmington Gardens opposite the Devonshire Park. The surrounding area is characterised by mixture of Victorian town houses converted into residential apartments, guest houses and hotels and more recent purpose-built apartment blocks. The site is within walking distance of the beach (though the sea is not visible from any hotel rooms) and the town centre.

The hotel lies between a former town house divided into residential apartments on its south eastern side, and the Trevancore Holiday Apartments to the north west. We understand that the Trevancore now has planning permission to be used residentially by approval of application EB/2009/0255.

Internally, the former hotel is divided into 45 bedrooms on ground and upper floors, a bar, lounge areas, and a small function room at ground floor, an entrance reception at a mezzanine level between ground and basement and a small meeting room, kitchen, stores and dining room at basement level. The dining room, therefore, does not benefit from any particularly favourable views or aspect.

Relevant Planning History:


EB/1963/0443 ALTERATIONS & ADDITIONS, CONVERSION OF 2 PRIVATE HOTELS INTO 1, Approved Unconditional 1963-10-10

060024 Certificate of Lawful Use for the proposed use of flats on a Permanent basis as residential accommodation for leaseholders.
LD Certificate (proposed) 6-7 Wilmington Square, Issued, 20/02/2006 (This allowed holiday flats)

090253 Application for removal of Condition 2 of Planning Application EB/1973/0523 to allow flats to be let on a permanent basis Planning Permission, Approved unconditionally, 28/05/2009 (This allowed holiday flats)

Proposed development:

Application relates to the change of use of the existing 45 bedroom hotel to a 14 bedroom guest house/hotel and 15 residential apartments.
The application is supported by a number of reports, these cover a planning statement, a viability statement, a needs assessment; these reports cover a number of issues/arguments for the applicant, but in the main cover the following points:

The applicants, since taking over the ownership of the hotel have upgraded the property sufficient to obtain an AA3* rating; this has been maintained to date.

The internal arrangements results in poor accessibility, multiple split levels and the lack of plot restricts development potential for support accommodation.

Declining coaching market has resulted in falling room occupancy.

Hotel cannot compete with other hotels of similar size as they have better facilities like sea views, conference facilities and also swimming pools.

AA3* accommodation represents approximately 80% of the available bed spaces within Eastbourne.

Hotel has been marketed several times since 2006 without any takers wishing to take on a failing hotel.

The arrival of Premier Inn to Eastbourne has placed 60+ bed spaces in what is an already a saturated mid-low range market place.
For Eastbourne the 'Holiday Flat Market' is not buoyant and as such has been
discounted as an option for this property.

This proposal complies with local policy in that it relates to an unviable business.

The creation of a boutique hotel/guest house would raise the quality of the
accommodation and thereby be likely to increase the room rate/occupancy and
thereby creating an enhanced offer.

The applicant acknowledges the development finance has dried up during this
recession, notwithstanding this they have undertaken an analysis of a number of
development/business options and these have rested on the creation of a 14 bed
boutique hotel/guest house with the remainder of the existing hotel converted to
15 apartments as the only viable return on investment.

The applicants have acknowledged that unless linked to a national brand then the
likelihood of development finance coming forward is highly remote and as such the
funding for the refurbishment of the retained hotel would have to come from the
applicants own resources. In this regard the applicants outline that some of the
profit from the residential conversion would be used to refurbish and upgrade the
retained hotel accommodation.

Despite the hotel’s close proximity to Devonshire Park the venue has been of
relatively little benefit in driving guests to the hotel. As a small 45 bedroom
three-star hotel with limited public areas, Courtlands is unable provide the
facilities expected by most conference organisers for their delegates, nor is it large
enough to provide a conference HQ venue unlike hotels such as the Grand, the
Eastbourne Centre (TGWU) and Cavendish hotels. The hotel has benefited from
events such as the annual Lawn Tennis Championship and the Airshow. However,
these one off events are not sufficient to maintain a medium sized hotel business
all year.

The applicant outlines that the only viable option would be a 14 bedroom up-
market guest house, for Eastbourne this would mirror similar existing
establishments at The Mowberry and The Da Vinici. If this model were to be
adopted then such an operation can be a lifestyle choice, does not require a pool
additional professional staff beyond the owners, normally a family, and can provide
a higher standard of accommodation and more personal touch.

The applicant contends that if an enhanced hotel/guest house were to be
developed the likelihood is that the frequency of the room lettings would increase.

There have been a number of recent planning applications affecting the tourist
accommodation market in Eastbourne.

National multiple chain Premier Inn have been given permission for a budget hotel
in the town centre on Terminus Road by the approval of application EB/2012/0110.
This is actually outside the designated Tourist Accommodation area but complies
with national planning policy which favours the location of hotels within town
centres. This hotel will add 65 new modern hotel bedrooms to the town’s stock
and given the operator’s national marketing power and ability to sell beds outside
the AA rating system thereby lowering costs, it will be able to draw many visitors from existing hotel operators with higher costs in less favourable locations.

An application to convert the former Lathom Hotel at Howard Square into 2 town houses and 6 self-contained flats was submitted under reference EB/2012/0711. The hotel which has been closed for several years is located within the designated Tourist Accommodation Area and therefore the principle of the loss of the hotel was considered by officers. Nevertheless, given the length of time the hotel had been vacant, the cost of bringing the building up to a reasonable standard, and the lack of likelihood that another buyer with the resources of the new owners of the Ambassador would come forward, it was considered that the development proposals met the criteria based exceptions of the relevant Borough plan policy and it was therefore recommended for approval. Notwithstanding this recommendation, the application was refused by the planning committee due to the loss of a hotel in a prime location in the Tourist Accommodation Area.

The applicants appealed against this refusal and the application was allowed in August 2013. The Inspector referred to a marketing report submitted with the application which demonstrated that there was no interest from any hotel operator in taking the Lathom Hotel. The Inspector attached greater weight to this marketing evidence than the Council’s Hotel and Visitor Accommodation Study. He concluded that the loss of the hotel would not be harmful to the supply of tourist accommodation in Eastbourne.

The Travancore holiday apartments that adjoin the hotel at 6-7 Wilmington Place have recently been given planning permission for the removal of a previous condition (dating from 1973) to allow them to be let on a permanent basis (i.e. residentially) by the approval of application EB/2009/0255. The loss of tourist accommodation in this case was also considered to be in accordance with policy T02 of the Eastbourne Borough Plan 2001-2011.

In relation to National Advice and the Local Plan the applicant makes the following points:-

The NPPF states that there are three dimensions to sustainable development, namely the economic role, social role and environmental role (paragraph 7). We consider that in terms of this proposal, the roles are met as follows:

- **An economic role** – the hotel makes very little profit and provides an inadequate return on the investment made. It catered for 3,134 tourist room nights in 2008, a figure which has dropped ever since. The proposed guest house will be of a higher quality more suited to the leisure market and, GVA RGA’s hotel consultants consider, will be successful in a stable year in attracting approximately 3,326 tourist room nights - a slightly higher number of room nights from generally higher spending visitors than the existing hotel managed before the recession. This will be of a positive benefit to the local economy alongside the jobs created in the conversion of the remainder of the hotel to residential use and the increase in the resident population from the 15 residential apartments;

- **A social role** – the proposal will maintain and increase spending by tourists in the area and this will help to maintain important local community jobs and services including sports & recreational facilities, local shops & post offices,
cafes, pubs & restaurants, small builders and suppliers. In addition, the proposed new residential apartments will provide much needed sustainable residential development to meet the housing needs of the town; and
• An environmental role – the proposal will result in the maintenance and restoration of three historic buildings within the conservation area.

The applicant contends that with regard to paragraph 14 of the NPPF, this proposal is sustainable development and should be approved.

Clearly that is the situation here where this mid-market hotel, like many others, has been hit by a decline in staying visitors and an increase in costs to the point where it has become no longer viable to continue to run the hotel. In such circumstances, the NPPF requires that local planning authorities should be responsive to such changes in the local hotel market.

That is precisely the case in this instance where the owners and prospective developer of a struggling hotel in a saturated market has been attempting to work collaboratively with the local planning authority through pre-application approaches to discuss the opportunity to restructure the building to provide a smaller higher quality hotel/guest house that can serve the growing market for higher quality accommodation for short leisure breaks in small boutique town house hotels, rather than the ever declining market for larger old three star hotels.

The restructuring of the hotel sector is such a consequence and the NPPF requires flexibility in the implementation of local policies so as to encourage and not prevent economic growth.

The Eastbourne Core Strategy Local Plan was adopted in February 2013. However, its tourism policy was written based on the 2009 Hotel Solutions report which itself was based on market information from 2008 and before at the end of a long period of sustained economic growth and at a time when one would not have predicted so long and sustained a recession.

