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.

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

Agenda

1 Minutes of the meeting held on 21 April 2015. (Pages 1 - 4)

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.
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 7-9 Neville Avenue. Application ID: 150357 (PPP). (Pages 5 - 14)

7 21-22 and 25 Edision Road. Application ID: 150072 (PPP). (Pages 15 - 26)

8 29 Filder Close. Application ID: 150365 (HHH). (Pages 27 - 34)

9 52 Upper Kings Drive. Application ID: 150280. (Pages 35 - 40)

10 93 Royal Parade. Application ID: 150208 (PPP). (Pages 41 - 50)

11 153 Victoria Drive. Application ID: 150092. (Pages 51 - 58)

12 153 Victoria Drive. Application ID: 150342. (Pages 59 - 66)

13 183a Langney Road. Application ID: 141346 (PPP). (Pages 67 - 74)

14 199 Seaside. Application ID: 150424. (Pages 75 - 80)

15 Beach adjacent to 3 and 4 Lower Parade, Grand Parade. Application ID: 150276 (PPP). (Pages 81 - 86)

16 Beach Huts, Royal Parade. Application ID: 150265 (PPP). (Pages 87 - 92)

17 Eastbourne Pier. Application ID: 150285. (Pages 93 - 112)

18 Flat 1 Castle Mount, 40 Carlisle Road. Application ID: 150344 (PPP). (Pages 113 - 116)

19 Heatherleigh Hotel 63-66 Royal Parade. Application ID: 141521 (PPP). (Pages 117 - 126)

20 Perrywinkles, 1b Lower Parade, Grand Parade. Application ID: 150195. (Pages 127 - 132)

21 Site 8, Sovereign Harbour. Application ID: 141469 (RMT). (Pages 133 - 146)

22 Cavendish School, Eldon Road. Application ID: 150534 (CCC). (Pages 147 - 158)
23 Summary of the Performance of the Planning Service - Qtr 4 (Jan -Mar) 2014/15. (Pages 159 - 174)

24 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
Planning Committee

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

154 Minutes of the meeting held on 24 March 2015.
The minutes of the meeting held on 24 March 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

155 Apologies for absence.
None received.

156 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.
None received.

157 AA Box - Wish Tower Slope. Application ID: 150309.
Siting of a vintage AA box together with use of two adjacent parking spaces for the parking of vintage cars – MEADS.

The observations of the Estate Manager, Tourism Manager and the Specialist Advisors for Engineering and Conservation were summarised within the report.

At its meeting on 31 March 2015 the Conservation Area Advisory Group raised no objections.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement within three years 2) Development in accordance with approved plan 3) Development to be an exact replica of a vintage AA box in terms of design, materials and colour.

158 Beach Deck adjacent to 3 and 4 - Lower Promenade, Grand Parade. Application ID: 150276 (PPP).
Extension of timber decked area on the beach to be used in conjunction with existing Cafe Express and Belissimo Express cafes – DEVONSHIRE.

The relevant planning history for the site was detailed within the report.
The observations of the Specialist Advisors for Conservation and Engineering were summarised within the report.

At its meeting on 31 March 2015 the Conservation Area Advisory Group raised no objections in principle to the extension of the decked areas, however concerns were expressed in respect of the continuous nature of the decking and the impact it would have on the relationship between the beach and the promenade. The Group were firmly of the opinion that the deck should be separated into sections with wide gaps between them so that the shingle would still be visible right up to the edge of the promenade. It was also considered essential that good quality materials should be used, particularly for the balustrading; the design of the balustrading should be carefully considered to reflect either the ornate traditional features found along the promenade, or a very modern interpretation.

The committee was advised that the Eastbourne Hospitality Association ‘fully supported the application as it would enhance the towns tourist economy. The scheme would offer an enhanced refreshment facilities along the seafront and promenade. Pleased access to the beach was maintained.’

Two further letters of concern were also reported commenting on the following issues:

- Would lead to the commercialisation of the seafront which would be damaging.
- Would cut off access to the beach for the length of the new decking.

The committee expressed concern that the public consultation for this application had not yet closed and agreed that this item should be deferred until after the closing date. The committee felt that the decking area should run down towards the sea rather than along the promenade and asked that whilst the officers were awaiting the closure of the consultation period, they discuss options for increasing the decked area.

**RESOLVED:** (Unanimous) That consideration of the application be deferred until after close of the consultation period and to allow officers time to seek amendments/revisions to the scheme (reduce the length along the promenade and extend further into/onto the beach).

159 **Ilex End, 11 Upper Carlisle Road. Application ID: 150194 (HHH).**

Extension of raised terrace to the rear together with the provision of a brise-soleil canopy over – MEADS. One letter of objection had been received.

The relevant planning history for the site was detailed within the report.

The committee were advised that updated drawings had been received to accurately show the extension / patio as built.

**RESOLVED:** (Unanimous) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be carried out in accordance with the following drawings received on 19 February 2015:
DWG No. IE-TP01 – Proposed layout and rear elevation
DWG No. IE-TP02 – Proposed Side Elevations
Site Location & Block Plan.
2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building as identified under section 11. Materials, of the submitted application form 3) The privacy screening (fencing) on the raised terrace, hereby approved shall remain as a permanent structure and retained as such thereafter

160 27 St Leonards Road. Application ID: 150172 (PPP).
Erection of mansard roof to provide for four self-contained flats and three storey front/side extension, and alterations to fenestration on building's façade – UPPERTON. Five objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the East Sussex County Council Highways Department were summarised within the report. Specialist Advisor (Planning Policy) Awaiting response

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time – Commence within 3 years 2) Approved Drawings 3) Samples of Materials – Windows / Roof 4) Hours of Demolition / Construction 5) Tree protection 6) Provision of communal bin store (prior to occupation) 7) Provision of cycle storage (prior to occupation) 8) Retention of 16 parking spaces

161 Southdown House, 2 Silverdale Road. Application ID: 150046 (PPP).
Three storey extension to the east side to provide three two-bedroom flats – MEADS. Nine objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisor (Arboriculture) were reported at the meeting.

The observations of the East Sussex County Council Highways Department and Specialist Advisors for Planning Policy and Conservation were summarised within the report.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal represents an overdevelopment of the site, resulting in an extension with a cramped and awkward relationship with the host building and the boundaries of the site, and a detrimental impact on the outlook of the occupiers of the existing block. The extension, by reason of its scale, siting and design, would result in an intrusive feature that would fail to preserve of enhance the character and appearance of the designated Area of High Townscape Value. The proposal would also adversely impact the preserved trees on the boundary with Silverdale Road, both through the loss of one tree, the construction process, and future/ongoing pressure for severe pruning. As such the proposal conflicts with policies B2 and D10A of
the Eastbourne Core Strategy Local Plan 2013 and policies HO20, UHT1, UHT4 and UHT16 of the Eastbourne Borough Plan 2003 (Saved Policies) and the paragraphs 56, 60, 131 and 135 of the National Planning Policy Framework. The proposal would also adversely impact the preserved trees on the boundaries with Silverdale Road and 30 Compton Street, through the immediate loss of one tree, the potential loss of a further two trees, the construction process, and future/ongoing pressure for severe pruning of remaining trees.