The application has been accompanied by a robust suite of marketing evidence and that it has been marketed for sale at a reasonable and realistic price sufficient to comply with the Councils SPG on unviability.

The financial information available to the applicant is such to demonstrate that the current owners are not maintaining a viable business given the very low occupancy rates over the recent years.

As outlined by a surveyors report (that the applicant has commissioned) there are no structural issues with the building and there are no claims by the applicant that this application needs to be supported to support repairs to the structure of the building. The refurbishments as outlined in the scheme are only cosmetic, save to say that poor internal configuration has had an impact upon the viability of the existing hotel as it has limited market appeal.
Other tourist accommodation types have been explored (Holiday Flats and also the residential language schools and have been discounted for not be viable and there would not be return on investment.

In conclusion the applicant comments:-

‘An emerging trend in the UK accommodation sector is the development of upmarket small independent hotels / guesthouses, as well as upmarket B&Bs. These properties are generally operated independently, usually as a lifestyle investment and operate under the VAT based on turnover (not profit) – currently around £77,000 – so only the very smallest guesthouses would fall under the threshold. There are some very successful examples of boutique guesthouses located along the South Coast.

Hotels and guesthouses in Eastbourne who have positioned themselves towards boutique style accommodation (typically of a good three-star offering) appear to be trading relatively well. The Hotel Solutions study recognises a good future for the guesthouse market in Eastbourne, which we agree with. One of the key recommendations within the report is to encourage the development of good quality guesthouses in Eastbourne which we wholeheartedly support. It highlights that splitting or partial conversion of existing hotels would provide scope for new and/or improved guesthouses to enter the market. There are a number of good examples in Eastbourne where this has worked successfully.

We consider that a 15-bedroom upmarket guesthouse could operate relatively successfully on the site of the existing Courtlands Hotel. This would help meet the requirement to improve and upgrade Eastbourne’s accommodation stock to meet rising consumer expectations. This would completely reposition the Courtlands Hotel to another level whilst removing identified excess stock in the two/three-star market. We consider that this would be a positive development for Eastbourne which should, in turn, a positively impact upon the local visitor economy

Consultations:
Internal:
Estate Manager:- No Response

Housing Services Manager:- No response

Specialist Advisor (Policy):- Scheme should comply with the current affordable housing policy and deliver 6 or equivalent units.

The acceptability of this planning application in policy terms is dependent on the evidence provided being accepted as demonstrating that the tourist accommodation is no longer viable, and confirmation from Housing that the proposed affordable housing contribution of six units on-site would be acceptable.

Tourism Manager:- Recent plans for the regeneration of Eastbourne namely The Arndale extension and the refurbishment of Devenonshire Park will increase income generation and will drive footfall to Eastbourne with an increase in overnight stays.
Recent trends in the hotel market have been analysed and there is an increase in the need for family accommodation as well as a much younger demographic and a reduction in the desire for the traditional coaching market.

The destination marketing is moving more towards prompting younger audiences and the bed stock within the town should reflect this.

Any change of use application in a high footfall tourist area, such as Devonshire Park should be assessed on whether the current bed stock adds value to the existing and progressing markets and as I say from a tourism prospective the ‘quality over quantity’ has significant relevance.

We know that the last Cambridge Model research showed a slight drop in actual occupancy but an increase in income which shows that accommodation providers are achieving a higher yield.

With regard to the Courtlands Hotel we are supportive of maintaining a lower number of rooms on the assumption that this offers higher quality accommodation.

**Specialist Advisor (Economic Development):** The hotel trade is an important local employer and the reduction in the staffing levels to facilitate a smaller business operation would be regrettable and unable to be supported.

**External:**

**ESCC Economic Infrastructure:** Seek contributions towards Library £3540 and £345 towards recycling.

**Eastbourne Hotels' Association (EHA):** Endorses the need for an updated hotels survey as this may indicate that the current retention policy is outdated.

They acknowledge the hotel is not suitable for the coaching trade due to its internal layout and not considered to be a prime seafront location.

EHA support any initiatives that upgrades tourist accommodation and also any initiative that would attract ‘higher –end’ customers.

Location of the hotel is an issue as it suffers in trade given not having/benefiting from direct sea views.

EHA acknowledge that room rates have fallen significantly during the recession at the same time as booking agents taking a significant element from the advertised room rate. This added to a saturated coaching market results in rooms rates of £18 - £40 per night full board. This is an indication that Eastbourne is attracting the lower end of the market which in turn brings the resort down.

Eastbourne should be focusing on quality and not quantity.

EHA do not calculate occupancy levels across their membership and it is their belief neither do the Council Tourism section.
Market saturation at the lower end 2*-3* has resulted in too many room at a low price and thereby reducing the potential investment in upgrading the hotel stock.

In conclusion EHA’s position is that we need fewer but higher quality bed spaces.

**Highways ESCC:** The parking area provides enough space for 18 cars and it is proposed to split this allocation with 12 for the flats and 6 for the hotel. It is noted that as a 45 bed hotel, the 18 spaces available were a significant reduction from the parking guidelines which suggest that 45 spaces would be appropriate. The 18 spaces therefore represent 40% of the total.

The proposal for 6 spaces for the 15 rooms would also provide 40% of the total parking demand and therefore the situation would not be altered.

It is noted that the submitted planning statement make reference to a zonal reduction for parking, which no longer applies as this related to the now rescinded ESCC, Parking Standards. Also included in the submission is a ‘screen shot’ of the current ESCC, Parking calculator showing that 10 spaces are required. This is incorrect as the wrong ward was used for the calculation and not all the required information had been submitted. Having put the correct data into the parking calculator a development of this size and type, in this location a demand for 16 spaces is likely to be created.

The 12 spaces proposed would therefore provide 75% of the likely demand which is obviously a greater proportion than the current hotel use.

Although not ideal, as the on-site parking cannot be increased and the proportion proposed is higher than the current use, it is not considered that a refusal on highway grounds could be sustained.

It is also noted that a total of 18 cycle spaces are to be installed which is considered a suitable level of provision. No details have been provided so a condition is suggested below to ensure that suitable long term (covered and secure) storage is installed.

I recommend that any consent shall include conditions that control the provision of cycle parking and also the layout and retention of the car park for parking uses.

**Eastbourne Chamber of Commerce:** Raise some concerns as they perceive that they may a direct link between the reduction in bed spaces and the spend in the local economy.

It is considered that the application site is well placed to capture the growing demand for bed spaces that will follow the developments in Devonshire Park.

**Neighbour Representations:**
None received
**Appraisal:**

**Principle of development:**
Members will acknowledge that the tourist industry plays a significant part in Eastbourne’s local economy and as outlined within the current Local Plan policies and National advice only schemes that do not have a negative impact upon the local economy will/should be supported.

In this regard Eastbourne have consistently applied the policy tests for the retention of tourist accommodation within the Tourist Accommodation Zone. Whilst it is accepted that the tourist accommodation zone is under review within the emerging Seafront Local Plan however Members will acknowledge that the current policy and geographical area is longstanding and given that it has been consistently applied since its adoption has resulted in in Eastbourne retaining a large number of bed spaces, currently greater than Brighton.

The consistent application of the retention policy has also reinforced that only in exceptional circumstances will/should tourist accommodation be lost and only where there has been a robust suite of evidence that outlines that the retention of the accommodation is unviable.

The test in this application is to evaluate whether the applicants are promoting a scheme that if supported would amount to a wholly exceptional set of circumstances such that it would not undermine the Councils evaluation of other sites/schemes elsewhere.

If based on the evidence a judgement is made that the tourist accommodation could be lost/reduced then the scheme would be policy compliant as the provision of windfall residential units within this neighbourhood would be acceptable in principle.

There have been circumstances over the years where the Council and The Planning Inspectorate have supported the loss of tourist accommodation. The most recent of these has been The Lathom; this was supported given the desire to bring back into use a long standing empty Listed Building.

The scheme has the support of East Sussex County Highways Officer and as such there are no objections to the scheme on highway/access related grounds.

**General Assessment**

The retention of tourist accommodation policy is a restrictive policy but does outline within the supporting SPG the extent and nature of the evidence that would need to be evaluated in order to accept that the existing business is not viable.

Policy T02 sets out a number of factors that should be taken into account in determining viability:

a) **the location of the premises;**

The applicants contend that a contributory factor in the unviability of the currently business is that the hotel does not command a key seafront location. Officers
acknowledge that the location is not prime if one considers having a seafront location commands the highest yields in terms of room charging rates and repeat business. It is also acknowledged that by the very nature of the tourist accommodation area there will be different characteristics across it. Having said this though the current policy does not make any distinction between areas within it.

Officers accept that within the tourist accommodation area there are differences in the character of the ‘place’ and also differences in the range of the offer provided.

The application property whilst not having a prime seafront location it does for some of the rooms command oblique sea views while others have views over Devenonshire Park, Eastbourne Town Centre and the Southdowns National Park.

Officers’ do not accept that the location of the property, seen in isolation, is the determining factor as to why this business is not viable.

b) the physical condition and cost of repair of the premises;

The applicants have confirmed that there are no issues with the structural integrity and the property is in generally good order.

Officers conclude therefore that there are no costs associated with repairs of the host building that would make the business unviable.

c) the potential for refurbishment, including the cost of works;

The applicants have identified the common problem of securing development finance for speculative developments, especially in the tourist related industries.

Given this they identify a need to cross finance from the residential sales to cover the refurbishment and fit out for the retained hotel/guest house accommodation.

Officers acknowledge that this is likely to be the only way in the short to medium term to secure the redevelopment that is promoted by this application and as such should be given material weight in the assessment of this application.

Notwithstanding this save for the applicant directing officers to similar establishments within the Eastbourne there is no other information supplied to cover the details of the refurbishment/refit.

Officers consider that this issue could be controlled via planning condition/S106.

The applicants claim that their scheme would deliver an enhanced hotel/guest house in terms of the quality of the bedroom fit-out and also the offer in general for this to be delivered there is a need for cross subsidy as outlined above but there also needs to be some controls over the timing and the delivery of the residential units as there is no guarantee that the hotel will even open.

One this issue officers recommend controls over the timing should form a part of a S106 if members are looking to support the scheme. Officers would recommend something
along the lines of no more than 7 of the residential units shall be sold or occupied until such time as the hotel is refurbished in accordance with details previously agreed.

Controls such as this would ensure that the hotel/guest house is refurbished and thereby increasing the potential of a sale/re-let, members should be aware that the planning system cannot make the new business open.

d) the potential for conversion to other tourist uses, including the cost of works;

The applicant has supplied evidence that they have explored various development options; these broadly relate to:-

- keeping the existing hotel but reducing the bedrooms, all of these save for the option promoted by this application were unviable,
- converting exiting hotel into ‘holiday flats’, this has been discounted by the applicant as there is no market for this type of accommodation with Eastbourne.
- Converting/adapting the building into a residential language school; the evidence supplied by the applicants suggests that there is no market for language school accommodation.

Officers acknowledge that the ‘holiday flat’ option is a difficult market place for Eastbourne with a number of existing establishments enquiring with the Council to secure alternative uses in recent months. This pressure for alternative uses may be a combination of lack of investment into the quality of the accommodation as of the financial return on short term tenancies. As a result of this a number of the ‘holiday flats’ in Eastbourne do not contribute significantly to the tourist offer within the town. Officers feel this is a missed opportunity, however acknowledge that securing development investments without security of return will result in the down grading of the stock currently on the books and would also prohibit the commencement of any new initiatives.

There are a number that have been lost to formal residential accommodation over the years. Officers support the applicant that in this location there is a high probability that if holiday flats were pursued the Council would come under increasing pressure to release the holiday ties given the lack of demand. This is evident with the decision taken on the adjoining building.

Officers do not accept without further evidence that there is not the demand within Eastbourne for a residential language school. Members will be aware of the degree to which this sector supports the local economy and will also be aware that EF Language schools have recently opened within Eastbourne and that Twinn Language School are looking for alternative accommodation.

Officers support the applicants intention to retain an element of traditional hotel/guest house accommodation on this site as being the most likely to succeed.

e) the market valuation of the property reflecting the above factors;

Officers accept that the site has been marketed as a going concern (hotel), however officers have not seen evidence that the property has been marketed as any other type
of holiday accommodation. Notwithstanding this in the short term it is considered that the retention of the hotel/guest house accommodation on this site is the only deliverable option.

f) whether the direct costs of running the business can be covered;

Officers accept the evidence that occupancy rates that the applicant has supplied are not sufficient to cover the full operational costs of a 45 bedroom hotel. There may be a host of reasons for this and some of these may not have been declared within the application, however Members have to make a decision on the information before them.

Officers accept the claim from the applicant in that holiday coach trade is a declining market and that given Eastbourne has an oversupply of bedrooms all competing at a similar grading level (2* - 3*) for a market share it is unlikely that the room frequency rate would increase nor would the applicants be able to justify an enhanced room rate to cover the operational costs.

The result of this is that there is an ever decreasing rate of under investment in the building/business; ultimately resulting in business closures.

Members will be aware of the contribution that the tourism plays to the local economy, and on this issue officers have concluded that a closed business and boarded up property in this location would potentially be harmful to the emerging Devonshire Park master plans. In addition if this were to happen is portrays to some degree a decline resort; and the image of Eastbourne as a tourist destination may be impacted.

Officers consider that this should be given material weight in the assessment of this application.

9) whether a commercial rate of return on investment can be achieved.

Officers accept that the operational requirements of the existing hotel negatively outstrip the current market and as such an alternative needs to be explored.

Officers accept that with the controls via the S106 and planning conditions are such that the retained hotel/guest house would be refurbished to a high degree and thereby supporting the ambitions and desires of the Eastbourne Hospitality Association and the Council’s tourism officer in that retained at the site would be fewer bedroom but of an enhanced quality.

Officers are also persuaded that if the hotel/guest house were to be refurbished in the manner outlined then it is likely that the room frequency would be able to be maintained and that these residing tourist would also contribute to the local economy in other ways during their stay (restaurants, shops and tourist attractions).

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

The scheme would not have any impacts upon the amenities of the adjoining occupiers sufficient to justify a refusal.
Design issues:

The scheme does not promote any external alterations and as such there are no changes to the external fabric of the building.

Impact on character and setting of a listed building or conservation area:

Given that there are no external changes to the fabric of the building there are no implications for the conservation area. Members should note though if this scheme is not supported there is the potential that the business may fail and close which may have an adverse impact upon the character and appearance of this part of the Conservation Area.

Impacts on trees:

None

Impacts on highway network or access:

The scheme has the full support of the East Sussex County Council Highways Officer and as such a refusal based on or around the highway implication of the scheme could not be substantiated.

Other issues

It is considered that the delivery of new windfall residential accommodation is acceptable in principle and should be supported. The size of the residential accommodation exceeds the common standards and should provide a level of return that would assist in the cross subsidy of the enhanced tourist accommodation.

The applicant has committed to comply with the Council's Affordable Housing Policy.

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:

Members should note that the delivery of the Seafront Local Plan is some years away from formal adoption and as such the evidence that supported the current policy position is becoming more and more out-dated and to some degree has been superseded by National advice which supports and promotes schemes that would deliver the Government’s growth agenda.

For the reasons as outlined within this report officers consider that this scheme/proposal is finely balanced and given the aspirations expressed to increase the quality of the bed
stock rather than maintain the quantity as being the overriding material consideration in this application.

**Recommendation:**

Subject to the District Valuers officer confirming the applicants financial arguments then the scheme should be supported and permission be granted subject to S106.

The S106 should cover the delivery of affordable housing, the tariff based contributions for ESCC and controls over the timing of the delivery of the refurbishment of the hotel/guest house.

**Conditions:**

1. Time limit
2. Car park layout supplied
3. Car park provided before first beneficial use.
4. Cycle parking
5. Details of the refurbishment measures to the hotel/guesthouse shall be submitted to and approved in writing prior to any development commencing. The details as submitted shall include details of redecorations and internal fixtures and fittings and also details of the new stair access between the ground and lower ground floor.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.
### Agenda Item 13

**App.No:** 141355  
**Decision Due Date:** 6 January 2015  
**Ward:** Meads

**Officer:** Richard Elder  
**Site visit date:** 18 December 2014  
**Type:** Planning Permission

**Site Notice(s) Expiry date:** 29 November 2014  
**Neighbour Con Expiry:** 28 November 2014  
**Weekly list Expiry:** 18 November 2014  
**Press Notice(s):** 25 November 2014

**Over 8/13 week reason:** Referred to Planning Committee

**Location:** Hillbrow, 1 Denton Road, Eastbourne

**Proposal:** Installation of a smoking shelter.

** Applicant:** University of Brighton

**Recommendation:** Approved conditionally

**Executive Summary:**
The presence of mature vegetation within the apex of the block and along the boundary of the site, together with the colour of the shelter, would result in little aesthetic harm to the existing architectural and historic character and appearance associated with the surrounding conservation area.

Due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.