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.

162 South Downs National Park Authority Planning Applications.

The committee were advised that an application for an extension to and additional elevated tee at the second hole at the Royal Golf Club, Paradise Drive had been received.

NOTED.

The meeting closed at 6.59 pm

Councillor Ungar (Chairman)
Executive Summary
This application follows a scheme that was dismissed on appeal. This revised scheme is considered to have overcome the issues of the raised by the appeal Inspector and now proposes a form of development that helps to support a local business and provide an important local service.

The redesigned scheme has an acceptable impact upon the street scene and also the does not result in a material loss of amenity to the occupiers of the adjoining/adjacent properties.

Given the limited increase in bed spaces proposed the likely increase in activity associated with this development would not result in any material impacts residential amenity. Similarly given that any impact upon the local street parking is likely to be modest a refusal based on this issue could not be substantiated when the scheme is acceptable in all other respects

Recommended for approval subject to conditions.

Relevant Planning Policies:
National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013
B2: Creating Sustainable Neighbourhoods
C7: Hampden Park Neighbourhood Policy
D7: Community, Sport and Health
Site Description:
The application property is an established Nursing Home registered for 57 residents, including frail and disabled older people and those requiring post-operative and palliative care.

The site/plot is situated at the junction of Nevill Avenue and Brassey Avenue. The existing property is a result of the change of use of three previously residential properties and a range of extensions to link these buildings and enlarge the site.

The rooms are over 2 floors with 3 separate wings. The building itself is set back from the road creating a car park and drop off area on site. The Avalon Nursing Home is next door to the application site, created through similar extensions and conversions.

The site is opposite the rear of properties (even numbers) in Nevill Avenue which have substantial gardens and foliage cover from the site. The site currently has 13 parking spaces, one disabled bay and one doctor parking space. There is a bin store and workshop situated in the car park area and near to the one TPO tree at the front of the site. There are currently 3 staircases and one small lift to provide access around the building.

The current building is constructed in brickwork and render (white) with plain hanging tiles and plain roofing tiles. The windows and doors are a combination of timber, aluminium and uPVC. The boundary treatments are brickwork and timber with asphalt paving hardstanding for vehicles. To the rear of the site is the driveway to 57a Brassey Avenue, with 57 and 57a Brassey Avenue lying adjacent to the rear.

There is a roof terrace to the property facing Brassey Avenue which has raised concerns with neighbours and is currently unused.

Relevant Planning History:
There has been significant planning history on this site relating to its longstanding use as a residential care home. These applications culminated in a proposed extension (reported below) that was dismissed on appeal. This scheme seeks to address the issues at the appeal stage.

140451 Proposed 2-storey extension to provide 10 additional residents bedrooms complete with en-suite facilities, and alteration of existing rooms to provide improved circulation, an additional lounge and en-suite facilities to existing rooms. Also relocation of external store and associated changes to car parking.
Planning Permission Refused 11/06/2014 and Dismissed on appeal

This application was refused for the following reason:-

_The proposal by reason of the continuous unbroken length of roofline is incongruous, out of scale and style in an area where the predominant pattern of development is characterised by detached and semi-detached properties and as such the development would be visually dominant and out of character with the street scene. The proposal would be contrary to policies UHT1, UHT4 and HO20 of the Eastbourne Borough Local Plan (Saved Policies, 2007) and B2 and D10A of the Eastbourne Core Strategy Local Plan (2007 – 2027)_.

In dismissing the appeal the Inspector commented that the main issue was the effect of the development upon the character and appearance of the area

**Proposed development:**

The application has been submitted in an attempt to overcome the previous scheme dismissed on appeal.

The scheme seeks to extend the existing nursing home establishment with/by a 2 storey extension accommodating a further 9 ensuite bedrooms and by reconfiguring the exiting fabric of the building to provide an additional 4 rooms are to be provided with ensuite accommodation.

The frontage car park is also to be reconfigured to provide an additional 4 parking spaces and as well as bicycle and scooter spaces.

In broad terms this application has an ‘L’ shaped footprint that wraps around the existing establishment/building. In terms of the appearance/scale, the new extension is one of three 2-storey detached dwellings with lower storey linking elements.

The entire width along Brassey Avenue measures approximately 24.2m and the depth of the extension into the site along the side facing 57 Brassey Avenue measures approximately 18m, the maximum height of the two storey element is approximately 8.5m with the lower storey elements measuring approximately 6.7m in height.

The proposed external materials follow those used in the main existing property, namely facing brickwork to the ground floor and render to the upper floors and tiles to the pitched roof.

The application has been supported by a statement from the applicant, this statement outlines the both the economic and social benefits of the proposal.

This report identifies the **economic benefits** as being:-

- Job creation for the end user but also during the construction phase
- Help to sustain the viability of an existing business and thereby securing a number of local jobs
The reports outlines the **social benefits** as being:-

- There is a growing demand for +85 **nursing bed spaces** within Eastbourne rising by a further 761 by 2020

- There is a growing demand for +85 **residential care bed spaces** within Eastbourne rising by a further 122 by 220

- The application supports the viability of the enterprise and thereby would give continuity to the existing residents. If the business were to become unviable and fail these residents would need to find alternative accommodation.

- The site is in a sustainable location and close to public transport links, good for residents, visitors and support services

- Over 80% of the staff travel to work via public transport

**Consultations:**

**Internal:**
Specialist Advisor (Arboriculture) The application could be approved as the proposal will have little impact on the two protected trees on the site. Recommend conditions to

**External:**
Environment Agency - No objections
Highways ESCC – The Number of additional vehicle movements created by this change will be minimal and therefore acceptable as it would have minor impact upon the public highway.

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

- Similar to the scheme that was dismissed on appeal,
- Far too big for a residential area
- On street car parking is very congested
- Loss of privacy from direct overlooking
- Commercialisation of a residential area
- Loss of light
- Imposing and intrusive development
- Would build very close to the road
- Double yellow lines the available parking is at a premium
- Overdevelopment
- Over the years large residential gardens have been developed, A number of care homes have been extended
- Property devaluation
- Compromise space/air around buildings which is characteristic
- More staff/patrons/visitors would increase car parking pressure
Appraisal:

Principle of development:
This application has been submitted in an attempt to mitigate the concerns raised by the previous scheme. Members will note that the main issue at appeal was the impact that the development would have upon the character and appearance of the area.

Essentially therefore the appeal inspector had concerns over the impacts upon the street scene only; this application seeks to mitigate this concern by way of a redesign.

It is considered that there is no objection in principle to care/nursing home operators wishing to adapt/alter they properties/business to meet their changing needs and requirements subject to any planning application not giving rise to material impacts upon the site/street scene or the amenities of the occupiers of the adjacent properties/plots.

With a growing elderly population nationally and within Eastbourne in particular the provision of accommodation fit for purpose is considered to carry significant material weight in the assessment of this application.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
The main impacts on residential amenity concern 57 and 57a Brassey Avenue.

The impacts upon this property have been materially improved by way of reducing the scale and mass of the of new build along this boundary. The impacts are further mitigated by the existing separation between these two properties/plots.

There are no first floor flank windows to bedrooms within the scheme that faces the closest neighbouring property (57 Brassey Avenue) and there are no external balconies/terraces proposed and as such the adjoining properties and those that directly face the application site are unlikely to suffer a loss of amenity (direct overlooking) to such a degree to warrant or justify a refusal of planning permission.

Similarly given the redesign to the external fabric of the development it is considered that the adjoining properties should not suffer any substantial degree of over-shadowing, this is due in part to the separation with roadways in between.

Although there is an increase in residents, it is unlikely that noise, general disturbance or odour will increase due to the nature of the site and the existing use continuing.

As commented by ESCC there should be any material impact upon the local highway network and as such a refusal based on this issue could not be substantiated especially given that if any impacts do occur they are significantly short of ‘severe’ as identified by NPPF terms.

Design issues:
It is considered that the proposed extension takes architectural references from the main property (projecting bays, pitched roofs and brick and render elevations) and has responded directly to the appeal decision my reducing the extent of the roof profile over/ across the extension.
The result is that in street scene terms the external appearance of the scheme has the visual appearance of the of individual 2 storey dwellings separated by lower height links. The height of the proposed extension at its highest point is lower than the main property and the roof profile is further mitigated by lower height linking elements. In this regard the addition remains subservient to the main property and would be acceptable within he street scene and in the views of the officer have overcome the impacts from the appeal scheme.

The use of matching materials helps to provide visual continuity to the development that would further reduce the visual impact of the development.

The extension does not affect any important vista or cause loss of natural screening and due to the redesign maintains the distinctive nature of the building itself. Therefore the appearance and character of the local environment is maintained.

There are concerns about this area being primarily residential and although there is no objection to the current use of the building as a Nursing Home, the fact that the building has been extended to form a large site in this area of single private dwellings is not supported by all. However, the proposal makes effective use of the site and there is sufficient space on site for a development of this size. The layout has been considered in terms of residential amenity but also designed to have effective use of floorspace and appropriate fire safety and disabled access etc. The decision to remove the redundant terrace in efforts to improve privacy for neighbours are noted. In response to concerns over fire escape route, the fire escape is detailed on the extension at the rear and is fully internal.

Impacts on trees:
There is some landscaping proposed and the alterations to the parking and storage cause some concern in relation to the TPO tree at the front of the property. The Specialist Advisor for Arboriculture has been consulted and advises that due consideration must be given during construction and that any approval should carry conditions for the protection of the TPO trees on site.

Impacts on highway network or access:
Due to the reconfigured parking space there is an increase in 4 parking spaces including 2 disabled bays proposed with provision for parking for cycles which was previously absent. There is an increase of 9 rooms but no increase in staff, however 4 spaces are now specifically allocated for staff and one for doctor. Therefore the only likely users of the additional spaces are transient visitors.

There is no on-street parking available on Nevill Avenue but the nearby residential streets of Brassey Avenue and Freeman Avenue provide unlimited on street parking, which can make these areas very busy at peak times. The properties in the area largely have off street parking available for residents, but these areas are very busy with car parks. The nature of the use of the site means that visitors are not staying for unnecessarily long periods and are present throughout the day, also the staff are on shifts so the influx of vehicles to and from the site is consistent and spread out. Due to this fact, although concerns over parking provision have been considered the impact is deemed to be minimal due to the above factors. Highways have been consulted and advise that the new parking provision
is sufficient to cater for the increase in rooms and that it improves the standard of parking in line with ESCC guidelines. The plans for cycle storage are to be specified in more detail though. The alteration to access is also deemed acceptable by Highways provided conditions are met.

Other matters:
Effect on Environmental Amenity has been considered, however due to the use continuing as a Nursing Home and the fact the additional rooms provide bedrooms rather than kitchens etc that are likely to produce addition smells, this is not considered a major concern.

In relation to the previous application the scheme is supported by East Sussex County Council’s Adult Social Care Department, Supported Housing Development Team as current and projected demographic, health and social care needs data on people age 65+ over the next 2 decades and information on current supply in Eastbourne shows that there is both current and future demand for this type of accommodation. The proposal supports the requests from this department that the rooms would be single rather than shared to enable choice and services which support dignity and respect. The addition of ensuite rooms and a first floor residents lounge, with better wheelchair access provides more suitable accommodation and improves the current accommodation in line with requirements.

The proposal does not contravene any of the visions for the Hampden Park Neighbourhood but supports the policy to enhance existing community facilities in that it provides needed accommodation which is of an acceptable standard for these members of the community.

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

Conclusion:
The proposed development is in keeping with the site and surrounding area. Residential amenity is maintained to an acceptable level and the TPO's are protected.

The development provides suitable accommodation in terms of Adult Social Care requirements and is a good addition to this community facility.

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

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

2. The use hereby permitted shall not commence until the existing access has been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Director of Economy Transport and Environment.
   Reason: In the interests of Highway safety.

4. The new access shall be in the position shown on the submitted plan [number: SK11 rev:F and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to commencement of development.
   Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
   Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
   Reason: In order that the development is accessible by non car modes and to meet the objectives of sustainable development.

7. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (BS 5837: 2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented.
   Tree Protection: fencing. A design of the tree protection to be approved by the Borough council’s specialist Advisor in Arboriculture
   Reason: To ensure the continuity of amenity afforded by existing trees.

8. Prior to the demolition of the bin store details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-
   A. A method statement on the demolition of the existing bin store to prevent damage to the existing trees on site.
B. Agree the location of site office, method statement for construction access routes and material storage areas before commencement of construction and demolition.

Reason: To ensure the protection of trees to be retained and avoid unnecessary damage in particular to the root system.

9. At no time shall there be any burning/bonfires anywhere at the site.

Reason: To ensure the protection of trees to be retained and avoid unnecessary damage.

10. The detailed landscaping plans to be submitted pursuant shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained with root protection areas plotted, and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

11. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010. No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees at the edge of the required root protection area in accordance with British Standard 5837:2012 Trees in Relation to Design, demolition and construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing 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 prior written consent of the Local Planning Authority.

In this condition —retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

12. The development hereby permitted shall be carried out in accordance with the approved drawings no.

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.

13. No additional windows, doors or other means of opening shall be inserted into any first floor elevation without the writing consent of the Local Planning Department.

Reason: In the interest of maintaining the residential amenity of the occupiers of the adjoining
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.