**Planning Status:**  
Predominantly residential area.

**Relevant Planning Policies:**
National Planning Policy Framework 2012  
1. Building a strong, competitive economy  
2. Ensuring the vitality of town centres  
3. Supporting a prosperous rural economy  
4. Promoting sustainable transport  
5. Supporting high quality communications infrastructure.  
6. Delivering a wide choice of high quality homes  
7. Requiring good design  
8. Promoting healthy communities  
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C11: Meads Neighbourhood Policy
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
HO20: Residential Amenity

Site Description:
The University of Brighton, Hillbrow, Denton Road, falls within the Meads Conservation Area.

The topography of the land and open spaces provided by the playing fields associated with the educational institutions and the large Edwardian residential buildings, sited on Denton Road. Offer uninterrupted views and vistas, the combination of which make a positive contribution to the wider area.

More immediately Denton Road is identified as having generous, late 19th century to early 20th century, detached houses of high aesthetic merit. In particular the north-west side; which is mostly defined by large red brick chimney stacks and front elevations embellished with decorative bargeboards, square timber bays, twinned gables, tiled porches supported by moulded timber posts, mullion-and-transomed windows and half timbering. Including a long brick and flint boundary wall which compliments, the red brick pavement that follows the contours of the road.

In contrast to the south-east side of Denton Road, where the character is mostly defined by the built form of Hillbrow, which addresses both Denton and Gaudick Roads, the openness of playing fields along Denton Road, and the mature vegetation associated with the university and adjoining residential properties. Properties which are set back from the streetscene, but include brick front boundary walls reflective of the wider character associated with the north-west side.

In summary the siting and built grain of Hillbrow and the aesthetic merit associated with the residential properties sited on Denton Road. In conjunction with the topography of the land, make a positive contribution to
the historic and architectural character and appearance of the surrounding conservation area.

**Relevant Planning History:**
None relevant

**Proposed development:**
A 2.46m square smoking shelter canopy supported by a central post with an overall height of 3.2m manufactured in steel and finished in grey power coating with opaque polycarbonate roof panels.

The shelter would be located at the end corner of the car park close to the apex of Denton Road and Gaudick Road.

**Consultations:**
**Internal:**
- Specialist Advisor (Arboriculture) – No objection
- Specialist Advisor (Conservation) – No objection

**External:**
- County Archaeologist – No objection

**Neighbour Representations:**
4 objections have been received and cover the following points:

- Loss of privacy
- Adverse visual impact
- Increased noise
- Smoking should not be encouraged
- Potential danger from secondary smoking

**Appraisal:**
The main considerations in the determination of this application is the impact of the proposed development on the character and appearance of the building, surrounding conservation area and visual amenity.

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy D10 requires all significant heritage assets to be protected and enhanced where practicable. Policy D10a requires new
development to make a positive contribution to the townscape and urban heritage.

While the location of the smoking shelter is prominent within the wider conservation area, the overall height at 3.2m means the shelter would be visible over the existing boundary wall and associated hedge. The presence of mature vegetation within the apex of the block and along the boundary of the site, together with the colour of the shelter, would result in little aesthetic harm to the existing architectural and historic character and appearance associated with the surrounding conservation area.

However, the combination of mature vegetation within the immediate area and the colour of the shelter would result in an introduction to the conservation area that neither enhances nor detracts from the character or appearance of the conservation area, resulting in a neutral impact.

With regards the impact on visual amenity, due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.

As such, the proposal would accord with Policies UHT1 and UHT15 of the Eastbourne Local Plan and Policies B2, D10 and D10a of the Eastbourne Core Strategy.

**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 presence of mature vegetation within the apex of the block and along the boundary of the site, together with the colour of the shelter, would result in little aesthetic harm to the existing architectural and historic character and appearance associated with the surrounding conservation area. Due to the nature of the proposal and its discreet location, it is considered that there would be no significant impact on visual amenity.

**Recommendation:**
Approve conditionally

**Conditions:**
1. Time limit
2. Approved drawings
**Executive Summary:**
The application provides the positive gain of 2 net residential dwellings on a windfall site contributing positively to the Council’s spatial development strategy (Policy B1 of the Core Strategy) providing smaller one and two bedroom accommodation in a sustainable location and neighbourhood.

The proposed development will assist in meeting the identified housing delivery target for the neighbourhood. The development would conform to the Ocklynge & Rodmill neighbourhood Policy (Policy C5 of the Core Strategy) in providing new residential accommodation, and is therefore considered sustainable development.

The provision of residential accommodation would not adversely impact on the viability of the existing public house subject to conditions and the first floor flat allocated to a management flat. The alterations are focused at the rear of the premises, are not highly visible from the public realm and would not, therefore, impact on the character or appearance of the area.

The proposal would have no significant impact on residential amenity and would provide a good standard of residential accommodation. As such, the
proposal is considered acceptable and would constitute a sustainable form of development.

**Planning Status:**
Predominantly residential area.

**Relevant Planning Policies:**
National Planning Policy Framework 2012
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Eastbourne Core Strategy Local Plan 2013 Policies
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C5 Ocklynge and Rodmill Neighbourhood Policy
D5 Housing Low Value Neighbourhood
D10a Design

Eastbourne Borough Plan Saved Policies 2007
UHT1 Design of New Development
UHT4 Visual Amenity
H09 Conversions and Change of Use
HO20 Residential Amenity
TR11 Car Parking

**Site Description:**
A 2/3 storey period building currently in use as a public house on the ground floor with management accommodation above on the upper 2 floors. The pub has a front and rear beer garden and a designated smoking area to the rear. A rear outbuilding previously used as a stables building is located to the rear east boundary of the site and accessed from both the rear beer garden and the access road to the rear.

A parking area exists to the rear with provision for 3 cars accessed via the rear access road.
Relevant Planning History:
No relevant history

Proposed development:
The proposal involves the conversion of the upper floors to 2 self-contained flats with the first floor flat being allocated for management accommodation. The flats would be accessed via a proposed side/rear staircase and associated screening to the side and facilitated by the insertion of a first floor half landing door replacing a window.

The stables building to the rear is proposed to be converted to a 1/2 bedroom unit with direct access to a side and rear garden. The garage/stable doors are to be replaced with timber windows and a new timber window would replace the shutter above. Two side doors would be replaced with glazed doors and a window and a new front entrance door would replace the existing door facing onto the access road. A door is proposed to be inserted within the wall to the east side facing the access road to facilitate direct access to the rear garden.

Bin storage area would be located to the rear within the rear hardstanding.

Consultations:
Internal:
Specialist Advisor (Planning Policy) – No objection

External:
None

Neighbour Representations:
A letter of support has been received, 3 objections and 1 general observation have been received and cover the following points:
- Overlooking and loss of privacy from rear first floor window of outbuilding
- Parking to the rear should be allocated to the flats.
- Parking is difficult in the area.
- Loss of parking area for the pub.
- Front door of outbuilding exits straight onto road.

Appraisal:
The main considerations in the determination of this application are the acceptability of the conversion of the upper floors and stables to residential, and the impact on surrounding residential amenity.

Principle of development:
The application provides the positive gain of 2 net residential dwelling on a windfall site within the Ocklynge & Rodmill neighbourhood, contributing positively to the Council’s spatial development strategy (Policy B1 of the Core
The proposed development will assist in meeting the identified housing delivery target for the neighbourhood. The development would conform to the Ocklynge & Rodmill neighbourhood Policy (Policy C5 of the Core Strategy) in providing new residential accommodation, and is therefore considered sustainable development.

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council’s Strategic Housing Land Availability Assessment, therefore would be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

It is considered, therefore, that the principle of residential development is acceptable subject to compliance with all other relevant planning policies within the Local Development Framework.

**Change of Use**

Policy H09 of the Eastbourne Local Plan states that the change of use of non-residential premises to residential would be permitted if it can be clearly demonstrated that the proposal is well designed and provides an acceptable level of accommodation.

The proposal would involve the conversion of a large 7 bedroom management flat into 2 large 2 bedroom flats and a 1/2 bed flat within the stables building. The proposed accommodation is acceptable and would constitute a good quality standard of accommodation. The first floor flat would be allocated as a management flat for purposes of management and to avoid any noise transferral impact from the ground floor pub area and conditioned as such. The stables accommodation would benefit from direct access to a rear garden which is currently the covered rear garden to the beer garden/smoking area.

The proposal would, therefore, represent an efficient use of the building in bringing underused floorspace back into use and delivering new housing through conversions, contributing positively to the Council’s spatial development strategy (Policy B1 of the Core Strategy). As such, it is considered that the proposal would accord with Policies HO9 of the Eastbourne Local Plan.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Objections have been received concerning overlooking from the rear first floor window to the stables building. The first floor internal layout shows a mezzanine floor at first floor set back approximately 2 metres from this window. Revised plans have also been received showing the lower 2 glass panes of the window obscure glazed to further avoid any overlooking and it is considered that these measures would not result in any overlooking to rear gardens of Hurst Road.