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.
**Executive Summary:**

- The application site is located within the Highfield (South) Industrial Estate, which is a designated Industrial Estate (Eastbourne Borough Plan Policy BI2: Designated Industrial Estates) on the Eastbourne Policies Map, and within the Proposed Submission Version of the Employment Land Local Plan (November 2014). It is also located within the Hampden Park neighbourhood as identified in the Eastbourne Core Strategy Local Plan.
- Permission is sought for the erection of a highbay warehouse with a floor area of 2,483 square metres in lieu of 3 existing and currently empty industrial units adjacent to the South West boundary of the estate adjacent to Lottbridge Drove.
- The use of the new facility will be utilized in support of the operational requirements for Gardners Books.
- The new facility will generate between 75 – 100 new jobs
- The applicant, Gardners Books, operates a successful business from the Industrial Estate
- Gardners is the largest book wholesaler in the UK and Europe’s leading wholesale distributor of English language physical and digital products and content and is single largest private employer in the town.
- The proposal is supported by Core Strategy Policy D2: Economy, which encourages development which supports improvements in the local jobs market through creation of additional jobs and employment diversification, and maximises the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of the existing
stock. It is also supported by Core Strategy Policy C7: Hampden Park Neighbourhood Policy, which encourages intensification of industrial estates.

- The level of traffic generation from the proposal is considered to be acceptable and can be accommodated on the highway network without a significant impact.

Located within a designated industrial estate, and away from any residential properties, the proposed development is considered acceptable in planning terms.

Constraints:

**Environment Agency Flood Defences**
Areas Benefiting from Flood Defences

**Relevant Planning Policies:**

National Planning Policy Framework
Section 128 – Archaeology

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C7: Hampden Park Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D8: Sustainable Travel
D10: Historic Environment
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT7: Landscaping
BI2: Designated Industrial Areas
BI7: Design Criteria
TR2: Travel Demands
TR6: Provision for Cyclists
TR11: Car Parking

**Site Description:**
The application is a triple unit (comprising of 21, 23 and 25 Edison Road) located on the Highfield Industrial Estate, backing on to Lottbridge Drove to the South West and fronting Edison Road to the North East, an un-adopted road within the industrial estate. The application site area covers 5,423 sqm.

A parking area is located to the front of the building accessed from Edison Road, and surrounding units within the Highfield Industrial Estate include: The Kings Centre (27 Edison Road) located at a distance of approximately 16.5 metres to the West; Smith & Ouzman (19 Edison Road) and A1 Removals (17 Edison Road) all located to the East. Adjacent units located on the opposite (Southern) side of Lottbridge Drove include:
Dunelm Mill (1 Marshall Road); Magnet (5 Marshall Road) and Fludes Carpets (7 Marshall Road).

The Highfield Industrial Estate is accessed from the Willingdon Drove, (the nearest adopted Highway) onto Whittle Drive the entrance of which is occupied by large industrial units belonging to the applicant (Gardners Books) which are linked via a raised link walkway spanning Whittle Drive.

**Relevant Planning History:**

EB/2008/0619 – 1 Whittle Drive (Gardners Books)
Erection of extension to existing building to provide high bay storage area
Approved Conditionally – 12/12/2008

EB/2008/0377 – 1 Whittle Drive (Gardners Books)
Retrospective application for provision of hard standing to rear of building including an area for helicopter landing and take-off
Granted subject to unilateral legal agreement. – 09/07/2008

EB/2008/0087 – 1 Whittle Drive (Gardners Books)
Erection of a single storey extension to pallet store.
Granted – subject to a unilateral legal agreement. – 07/03/2008

EB/2004/0206 – 1 Whittle Drive (Gardners Books)
Extension to existing pallet store
Approved Unconditionally – 26/04/2015

**Proposed development:**
The applicant seeks permission to demolish the existing triple industrial unit (numbered 21-23 and 25 Edison Road) and replace it with a new highbay warehouse, loading bay area, plant room and associated offices for use with the expanding business at Gardners Books.

The new unit, with a floor area of 2,843 square metres (sqm), replacing the existing empty units, would provide employment for between 75 – 100 new employees.

The development would comprise of 3 adjoined modules:

- **Module 1** - High Bay storage area itself which would measure approximately 16.70 metres in height inclusive of a shallow pitched roof (15 metres to the eaves).
- **Module 2** – Constructed along the North West Elevation (fronting Kings Church) the docking bays for the delivery vehicles would project approximately 19.15 metres from the front of elevation of the main High Bay module and would be 5.6 metres in height.
- **Module 3** located in the Eastern corner of the site has an ‘L’ shape and contains a tank room and a plant room, as well as a rest room and locker room. Constructed along the South East boundary (fronting A1 Removals) the module is approximately 8.5 metres in height.
All of the proposed modules would be finished in facing brickwork to the ground floor with upper floors covered with insulated wall and roof panel cladding of type, colour and profile to match that existing on units 1 and 2 Whittle Drive, belonging to the applicant.

A new vehicular entrance would be formed opposite the road Junction of Edison Road to facilitate ease of movement for the lorries using the loading / unloading area, with the existing entrance on the North Elevation closed to make way for ‘Module 3’.

Modules 2 and 3 would form the flank boundaries of the site, with front and corners of the site (along Edison Road) proposed to be bounded by a new hedge to enclose the site save for the newly formed vehicular entrance.

**Consultations:**

**Internal:**

Specialist Advisor (Economic Development) - Supported

- Vacant warehouse being brought back in to use
- 536sqmetres of additional floor space created
  - Storage, plant and offices

**REQUIREMENTS:**

- S.106 Local Labour Agreement
  - As per ‘Local Employment and Training Technical Guidance Note’
  - Relating to both construction and operational staff

Specialist Advisor (Planning Policy) - Fully supported by existing policy and emerging Employment Land Local Plan

- Application land is a Designated Industrial Estate – Policy BI2: Designated Industrial Estates
- Supported by Core Strategy Policy D2: Economy; C7: Hampden Park Neighbourhood Policy
- Increasing gross floor space to 3,379 sqm. would contribute towards requirement for up to 20,000 sqm. between 2012 – 2027.
- Creation of 75-100 additional jobs

Specialist Advisor Arboriculture – No trees or shrubs at the site that are worthy of protection, suggest soft landscape condition be attached to any approval.

**External:**

County Archaeologist – The applicant has undertaken a geotechnical survey identifying the presence of surviving peat deposits beneath the site, which have a high potential to contain prehistoric remains.

Recommendation that the area affected by the proposals should be the subject of a ‘Programme of Archaeological Works’, in accordance with a ‘Written Scheme of Archaeological Investigation’ to accord with Section 128 of the NPPF. It is also recommended that any planning permission be conditioned that the site should not be brought in to use until completion of the Archaeological Site Investigation and
Post Investigation Assessment, in accordance with the aforementioned programme set out in the Written Scheme of Investigation.