With regards the staircase, facilitating access to the upper floor flats, revised plans have been received showing a screen to the side of the staircase and flat roof adjacent to 78 Willingdon Road to address any overlooking to this property. A condition is also recommended to ensure that the flat roof area should not be used as an amenity area.

As such, it is considered that the proposal would not have an adverse impact on residential amenity and the proposal would accord with Policies HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

**Design issues:**
Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The proposed alterations to the principle building are minor and mainly focused at the rear building and not highly visible from the public arena. As such, they would not have any significant impact on the character or appearance of the building.

With regards the stable/outbuilding, the proposed alterations are mainly focused on replacement windows and doors to facilitate the conversion to residential. The style of the windows and doors are timber cottage style windows and would be in-keeping with the character and appearance of the building and would enhance the appearance of the of the rear area facing onto the access road.
As such, it is considered that the proposal would not have an adverse impact on residential amenity and the proposal would accord with Policies HO20 of the Eastbourne Local Plan, Policy B2 of the Eastbourne Core Strategy.

**Impacts on highway network or access:**  
Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

The proposal would provide 3 parking spaces within the rear hardstanding accessed from the rear access road allocated for the occupiers of the flats and outbuilding. This level of provision would be acceptable given the location of the premises within a relatively good area of public transport accessibility on a main bus route and proximity to the town centre and train station.

As such, it is considered that the proposal would not have any material adverse impact on on-street parking capacity within the vicinity and would accord with Policy TR11 of the Eastbourne Local Plan.

**Planning obligations:**

**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 application provides the positive gain of 2 net residential dwellings on a windfall site contributing positively to the Council’s spatial development strategy (Policy B1 of the Core Strategy) providing smaller one and two bedroom accommodation in a sustainable location and neighbourhood. The proposed development will assist in meeting the identified housing delivery target for the neighbourhood. The development would conform to the Ocklynge & Rodmill neighbourhood Policy (Policy C5 of the Core Strategy) in providing new residential accommodation, and is therefore considered sustainable development.

The provision of residential accommodation would not adversely impact on the viability of the existing public house subject to conditions and the first floor flat allocated to a management flat. The alterations are focused at the rear of the premises, are not highly visible from the public realm and would not, therefore, impact on the character or appearance of the area.
The proposal would have no significant impact on residential amenity and would provide a good standard of residential accommodation. As such, the proposal is considered acceptable and would constitute a sustainable form of development.

**Recommendation:**
Approved conditionally

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
   Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
   - Site location plan/block plan – received
   - Existing floor and elevation plans – received
   - Proposed floor plan – received
   - Proposed side elevation – received
   - Proposed elevation plan – received
   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. That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.
   Reason: To ensure a satisfactory external appearance and in the interests of visual amenity.

4. The first floor flat above the public house trading area shall be used as the landlord’s management flat for the building and shall not be occupied by anyone but the landlord or anyone not associated with the management of the ground floor public house.
   Reason: In the interest of ensuring that the occupiers of this flat are not adversely affected by any potential noise and disturbance associated with the public house.

5. The first floor flat roof to the side extension, used to facilitate access to the flats at first and second floor, level shall not be used as a balcony, patio, roof garden or similar amenity area.
   Reason: To safeguard the privacy of the occupiers of adjoining properties.

6. The parking spaces provided to the rear shall be allocated to and used solely for the occupiers of the flats hereby permitted and shall be retained
permanently for the accommodation of vehicles of the occupiers of the flats and shall not be used for any other purpose.
Reason: To ensure a satisfactory form of development.

7. Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of proposed trees and planting plans, species specification and samples of hard landscaping materials.
Reason: In the interests of visual appearance and integrating the development into its surroundings.

8. That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.
Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area.
<table>
<thead>
<tr>
<th><strong>App.No:</strong></th>
<th><strong>Decision Due Date:</strong></th>
<th><strong>Ward:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>141312</td>
<td>6 January 2015</td>
<td>Old Town</td>
</tr>
<tr>
<td><strong>Officer:</strong></td>
<td><strong>Site visit date:</strong></td>
<td><strong>Type:</strong></td>
</tr>
<tr>
<td>Richard Elder</td>
<td>18 December 2014</td>
<td>Variation of Condition</td>
</tr>
</tbody>
</table>

**Site Notice(s) Expiry date:** 4 December 2014  
**Neighbour Con Expiry:** 4 December 2014  
**Weekly list Expiry:** 7 December 2014  
**Press Notice(s):** n/a  

**Over 8/13 week reason:** Referred to planning committee

**Location:** Upwick Mews, 2a Upwick Road, Eastbourne

**Proposal:** SITE FORMERLY KNOWN AS LAND TO THE REAR OF 2-8 UPWICK ROAD: Variation of condition 2 of planning permission EB/2011/0193(FP) for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013).

**Applicant:** Mr H Goacher

**Recommendation:** Approved conditionally

**Planning Status:**  
Predominantly residential area.

**Relevant Planning Policies:**  
- National Planning Policy Framework 2012  
  1. Building a strong, competitive economy  
  2. Ensuring the vitality of town centres  
  3. Supporting a prosperous rural economy  
  4. Promoting sustainable transport  
  5. Supporting high quality communications infrastructure.  
  6. Delivering a wide choice of high quality homes  
  7. Requiring good design  
  8. Promoting healthy communities  
  9. Protecting green belt land  
  10. Meeting the challenge of climate change, flooding and coastal change  
  11. Conserving and enhancing the natural environment  
  12. Conserving and enhancing the historic environment  
  13. Facilitating the sustainable use of minerals
Core Strategy Local Plan 2013 Policies
B1 – Spatial, Development, Strategy and Distribution
B2 – Creating Sustainable Neighbourhoods
C4 – Old Town Neighbourhood Policy
D5 – Housing
D10a - Design

Eastbourne Borough Plan Saved Policies 2007
UHT1 - Design of New Development
UHT2 - Height of Buildings
UHT4 - Visual Amenity
HO1 - Residential Development within the Existing Built-Up Area
HO6 - Infill Development
HO20 - Residential Amenity

Site Description:
The application site is a backland site to the rear of 2 storey inter-war detached and semi-detached properties at nos. 2-8 Upwick Road, 18-34 Longland Road, 1-25 Dillingburgh Road and 25-29 Dacre Road. The rear gardens to these properties have relatively long back gardens

The site is accessed via a service road to the east side of nos. 2-4 Upwick Road which is a semi-detached building containing two flats (2 and 4 Upwick Road).

The site is currently under redevelopment where previously the site was occupied by twenty-three garages arranged in two rows and the access is from Upwick Road.

Relevant Planning History:
100066 Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.
Planning Permission Refused 20/05/2010

110194 Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front.
Planning Permission Refused18/07/2011
Allowed at appeal 7 March 2012

120699 Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 x 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.
Planning Permission Refused 20/03/2013
Allowed at appeal 11 December 2013

120912 Discharge of condition 11 of permission EB/2011/0193 (details of access road and turning area)
Approval of Condition
Withdrawn 13/02/2014

140155 Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)). Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).
Approval of conditions Approved 14/05/2014

140868 Application for approval of details reserved by condition No.10 (details of steps) of permission EB/2012/0753(FP).
Approval of condition Approved 06/08/2014

**Proposed development:**
The application seeks a variation of condition 2 of EB/2011/0193 for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013).

The amended scheme combines both permissions granted on appeal into a single comprehensive scheme together with an amendment to enlarge the first floor rear bedrooms of all 6 houses. The enlargement of the first floor would involve an extension outwards over the existing and previously approved ground floor footprints of all houses by 1 metre outwards bringing the first floor flush with the ground floor. The extension would measure 3.75 metres wide for plots 1-4 would and approximately 4.3 metres wide for plots 5 and 6.

The development has already begun and has reached a stage where plots 5 and 6 are up to roof level and plots 1 – 4 are up to ground floor ceiling level.

**Consultations:**
Internal:
None
External:
None

**Neighbour Representations:**
3 objections and 2 general observations have been received and cover the following points:
- Overlooking of surrounding rear gardens.
- Development already close to rear garden boundary.
- Applicant has failed to comply with any conditions.
- Plots 5 and 6 are already overlarge for their plots.
- Any increase in size will exacerbate the impact on the existing neighbourhood.
- Would result in higher occupancy and greater car ownership.
- Reduce sunlight and daylight and increase overshadowing.
- Extension would increase overshadowing to the rear gardens of plots 5 and 6.
- Has the sewage system got capacity?

**Appraisal:**

**Principle of development:**
The principle of development has already been established by the 2 previous planning permissions granted at appeal for 6 houses (EB/2011/0193) in March 2012 and 2 houses (EB/2012/0753) in December 2013.