Highways ESCC – Recommend conditional approval

- The industrial estate does not form part of the adopted highway (the nearest being Willingdon Drove).
- Pre-application discussions took place
  - Level of traffic generation considered acceptable
  - Can be accommodated on the highway network without significant impact
  - Visits confirmed that existing carparks have spare capacity
- Travel Plan to be secure by Legal Agreement in order to manage parking and to ensure vehicle trips to the site are kept to a minimum.
- Site is located within walking distance of bus stops and the railway station, in addition to a number of cycle routes.
  - Also potential for car sharing within the organisation

FURTHER RECOMMENDATIONS:

- S.106 agreement to secure a Travel Plan (including a £4,500 auditing fee)
- Pre-demolition condition of Traffic Management Scheme for submission and Approval

Neighbour Representations:
Letters of consultation were sent to neighbouring units as well as site notices displayed. No objections have been received, but concerns have been raised by the neighbouring unit at Kings Church who would be keen to avoid disruption to their day-to-day operations including issues of parking and visitor safety.

Appraisal:

Principle of development:
The Hampden Park Neighbourhood Policy aims to assist in the delivery of housing and employment opportunities for the town, which incudes the encouragement of intensification of industrial estates.

Policy D2 states that job growth and economic prosperity will be supported which will be achieved in part by maximising the use of existing employment istes, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of existing stock.

The proposed development to erect a new, replacement industrial unit within the designated industrial estate is acceptable in principal and should be granted approval as long as it has been well designed in terms of siting, scale and materials in accordance with Policy UHT 1 concerning new development, and would be in-keeping with the character of the area to ensure there would no unacceptable detrimental impact to visual amenity.
The NPPF recommends that sustainable development that supports economic growth should be supported without delay.

**Design:**
Policy BI 2 (Designated Industrial Areas) states that planning permission will be granted for new B1, B2 or B8 uses in the designated industrial areas subject to certain design criteria detailed in Policy BI 7.

Policy BI 7 states that new business and industrial development will be required to be well designed in terms of siting, scale and use of materials and should be landscaped to help conserve the site and to screen it from adjoining main roads and should accord with Policy UHT1.

The proposed design of the new buildings reflect in scale and materials used on existing buildings at the Gardners site in particular and the wider industrial estate in general.

**Siting and layout:**
Located within a designated industrial estate the new unit would replace existing industrial units constructed in the 1970s. The High bay, which is the main element of the development, would be constructed towards the Southern side of the plot adjacent to Lottbridge Drove, separated by a green strip of over 15 metres in depth proposed for soft landscaping appraised later in the report.

Activities associated with the use of the proposed buildings would be concentrated towards the front of the site within the courtyard formed by the buildings and proposed boundary treatments ensuring that any potential impact in terms of noise, and issues of safety to the public, are located away from the public realm in accordance with policy BI 7.

**Scale:**
Policy UHT 2 concerning the height of buildings, states that new development be of a height similar and conform with the majority of the surrounding buildings and take full account of its effect on the skyline and long distance views.

The industrial units situated along this section of Lottbridge Drove are currently relatively similar in their height, with the Kings Centre at approximately 8.5 metres in height, and the units comprising 15 – 26 Edison Road at just under 8 metres in height.

It is considered that the height of the proposed new highbay unit at just over 16 metres, is not without precedence within the Highfield Industrial Estate and nearby industrial areas. Permission has been granted to the applicant for a similarly sized industrial unit of over 16 metres in height under application reference EB/2008/0619. As with the current application, the permitted unit at 1 Whittle Drive is situated adjacent to a main road on the periphery of the estate.

Other examples of permitted units in the vicinity above 10 metres in height and highly visible from the adjacent highway include, the Morrins store at over over 14.5 metres in height and Teva building at 41 Brampton Road (15.2 metres in height).
It is considered that the proposed development would have an acceptable impact on the skyline and would not be materially impactful upon the long and short range views of the site.

Materials:
The proposed finishes of facing brickwork at ground floor level and insulated wall and roof panel cladding would match the colour, type and profile of the nearby units 1 & 2 Whittle Drive, owned by the applicant and situated adjacent to Willingdon Drove and are considered to be in-keeping with that of a building located within an industrial estate.

Visual Amenity:
Policy UHT 4 states that development proposals will be judged with regard to their effect on visual amenity using the following criteria:

a) Loss of natural screening;
b) The degree to which additional screening enhances the surroundings;
c) Erosion of local distinctiveness
d) Effect on an important vista

As already appraised earlier in the report, there is considered to be no unacceptable erosion of local distinctiveness as a result of the erection of the new highbay and associated development, with the resulting development being in-keeping with its surroundings. Additionally, there are considered to be no important vistas that would be affected by the resulting development.

‘Feature windows’ would be installed to the rear elevation of the large façade, which would be non-functioning and whose sole purpose would be to help break up the visual bulk of the building and provide visual interest in order to improve the appearance of the building and provide a reference to scale.

Landscaping:
The scheme proposes areas of indicative landscaping these areas will be controlled via condition, notwithstanding this the suggested areas are considered appropriate and help to provide mitigate the extent of hard surfacing and built form at the site.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
The application site is located on a designated Industrial Estate with no residential occupiers located within close proximity of the site who would be impacted by the proposal.

Impact to Kings Centre:
The adjacent Kings Centre is considered to be the business that would likely be impacted the most from the proposed development.

Due to the increased height of the new high bay, it is considered that the neighbouring business would suffer from a degree of overshadowing and loss of light to some of the office space and conference rooms located on the Eastern side of the building with facing windows. The effects of overshadowing would be limited to the earlier part of the day
when the sun is at its lowest in the Eastern part of the sky and although regrettable, the impact is not considered to be unacceptable.

The Kings Centre has a variety of uses and runs many activities undergoing visits by members of the public, and by businesses using the site’s conferencing facilities at different times in the day and week.

Due to the close proximity of the main Kings Centre entrance to the application site, there are some concerns of disruption occurring during the demolition and construction phases, this concern will be mitigated/controlled via an appropriate planning condition.

Impact to other Surrounding Businesses:
In order to ensure the safety of persons visiting the area and to minimise disruption caused to the surrounding businesses and local highway network, details of the scheme for the demolition and construction phase of the development should be secured by condition for approval by the Local Planning Authority including a schedule of works and a traffic management scheme for construction traffic in order that any disruption is successfully managed.

Impacts on highway network or access:
Policy BI 7 requires that any new development within an industrial estate provides adequate off-street car parking, access and loading facilities in compliance with adopted parking standards. Including, where appropriate, adherence to an agreed Travel Plan.

Parking:
Policy TR11 states that permitted parking provision will reflect local public transport, cycle and pedestrian accessibility, and availability of public parking elsewhere to take into account of operational need and local parking strategies.

Although there will be an increase in staffing levels, extra parking will be provided in the form of the existing car parking available to the rear of Unit 2 building belonging to the applicant, currently leased out to a local car dealership. Additionally, the existing parking has some capacity to absorb any additional demand, as evidenced on visits to the site. There are 267 car parking spaces available over 3 carpark sites within Gardners ownership (excluding on street parking within the estate, of which there are approximately 70 spaces).

The site location is within walking distance of bus stops and the railway station as well as being close to a number of cycle routes and therefore alternative modes of transport, other than a private car are considered a realistic option. Also given the number of people employed on site there would also seem to be scope for car sharing and therefore it is considered that there is appropriate provision for available parking for the proposal.

In addition, and to ensure compliance with Policies BI 7 and TR 6 (Facilities for cyclists) of the Eastbourne Borough Plan Saved Policies, the applicant would need to demonstrate that there is adequate for those cycling to the unit, in the form of provision for the storage of bicycles and the provision of washing/changing facilities.

Deliveries:
Within the industrial estate, Gardners Books already receives regular deliveries from the major publishers, and it is expected that much of the additional stock will be delivered on these same vehicles. To help minimise impact at peak times for deliveries, it is planned that goods trailers can be dropped off and collected on a planned schedule from the new yard area with its level loading docks.

It is thought that the number of lorries visiting the new unit on an average day would not exceed 10.

Requirement for Travel Plan:
In order to manage the parking situation and ensure vehicle trips to the site are kept to a minimum, a Travel Plan should be secured by legal agreement.

Sustainability:
Policy B2 of the Eastbourne Core Strategy Local plan states that a sustainable neighbourhood meets the local needs of the residents, where people have the opportunity to work locally.

Located within walking and cycling distance of residential neighbourhoods of Hampden Park, and located close to links by road and rail and adjacent to a cycle track, the new unit would be accessible to all users, helping to deliver economic and social well-being to Hampden Park and other adjoining neighbourhoods.

The new building would be subject to the latest Building Regulations standards, and with the latest technologies making the resulting unit more energy efficient than the 1970s built units it seeks to replace, helping to deliver environmental well-being. The applicant has stated their intention to use construction materials from sustainable sources with low embodied energy and low carbon input to accord with BREEAM standards.

In addition to the Waste Minimisation Statement already supplied, and to help ensure that the development is environmentally sustainable it is recommended that the applicant submit details of proposed recycling facilities and energy saving measures to help ensure environmental sustainability of the development and to comply with the requirements of Policy B17.

OTHER MATTERS:
Heritage Assets:
The application site is located within an Archaeological Notification Area and below ground investigation undertaken by the applicant has revealed the presence of peat deposits likely to contain prehistoric remains.

In order to accord with the relevant paragraphs of the NPPF ('Conserving and enhancing the historic environment') it is recommended, in consultation with the County Archaeology Team, that the area affected by the proposals should be the subject of a ‘Programme of Archaeological Works’, in accordance with a ‘Written Scheme of Archaeological Investigation’.

It is also recommended that any planning permission be conditioned that the site should not be brought in to use until completion of the Archaeological Site Investigation and
Post Investigation Assessment, in accordance with the aforementioned programme set out in the Written Scheme of Investigation.

**Emerging Planning Policy:**
The Proposed Submission version of the Employment Land Local Plan (November 2014) identifies the need to provide 43,000 sqm of employment (class B) floorspace in Eastbourne between 2012 and 2027, with 20,000 sqm of class B1c, B2 and B8 floorspace being provided through the intensification of sites within the existing Industrial Estates.

This proposal would be fully supported by the emerging policy, and gross floorspace figure of 3,379 sqm that would be provided by this application will contribute to achieving the target of 20,000 sqm of industrial floorspace to be provided on the Industrial Estates. In addition, the application will create between 75 to 100 additional jobs.

**Section 106 Agreements:**
The submitted Planning Statement indicates that wherever possible Gardners intend to use locally sourced builders and contractors during the design and construction of the new building, which it is recommended be secured through a Section 106 Local Labour Agreement.

Additionally, County Highways have advised that the provision of a Travel Plan, including the appropriate monitoring fee be secured through Section 106 Agreement in order to better understand and mitigate any impact that the growing business might have on the adjacent and local highway network.

**Flood Risk:**
The site lies within Flood Zone 3a based upon the Environment Agency flood risk mapping assessment, It is also land that benefits from ongoing flood defences maintained by the Environment Agency and Eastbourne Borough Council.

The minimum ground floor level of the new development will be set at 3.0 metres AOD (Above Ordnance Datum / Sea level) which is higher than 2.3m AOD predicted in a 1:100 year flood level and therefore there are no concerns that the new development would be at risk of flooding.

Additionally, it is considered that the proposed development, in lieu of existing units and associated hard surfacing, does not impact on flood risk elsewhere and therefore is acceptable in this regard.

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

**Conclusion:**
The proposed replacement industrial unit and associated development is considered appropriate in its scale, form, setting alignment, layout and use of materials. The
resulting development would harmonise with the appearance of the character of the local environment respecting local distinctiveness, making effective use of the site with the highest density appropriate to the locality.

Additionally, subject to further detail to be secured by condition, there should not be any unacceptable impact to the adjacent highway network, and that within the host industrial estate, as a direct result of the business being run from the replacement industrial unit.

In summary, this application is fully supported by existing policy in the Eastbourne Borough Plan and the Core Strategy, and by emerging policy in the Employment Land Local Plan.

**Recommendation:**
Approve with the following conditions and subject to a S106 agreement covering local employment initiatives and travel plan monitoring fee

**Conditions:**
1. Time
2. Approved Plans
3) External matrials
4) Hard and soft landscaping
5) Cycle Storage.
6) Refuse Facilities .
7) Exterior lighting details
8) Limitation to hours of Loading or Unloading
9) Demolition and construction times
10). Construction method statement
11) Construction plant and machiner shall be parked/stored clear of the public highway
12) Trafic management scheme
13) Archaeological programme
14) Results of Investigation
15) Foundation design
16). Inaccordance with BREEAM

**Informatives**

The applicant is advised to contact the local gas provider due to the close proximity to the site of a gas governor.

It is expected that the **written scheme of investigation** will confirm the action to be taken and accord with the relevant portions of the East Sussex County Council document *Recommended Standard Conditions for Archaeological Fieldwork, Recording and*

**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.
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<table>
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<tr>
<th>App.No: 150365 (HHH)</th>
<th>Decision Due Date: 28 May 2015</th>
<th>Ward: St Anthonys</th>
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<tr>
<td>Officer: Toby Balcikonis</td>
<td>Site visit date: 14 April 2015</td>
<td>Type: Householder</td>
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</tbody>
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Session Notice(s) Expiry date: 7 May 2015  
Neighbour Con Expiry: 7 May 2015  
Weekly list Expiry: 13 April 2015  
Press Notice(s): N/A  

Over 8/13 week reason: Request to address Committee by member of the public and the Cycle of Planning Committee

Location: 29 Filder Close, Eastbourne

Proposal: Erection of 2 storey side extension (Amended description).

Applicant: Mrs Eve Cook

Recommendation: Approve with conditions

**Executive Summary:**

The application property is a Single Private Dwelling – C3 use who proposed to erect a 2 storey extension to the side of the property to be used as an extension to the main dwelling.

A previous, recent application to construct an additional dwelling to the side of the property was refused at planning committee with 3 reasons:

1. By reason of the siting and layout of the development, the proposal fails to respect the character and the appearance of the surrounding residential area, and conflicts with the pattern and building line of existing development within Filder Close, affecting the open plan character of the existing neighbourhood.