The main considerations relate to the acceptability of combining the 2 permissions into an amended scheme and the impact of the proposed enlargement of the first floor on the design of the houses and surrounding residential amenity.

**Design issues:**
Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The first floor extension to infill the first floor side recess is a minor addition to the houses. The design of the houses are not significantly affected by the alteration which now takes on the appearance of a standard and traditional build and layout with a flush elevation at the rear. As such, it is considered that the amendment does not materially affect the design of the originally approved scheme and would accord with the aims of Policies UHT1 and UHT4 of the Eastbourne Local Plan and Policy D10a of the Eastbourne Core Strategy.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.
Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The amendment would bring the first floor rear bedrooms of the houses closer to the rear garden boundaries and the rear windows of houses along Dacre Road and Longland Road by 1 metre.

The ground floor and first floor windows of plots 1 and 2 would be set 7 metres from the rear garden boundaries of Longland Road properties and plots 3 and 4 would be set 6.25 metres away. The rear windows of plot 5 would be 7.2 metres from the rear garden boundaries of Dacre Road and plot 6 would be set 5.6 metres away. These distances are acceptable and have been considered to be acceptable distances through recent planning application approvals and appeal decisions for backland housing sites.

With regard to distances between the rear first floor windows of the proposed houses and the rear windows of existing houses, they would be as follows:

Distances to rear windows of 18 – 34 Longland Road:

Plot 1 – 25.35 metres
Plot 2 – 25.35 metres
Plot 3 – 24.7 metres
Plot 4 – 24.7 metres

Distances to rear windows of 25 – 29 Dacre Road:

Plot 5 – 22.75 metres
Plot 6 – 21 metres

These distances are considered acceptable given the pattern of development in the area. However, the main consideration is the impact of bringing the first floors 1m closer to the boundaries of the site; this is not a significant increase given the existing considerable separation distances. As such, it is considered that there would be no significant additional overlooking or loss of privacy from the first floor amendment than previously approved.

With regard to any loss of sunlight, daylight and overshadowing, similarly to above, the minor addition to the first floor of the houses would not result in any significant loss of sunlight, daylight or overshadowing than that already approved.

It is considered therefore, that the variation to the scheme would constitute a minor material amendment which is acceptable and would impact significantly on surrounding residential amenity in accordance with Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.
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 design of the houses are not significantly affected by the alteration which now take on the appearance of a standard and traditional build and layout with a flush elevation at the rear. As such, it is considered that the amendment does not materially affect the design of the originally approved scheme.

There would be no significant additional overlooking or loss of privacy from the first floor amendment than previously approved and there would be no significant loss of sunlight, daylight or overshadowing than that already approved. It is considered therefore, that the variation to the scheme would constitute an acceptable minor material amendment.

Recommendation:
Approve conditionally

Conditions:
1) Other than may be required by other conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 10-44-02 A, 10-44-04 A, 10-44-05 A, 10-44-06 A and 10-44-07 A.

2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no extensions, curtilage buildings or structures, walls or fences of any kind, other than those expressly authorised by this permission, shall be erected within the curtilages to the dwellings hereby permitted.

3) The development shall be carried out in full accordance with the approved materials to be used in the construction of the external surfaces (140155 - dated 14 May 2014).

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no first floor windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior approval of the Local Planning Authority.

4) Prior to first occupation of the dwellings on plots 5 and 6, the first floor
side facing windows shown in relation to those plots shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

5) The protective fencing around trees shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

6) The approved wheel wash facilities (140155 - dated 14 May 2014) provided on-site shall be used and maintained until completion of construction.

7) The garaging and parking spaces shown on plan No 10-44-02 A, shall be provided prior to first occupation of the associated dwelling and shall be kept available for the parking purposes at all times thereafter.

8) The details of the access road and turning area shall be provided in accordance with the approved details (120912 - dated 13 February 2013) prior to first occupation of any dwelling on site.

9) The stepped access to no.2 Upwick Road shall be provided in accordance with the approved details (140868 - dated 6 June 2014) within 1 month of the date of the permission.

10) Building operations shall take place only between the hours of 08.00 and 18.00 on Mondays to Fridays and between 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank/Public holidays.
This page is intentionally left blank
App.No: 141224 (PPP)  
141225 (ADV)

Decision Due Date: 6 January 2015
Ward: Old Town

Officer: Toby Balcikonis
Site visit date: 16 October 2014
Type: Planning Permission

Site Notice(s) Expiry date: 26 October 2014
Neighbour Con Expiry: 26 October 2014
Weekly list Expiry: 20 October 2014
Press Notice(s): N/A

Over 8/13 week reason: Over 8 weeks (expires 12/11/14) to list at committee.

Location: Trident Fish Restaurant, 23 Albert Parade, Eastbourne

Proposal: REF: 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. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along with new external lighting.

ALSO SUBMITTED REF: 141225 - Proposed new signage (mixture of illuminated and non-illuminated) for no. 20 Albert Parade and main restaurant (21-23 Albert Parade).

Applicant: Mr Demetrios Photiou

Recommendation: REF: 141224 – Refuse
REF: 141225 – Signage – Approve

Executive Summary
REF: 141224 (External alterations):
The applicant has a large private forecourt which wraps around the front and side the premises situated on the junction of Green Street and Chamberlain Road.

This scheme proposes to use this private forecourt as an area for external tables and chairs (66 covers) to be used ancillary to the main property (fish and chip shop). The main consideration for this application is to assess the effect on residential amenity from the use of this external forecourt.

There is no objection in principle to the creation of areas of external dining within commercial parades as this sort of facility would add to the local catering offer and that to some degree it would help to support the viability of the wider parade with the potentially benefit from linked/shared trips.
It is considered that intensification of alfresco dining to the degree highlighted by this application would be detrimental to the residential amenity through increase in the potential for noise and disturbance and is recommended to refuse the application.

REF: 141225 (Signage):
The proposed alterations to signage are considered to be acceptable and is recommended to approve the application under application reference 141225.

Planning Status:
Recently granted permission under reference 140057 to move the takeaway in to the adjoining premises in order to enlarge the fish restaurant internally and extend the property to the rear to house a new kitchen and food preparation area.

Relevant Planning Policies:
National Planning Policy Framework 2012
Paragraphs 6, 7, 9, 11, 12, 14, 17, 35, 58, 60, 61, 64

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C4: Old Town Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D4: Shopping Green Street (Albert Parade) District Shopping Centre
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT10: Design of Public Areas
UHT11: Shopfronts
UHT12: Advertisements
HO20: Residential Amenity

Site Description:
The applications relate to the Trident Fish Restaurant and Takeaway at 20 - 23 Albert Parade, occupying the corner of the Albert Terrace parade of shops has been used as a number of years to house a successful Fish restaurant and takeaway. The takeaway element is moving in to the adjacent shop at number 20 (decided under planning application: 140057) creating space to extend the restaurant in to the area currently used as the takeaway.

The fish restaurant is accessed via an entrance sited on the corner of the building adjacent to the junction of Green Street and Chamberlain Road.

The forecourt of the restaurant (land within the applicant’s ownership) forward of the front elevation of 21-23 Albert Parade and demarcated by brick paving, in contrast to the ESCC Highways owner tarmac covered areas, has largely been unused except to house A-boards and signage advertising the restaurant and takeaway.
**Relevant Planning History:**

060230 Display of 1 internally illuminated fascia sign and 1 externally illuminated projecting box sign. Advertisement - Standard advert approval - 06/06/2006

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

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

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 ground floor. Planning Permission - Approved conditionally - 27/06/1994

950055 Variation of Condition 2 of planning permission EB/94/0192 to extend approved hours of operation from 8.00 a.m. to 6.00 p.m. to 8.00 a.m. to 9.30 p.m. on Mondays to Saturdays inclusive. Planning Permission - Approved unconditionally - 23/03/1995

950273 Display of an internally illuminated fascia sign and projecting box sign. Advertisement - Standard advert approval - 01/06/1995

970414 Alterations to existing ground floor and ATM installation. Planning Permission - Approved unconditionally - 14/01/1998

970415 New internally illuminated fascia sign; projecting sign and ATM sign. Advertisement - Standard advert approval - 14/01/1998

**Proposed development:**

**REF:** 141224 –

There are a number of elements to this application and can be best summarised as a programme of upgrading/refurbishment works.

In more detail the elements of the proposal are outlined below:-

**EXTERNAL CHANGES TO NUMBER 20:**

The applicant seeks permission to:

- Install a new shop front in the new takeaway at number 20, with alterations to previously approved new shop front (140057) including:
  - addition of an ATM
  - existing wooden framed shopfront replaced aluminium framed shopfront

The new entrance to the unit will be via an entrance doorway relocated to the boundary with No 21 – 23.