2. The design and position of the dwelling would result in an inappropriate and unneighbourly form of development that would be likely to have a negative impact upon the amenities enjoyed by the occupiers of No 29 Filder Close by reason of loss of light and overbearing relationship.

3. The proposed private amenity space proposed is considered not to be in a useable configuration and as such is likely to result in a poor living environment for the likely occupiers of this new dwelling.

A number of 2 storey side extensions exist in relatively close proximity to the application property, and it is considered that the current application it not as impactful as the
previously refused application, and overcomes the reasons for the refusal of the previous scheme for development in the same location.

**Constraints:**
**Environment Agency Flood Defences**
Areas Benefiting from Defences

**Relevant Planning Policies:**
**National Planning Policy Framework**
Paragraphs 9, 11, 12, 14, 17, 32, 47, 48, 50, 103, 122

**Eastbourne Core Strategy Local Plan Policies 2013**
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C6: Roselands & Bridgemere Neighbourhood Policy
D5: Housing
D10A: Design

**Eastbourne Borough Plan Saved Policies 2007**
UHT1: Design of New Development
UHT4: Visual Amenity
HO20: Residential Amenity
US5: Tidal Flood Risk

**Site Description:**
The application property is located at the end of a terrace comprising of three residential dwellings. Filder Close is set within a predominantly open plan estate.

As with other properties in the immediate vicinity and built at a similar period, the application property is finished in facing brick and white horizontal cladding.

**Relevant Planning History:**
EB/1979/0632 - Re-siting of screen fence at side.
Granted (Five years) - 1979-11-06

EB/1973/0638
ERECPTION OF 214 HOUSES & 44 BUNG WITH GARAGES, CONSTRUCTION ESTATE RDS, BRIDGE & FOOTWAYS LAND N W OF ASTAIRE AVE
Approved Conditional - 1974-01-17

EB/1972/0529
DEV OF 26.30 ACRES FOR RES PURPOSES (OUTLINE) INCLUDING, MORTIMER RD, WILLARD CLOSE, Filder CLOSE, HOMEWOOD CLOSE, HORSYE RD, COLLIER CLOSE.
Approved Conditional - 1972-07-06

140559
Proposed new end of terrace two storey dwelling to extend the existing terrace, situated in the existing garden adjoining 29 Filder Close and with associated parking.
Planning Permission – Refused - 05/08/2014
Proposed development:
The applicant is seeking planning permission to erect a 2 storey extension which would project 3.4 metres to the side of the existing property containing an additional bedroom at first floor level and a lounge at ground floor level.

The extension would be constructed in facing brick to match the existing dwelling, with cladding at first floor level on the front and rear elevations, with roof tiles all proposed to match those of the existing dwelling.

The front elevation of the proposed extension would be set back by a distance of 1 metre from the front of the host property. The resulting tiled roof, with pitch to match the existing property would have a ridge height approximately 0.3 metres lower than that of the parent dwelling.

The new extension would be glazed with UPVC windows to the front at ground and first floor level, and to the rear at first floor level. On the ground floor a patio door would be installed to provide direct access to the garden.

Consultations:
External: East Sussex County Highways:
Highways did not wish to formally comment on the proposal due to the size and scope of the application but confirmed that the increase from a 2 bed property to that of a 3 bed in St Anthony’s Ward would add on average a demand for approximately 0.5 cars.

Internal:-
Councillor Tutt objects to the proposal as it results in an overdevelopment of the site.

Neighbour Representations:
Letters of consultation have been sent to 6 surrounding properties resulting in the receipt of 5 objections covering the following points:

• EXTERNAL APPEARANCE
- Not in-keeping with other properties in area as not cladding (subsequently amended with revised drawing)
- New Extension close to property boundary repositioned in 1979
- Alterations to the building line of the terrace
- Not in-keeping with layout of other terraces on the same side of the Close.
- Alter open nature of this end of Filder Close
- Shape and layout of triangular plot will make extension look unsightly when viewed from back or front.

- **HIGHWAY SAFETY & PARKING**
  - Area already overcrowded with regard to parking
  - Increase in bedrooms at property would lead to potential for increase in car parking requirement
  - Car parking being pushed further up Mortimer Road
  - Concerns as to effect on access for emergency vehicle

- **LOSS OF PRIVACY**
  - Top floor windows affecting the privacy of those opposite

- **LOSS OF LIGHT**
  - Perceived impact of loss of light to surrounding properties.

- **FLOODING**
  - Located on flood plain
  - Localised issues of drainage.
  - Concerns that there would be a negative effect on capacity of drains.
  - Water table is fragile, and area has seen increased building including new properties.
  - Reduction of garden space will reduce land available to absorb surface water.

- **BIODIVERSITY**
  - Disappearance of green spaces in area. Application may lead to the removal of an existing tree in the front garden.

- **LOSS OF AMENITY SPACE**
  - Triangular Plot – Extension would reduce the amenity area of the property

**Appraisal:**

**Principle of development:**
There is no objection in principal to the extension of a dwelling in the area providing that the resulting development would be in-keeping with the surrounding properties and would not cause unacceptable harm to the amenities of the surrounding neighbouring residents.

A previously submitted application to erect a new dwelling adjacent to the existing property was previously refused on 3 grounds, and any application would be required to overcome those reasons for refusal.

**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 and Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.
The application property is situated on the end of a terrace of properties, and the proposed two storey extension to the side is not considered to result in any unacceptable impact to the amenities of the existing nearby, or future residents by way of loss of outlook, loss of privacy by overlooking from habitable rooms, overshadowing and/or loss of light. Additionally, it is considered that there would be no increase in noise, general disturbance as a result of the proposed development.

The properties located opposite to the application address are located a distance of over 25 metres from the site of the proposed development, with properties to the side and rear located on Mortimer Road at a distance of approximately 20 metres from the closest point of the proposed extension sufficiently negating any concerns as to the potential for impact to residential amenity.

Additionally there are no concerns as to the potential for loss of residential amenity to the other properties located within the terrace (namely 31 and 33 Filder Close) nor to the occupiers of properties in the general vicinity of the development and therefore would accord with the relevant planning policies.

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 use appropriate materials (preferably locally sourced). Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

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.

The Bridgemere Estate is open plan in its nature, characterised by the space around and between dwellings. The application property located on the end of terrace is situated within a sizeable plot for the area which is triangular in its shape and bounded by a 6 foot high brick wall, separated from the adjacent footpath by a strip of matured vegetation.

The resulting side extension would be contained within the existing boundary wall to the side of the property, which was granted permission for its current position in 1979. It is considered therefore that the proposed extension would not further encroach into the open plan nature of the estate.

It is considered that the there would be no loss of open space and no unacceptable impact as a result of the proposed extension that would affect the open planned nature of the estate and which would warrant a recommendation to restrict the grant of planning consent.

The erection of two storey side extensions in the locale are not without precedent with permissions granted at numbers 9 and 45 Filder Close and number 1 and 7 Mortimer Road (opposite), both of which are located adjacent to the highway of Mortimer Road in relatively prominent locations.
The new extension would be subservient in its appearance to that of the application property and dwelling, rather than seeking to simply extend the terrace and would be set back from the existing building line at the front of the property by 1 metres.