**PROPOSED CHANGES TO FAÇADE OF 21-23:**
Replacement of the existing takeaway entrance (wooden double doors) on Green Street elevation with increased height aluminium framed doors.

- Existing timber framed sash windows to be replaced by aluminium framed windows (Grey) with top fanlight to tilt inwards and existing cills to Green Street elevation only to be lowered by approximately 220mm.
- Installation of electrically operated retractable fabric awnings with wind sensors (measuring 2.4 metres to full extent) in place of existing retractable awnings and the installation of new wall lights at a height of 2.25 metres spaced across façade of both Green Street and Chamberlain Road facades

PROPOSED CHANGES TO FORECOURT OF 21-23:

- Replacement of the existing concrete slab paving, within the applicant’s external demise line with dark grey block paving (details tbc) sloped up to create a level entrance.
- Marking the forecourt’s boundary with the adjacent public shopping parade and pavement (characterised by its tarmac appearance) are a series of proposed powder coated (dark grey) steel fixed planters 0.93 metre high x 1.8 metre wide intermittently spaced with decorative galvanized steel fixed screens and gate approximately 1.24 metres x 1.24 metres. All fixed are proposed to have concealed warm white LED under lip lights to provide a ‘wash down’ light to planters only.

REF: 141225 – The applicant also seeks permission to install new fascia signage across the new takeaway at number 20 fish restaurant to replace perspex signage at number 20 and 21-23 Albert Parade.

The current signage for the Trident restaurant and takeaway is downlit by a series of directed lamps fixed above the current fascia.

Proposed signage at number 20 includes:

- Projecting Sign 1: Spaced off fascia (650 x 650 x 200mm – Max projection 900mm)
- Fascia Sign 1: Halo illuminated formed lettering (Trident) on an aluminium signage fascia. The word ‘Fish’ to be constructed of steel deep formed letters.
- There are currently no proposed details of advertising for proposed ATM (under ref: 141224)

Proposed signage at 21-23 includes:

- Fascia Sign 2: Trident Restaurant lettering only attached directly to elevation (‘TRIDENT’ halo illuminated formed lettering 500mm H (word 3000mm max width) / ‘RESTAURANT’ lettering 220mm H (word 175mm width)
- Projecting Sign 2 (corner elevation above main entrance): Projecting sign box spaced off wall with internal spotlight over entrance (500x500x500mm – max projection 900mm).
- Menu Totem: Internally illuminated menu totem (800mmW x 150mm D x 1800mm H)
- Fascia Sign 3: Trident Restaurant lettering only attached directly to elevation (‘TRIDENT’ halo illuminated formed lettering 500mm H (word 3000mm max width) / ‘RESTAURANT’ lettering 220mm H (word 175mm width)
Consultations:

Internal:
Licensing – No objections from a Licensing perspective however they do make the following comments:-

- The licensee should be mindful of the premises licence, including the stipulation that dining is by waiter/waitress service.
- New plans and possibly variation application will be required if planning permission is granted.

External:
Highways ESCC – No objections on Highways grounds and they do make the following comments:-

- The private forecourt is completely under the control of the land owner, and as such ESCC have no control over this space.
- Although people may have got used to walk freely across the area, there is no right to do so as it stands and so can be closed off in highway terms.
- The remaining footway is approximately 1.8m wide which is acceptable.
- As the edge of the area is a few metres back from the kerb line, it won’t affect visibility splay coming out of Chamberlain Road.

Neighbour Representations:
A total of 71 neighbour consultation letters have been sent to nearby residents of the application site and as of 6 November 16 objections have been received and cover the following points:

- Forecourt of restaurant has been used by freely by pedestrians for many years.
  - May ‘force’ people into the adjacent highway.
  - Inconvenience people using the dropped kerb at Chamberlain Road junction particularly the elderly and people with pushchairs.
- People entering and leaving restaurant may obstruct pedestrians.
- Permanent fixture would be incongruous to street scene of Albert Parade as a whole.
- Introduction of potential noise and disturbance to the area, with strong residential element in close proximity.
  - Cheriton Court opposite ~20 flats for elderly offering supported accommodation.
  - Residential units on upper floors over parade of shops.
- Potential for increase in existing traffic congestion and parking issues.
  - Increase in covers at restaurant and installation of ATM.
- Already a noise element at the premises, especially in the summer months.
  - Students etc.
- Outdoor seating may prove a magnet for people to gather out-of-hours and encourage anti-social behaviour.
- Threaten viability of Cheriton Court due to the expansion of the business.
- In summary, it is felt that there is an over-development of the site, changing the character of the appearance of the area, which will attract a greater amount of noise and disturbance to nearby residents.
Concerns also exist with regard to the introduction of external lighting and the perceived increase of illuminated signage.

In addition, 2 letters of support have been received welcoming the improvement of the existing restaurant, which is described as “very good”:

- Good restaurants in the town should be encouraged
- Cheriton Court are members of the Neighbourhood Watch and can report any issues of anti-social behaviour.

Appraisal:

APPRAISAL 141224:
Principle of development:
There is no objection in principal to the introduction of an alfresco seating area within the demise of the forecourt of a business so long as there is not unacceptable impact on the amenities of the nearby residential occupiers, and no impact on the safety of persons using the adjacent highway as a result of the proposal.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
Policy HO20 of the Eastbourne Local Plan requires new development proposals to respect residential amenity and Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Paragraph 17 of the NPPF states that LPA’s should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and promote mixed use developments” whilst always seeking to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”

Although that the proposed design and layout of the boundary treatments is reasonable for the locality, it is considered that the introduction of an external dining area to seat 66 covers, in additional to the 83 internal covers that will be available inside the extended restaurant (granted permission previously), will alter the way the existing establishment is used. It is considered that this increase in usage may introduce the potential for increased noise and disturbance to the nearby residential occupiers to such a degree as to have the likelihood of impacting upon their residential amenity. This potential loss of residential amenity is considered to have significant weight in the assessment of this application.

The applicant has detailed their hours of opening as being from Monday to Saturday 11:30 – 21:30 and not on Sundays and Bank Holidays and although there currently exists an al fresco dining area located to the side / rear there do not appear to be any recorded details of recent noise complaints.

Design issues:
Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.
Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Although the parade of shops does not currently have any examples of outside seating areas, it must be acknowledged that none of the other units in the parade benefit from ownership of the adjacent forecourt and therefore like development has not occurred in the location previously.

The applicant has stated that previously bench / table sets have been located to the front of the premises previously and currently the restaurant benefits from an enclosed seating area to the side/rear adjacent to Chamberlain Road.

On balance it is considered that the proposed development of the forecourt will not have an unacceptable detrimental impact visually and will not be out of character in an environment such as a mixed use parade. The location of the application property at the end of the parade helps ensure that once on the parade, the flow of pedestrians using the parade should not be affected.

Movement may be restricted when entering or leaving the parade from the Green Street / Chamberlain Road junction, a location where a pedestrian crossing is present, although as ESCC Highways have advised, a footway of 1.8 metres remains, which is considered to be of an acceptable width, although this would also be the proposed site of the entrance/exit to the proposed site of the entrance/exit to the proposed external seating area (via decorative galvanised gates) which may hinder passing pedestrian movement.

The applicant proposes to lower the cills on the Green Street elevation, which although, is not a considerable height, may serve in visually unbalancing the main building, which is located in a prominent location on a junction creating a dual-fronted elevation which is characterised by its symmetry between the Green Street and Chamberlain Road Elevation.

The replacement of the window frames from Wood to aluminium on ground floor level, is considered to be acceptable, as although this would mean that the windows differ in appearance from the upper floors in the building, the rhythm of the parade as a whole is characterised by the difference in the commercial ground floors, and the residential accommodation on upper levels, characterised by contrasting appearance and materials.

In conclusion there are no objection to the design issues of this development.

Impact on character and setting of a listed building or conservation area:
The application site is not located within or near to a conservation area and will not affect the setting of any listed buildings and therefore there is no concern in this regard.

Impacts on trees:
There will not be a direct impact to trees as a result of the proposed development, however, there are concerns as to the positioning of the long established street tree
located on Chamberlain Road, which benefits from the open forecourt to allow the movement of pedestrians adjacent to the tree.

The installation of boundary treatments to the full extent of the applicant’s demise, could see the pedestrian access on the East side of Chamberlain Road, compromised, as there would be limited space to pass on the pavement adjacent to the tree.

**Impacts on highway network or access:**
Following consultation with ESCC Highways, confirmation has been received that the position of the proposed development on land under the ownership of the applicant will not encroach on the area of paving under the control of Highways meaning that sufficient space will be left for the movement of pedestrians. In addition, the safety of persons entering or leaving the road junction of Chamberlain Road and Green Street will not be compromised as a result of the proposed boundary treatments and external dining facilities due to a sufficient visibility splay remaining.

No objections have been made by Highways to any proposed implications to the effects of parking or congestion as a result of the proposed development. Notwithstanding that absence of comment, it is considered that the increased capacity for additional covers may result in more traffic an increase in the demand for parking in the vicinity around the site. However, the parade of shops is located within walking distance of a large residential catchment area and is served by a main bus route with a nearby stop with regular buses largely of the offsetting the need for travelling to the location by car.

The takeaway element of the business should not increase as a result of the elements proposed by this application, and is not considered to have any additional impact. Likewise, the installation of an ATM should not cause undue disruption to the highway network, or significantly increase traffic to the area.

**Sustainable development implications:**

Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The introduction of an alfresco culture at one end of a shopping parade could add to the vitality of the area and attract footfall which would be beneficial to the local economy, however it is considered that this could be at the cost to the amenities of nearby residential occupiers living in close proximity to the application location, which includes a residential court comprising of 20 flats for the elderly.

It is acknowledged the NPPF’s support for sustainable growth, and requirement that significant weight should be placed on this factor, in order to secure economic growth in order to create jobs and prosperity, this should not be at the cost of unacceptable impact to the amenities of the adjacent residential occupiers.
Notwithstanding the obvious expansion in the potential for the existing business to grow through the ability to serve more covers, the applicant has not clearly demonstrated that there is sufficient demand for the level of increase, and has not demonstrated that there will be an increase in employment as a result of the proposal with the submitted application form detailing no change in the 2 full-time and 3 part-time staff currently working at the business.

It is considered therefore that no clear evidence has been presented as to the benefits in terms of economic growth resulting from the new business, and on balance the potential benefits do not outweigh the negative impacts to residential amenity as a result of the proposed intensification of the business and specifically the al fresco dining element.

**APPRAISAL 141225 (Display of Adverts):**

**Principle of development:**
There is no objection in principal to the installation of illuminated signage and other associated shopfront signage so long as it does not impact on the amenities of the adjoining occupiers to an unacceptable level and is in-keeping with the host property and wider local area.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Policy UHT12 states that advertisements shall be sensitive to the building and locality, particularly in, and affecting the setting of, conservation areas, the AONB and listed buildings.

Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

In proposing luminance levels of the proposed new signs to be set at 300 candelas per metre the applicant has chosen a level suitable for the mixed use locality which has a strong residential presence. The proposed signage is considered to be appropriate in its design, size and use of materials and would be in-keeping with the host building and is therefore considered to be acceptable in this regard.

**Impact on character and setting of a listed building or conservation area:**
The application site is not located within or near to a conservation area and will not affect the setting of any listed buildings and therefore there is no concern in this regard.

**Impacts on highway network or access:**
The proposed signage is considered not to be significantly impactful in both their position and level of luminance and furthermore ESCC Highways have raised no objection to any of the proposed elements following consultation.

**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:
REF: 141224:
The use of the forecourt to provide an external seated dining area for 66 covers would be likely result in an unacceptable impact to the amenities of the neighbouring occupiers through increase noise and disturbance from persons and activities carried out in the forecourt area, and would therefore conflict with the Council’s approved policies.

REF: 141225 (Display of Adverts):
The proposed changes to shop and takeaway signage will not result in an unacceptable impact on the amenities of the adjacent occupiers and are considered to be acceptable. It is therefore recommended to approve this application.

Recommendation:
REF: 141224:
It is recommended to refuse the application.

REF: 141225 (Display of adverts):
It is recommended to approve the application with the following conditions:

Conditions:
1 – 5): Standard advert conditions
6): Limit hours of illumination to that stated in application form.

Summary of reasons for refusal for application ref: 141224
The use of the forecourt on Green Street as an alfresco dining area due to the number of covers proposed would result in an intensification of use of the premises that would be likely to result in a detrimental impact to the amenities of the occupiers of neighbouring properties, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

Informatives
N/A

Appeal:
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.
App.No: 141316 (PPP)

Decision Due Date: 6 January 2015

Ward: St Anthonys

Officer: Richard Elder

Site visit date:

Type: Planning Permission

Site Notice(s) Expiry date: 22 November 2014

Neighbour Con Expiry: 22 November 2014

Weekly list Expiry:

Press Notice(s):

Over 8/13 week reason:

Location: Unit 1, Britland Estate, Eastbourne

Proposal: Change of use from indoor skate park (Sui Generis) to the storage and sale of timber & landscaping supplies and associated products (B8 - Storage and Distribution).

Applicant: Mr Michael Reid

Recommendation: Grant Planning Permission

Planning Status:

Existing commercial building within the body of an industrial area, that is currently used for/as an indoor skating park.

Relevant Planning Policies:

National Planning Policy Framework

Outlines that support should be given for development that supports economic growth.

Eastbourne Core Strategy Policy

Eastbourne Core Strategy Local Plan 2006-2027
D2 Economy
Finmere Road and Britland Industrial Estates
C6 Roseland’s & Bridgemere Neighbourhood Policy

Borough Plan Policies

Eastbourne Borough Plan 2001-2011
BI 2 Designated Industrial Areas
BI 7 Design Criteria
US1 Hazardous Installations
US4 Flood Protection and Surface Water
US5 Tidal Flood Risk
HO2 Predominantly Residential Areas

Site Description:

Application site relates to the an existing commercial/industrial building within the Britland Road Industrial Area. The building is similar in appearance to others within the estate and is formerly used by an indoor skate park.

The site is accessed via a the estate service road and provides hard standing apron around the building to facilitate car parking and servicing and deliveries.

Relevant Planning History:

There is an extensive planning history for this site with the most recent outlined below:-

110112 Change of use from an industrial unit to an indoor skate park
Planning Permission Approved conditionally 21/04/2011

Proposed development:
Change of use from indoor skate park (Sui Generis) to the storage and sale of timber & landscaping supplies and associated products (B8 - Storage and Distribution).

This application relates to the relocation of an existing timber/fencing business from East Dean Road to the this site/property. The business provide timber and fencing products primarily to the trade as well as direct to the public, this split is approximately 80% trade and 20% domestic.

The applicant has confirmed that once the building has been initially stocked then there should only be one large vehicle deliver per week, the majority of the vehicle movements would be via smaller domestic and light weight commercial vehicles.

Currently the business operates between the hours of 08:00 17:00 Monday to Friday and 08:00 12:00 on Saturdays and not at all in Sundays. It is the ambition that these hours would be operated on this site.

Currently the business employees 3 staff and the applicant expects that there may be the potential to for additional jobs to be created if this scheme is supported.

Consultations:

Internal:
Specialist Advisor (Planning Policy): The application site is located within a designated industrial area (Borough Plan Policy BI2). It is also within a designated industrial estate as defined by the emerging Employment Land Local Plan.

The change of use from Sui Generis to a class B8 use within a designated industrial estate would contribute towards the provision of 20,000sqm of industrial and warehouse floorspace within the industrial estates up to 2027, as required by the emerging Employment Land Local Plan.
Therefore, this application is supported from a planning policy perspective.

**External:**
ESCC Development Control Manager:- No comments received

**Neighbour Representations:**
2 Objections have been received and cover the following points:-
- Heavy goods deliveries would be damaging to the amenities of the occupiers of the nearby residents.
- There is the likelihood that there would be an increase in accident at and within the vicinity of the site.
- General highway safety would be compromised
- Loss of privacy and light impacts
- Noise issues

**Appraisal:**

**Principle of development:**
This building has had a long history of industrial and employment generating uses and as this proposal reverts to this long standing use there is no objection in principle to the applicants occupying this property/building.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
The reuse for commercial purposes would have the potential to alter the vehicles accessing and servicing the site; given the long standing commercial nature of the site a refusal based on the loss of residential amenity that may result from vehicles accessing the site and business operation would not be able to be sustained.

**Design issues:**
Save for some external redecoration there are no other changes to the external fabric of the building and as such there are no objection raised on this issue.

**Impacts on highway network or access:**
Given the former commercial use and the limited nature of the vehicle movements to/from the site there should not be any material issues with highway access and or pedestrian safety.

**Other matters:**
The NPPF recommends that the planning process should not stand in the way of sustainable development that supports economic growth. On this issue it is considered that the retention of an existing business within Eastbourne with the potential for job growth would help to support the local economy.

**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:**
It is considered that the reuse of this building for commercial/employment generating use would accord with the aims and aspiration of the Core Strategy and the emerging Employment Land Local Plan

**Recommendation:**
Grant Planning Permission

**Conditions:**
1 Time Limit

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