Finished in materials to match that of the host dwelling and that of the remainder of the terrace, the proposed extension is considered to be in-keeping with the style and character of properties within the area and is therefore acceptable in this regard.

The size, scale and position of the two storey side extension is considered to be an appropriate form of development for the location and would accord with policies D10a of the Eastbourne Core Strategy Local Plan, and polies UHT 1 and UHT 4 of the Eastbourne Borough Plan Saved Policies.

**Impacts on trees:**
There is an existing Acer tree located in the front garden of the application property which has not been indicated for either loss or retention. The Council’s Arboriculture Officer previously has stated that the existing tree is considered to be of limited landscape value and should not be considered as a constraint to the development and could not be the subject of a condition for its retention if the resulting extension were to lead to the loss of this tree in order to facilitate the development.

**Impacts on highway network or access:**
The existing property has provision for 2 off street parking spaces in the form of a garage and associated driveway. As one of the spaces is a garage it is acknowledged that this may be less likely to be used.

Objections received reference a concern for the potential impact on the adjacent highway as a result of increased parking demands in the area, which has led to residents of Filder Close having to park further away from their properties.

The ESCC parking calculator confirms that extra demand for a vehicle in an extended property in the area would be less than 1 car.

Additional comments received, advise that extra demand for parking could lead to difficulties in access by emergency vehicles as a result of cars leaving little space to get a large vehicle through from Mortimer Road to Filder Close.

The roads of Filder Close and Mortimer Road are controlled by East Sussex Highways, and therefore any instances of dangerous or incorrectly parked vehicles would be be controlled by them and notwithstanding this it is not considered that the any displaced parking would have any material impact upon the free flow of traffic at and within the vicinity of the site.

On balance and in NPPF terms it is considered that the impact of an additional vehicle resulting from the proposed development would not be severe enough to refuse the grant of planning consent on highways grounds.

**Other matters:**
The property falls within the Environment Agency Flood Zone 2/3, an area which also benefits from ongoing flood defences. All rainwater run-off would be dealt with by the
existing rain water pipe (RWP) and internal floor levels would be no lower than the existing floor levels in the main dwelling house.

The applicant also proposed to install a continuous damp proof membrane with vertical tanking and water proof plaster up to 1 metre above finished floor level.

The resulting two storey extension is not considered to present any significant risk of increased flooding in the area and is acceptable in this regard.

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

**Conclusion:**
The proposed development would not result in any unacceptable loss of residential amenity and is considered appropriate in its form, size, scale and positioning and is considered to be an acceptable form of development for the area in keeping with the area and in accordance with relevant local and national planning policy.

**Recommendation:**
It is recommended that the application be approved with the following conditions:

**Conditions:**
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
   
   **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with 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 submitted on 22 April 2015:
   
   DWG. NO: DS/1755/2 Revision a – Proposed Drawings

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

3. 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.

   **Reason:** To safeguard the amenities of the occupiers of nearby properties.

4. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing
building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

**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.
**Agenda Item 9**

<table>
<thead>
<tr>
<th>App.No:</th>
<th>Decision Due Date:</th>
<th>Ward:</th>
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<tbody>
<tr>
<td>150280</td>
<td>7th May 2015</td>
<td>Ratton</td>
</tr>
<tr>
<td><strong>Officer:</strong></td>
<td><strong>Site visit date:</strong></td>
<td><strong>Type:</strong></td>
</tr>
<tr>
<td>Thea Petts</td>
<td>20th April 2015</td>
<td>Householder</td>
</tr>
</tbody>
</table>

**Site Notice(s) Expiry date:** N/A  
**Neighbour Con Expiry:** 10th April 2015  
**Press Notice(s):** N/A

**Over 8/13 week reason:** Planning Committee Cycle

<table>
<thead>
<tr>
<th>Location:</th>
<th>Proposal:</th>
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<tbody>
<tr>
<td>52 Upper Kings Drive, Eastbourne</td>
<td>Demolition of part of existing garage and erection of a two storey extension at the side</td>
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<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Recommendation:</th>
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<tbody>
<tr>
<td>Mr Howard Rackliff</td>
<td>Approve conditionally</td>
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**Executive Summary:**  
Applications relates to the erection of a two storey side extension to the dwelling to mirror adjacent property.

Siting, design and appearance of the extension are considered appropriate and would be acceptable in the street scene and should not result in any material impacts upon the amenities of the occupiers of the adjacent/nearby residents.

**Planning Status:**  
The site of the proposed development is a two storey detached residential property with an integral garage and garden to the front, side and rear which is located within a 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  
C12: Ratton and Willingdon Village Neighbourhood Policy  
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 application site is a detached two storey dwelling which benefits from an integral garage and a garden which wraps around the south, east and north sides of the building. The property occupies a central plot which addresses the road from the north. It shares boundaries with 54 Upper Kings Drive to the west, 2 Hoo gardens to the north and 1 Ruskin Road to the east.

The property is partially screened from the road along the south boundary by foliage. The ground floor external walls of the house (including the garage) are rendered and painted white with hanging tiles applied at first floor level. The roof is dual-pitch tiled roof and there is a small balcony with black metal balustrades at the east end of the front elevation. This is a feature of a number of properties in the immediate area (for example, nos. 1, 3, 5 Ruskin Road and nos. 52, 54, 56 and 58 Upper Kings Drive) which upon initial completion, were matching.

Nos. 52 and 54 Upper Kings Drive once had adjoined garages. However, since works were carried out (under planning case: 130856 and reported to Planning Committee for a two storey side extension) at no. 54, these two garages are no longer attached. This has resulted in the existing side wall of no. 52 (application property) standing exactly on the boundary shared by no. 54.

Relevant Planning History:  
EB/1962/0383  
REVISED LAYOUT OF 11 DET HOUSES & 1 BUNG EACH WITH GARAGE IN LIEU OF 9 HOUSES EACH WITH GARAGE  
Approved Conditionally, 1962-07-19
EB/1955/0133
USE FOR ERECTION OF DWELLING HOUSES INCL CONSTR OF NEW ROAD
OUTLINE - Approved Conditionally, 1955-04-14

130856 (adjacent property No 54 Upper Kings Drive)
Proposed single storey rear extension and two storey side extension to include demolition of existing garage and utility room
Householder - Approved conditionally, 08/01/2014

141059
Proposed single storey extension which would extend beyond the rear wall of the existing house by 4.25 metres, for which the maximum height for the overall extension would be 3.65 metres
Prior Approval, Issued

Proposed development:
The applicant seeks permission to demolish part of the existing integral garage and erect a two storey extension on the same footprint.

The extension is to accommodate an additional bedroom with en-suite shower room at first floor level. The external walls at ground floor level are to match existing as are the hanging tiles at first floor level.

The ridge height of the roof of the enlargement is to match the ridge height of the existing dwellinghouse (7.9m), as is the eaves height (5.05m) which will provide a continuation of the existing roof. The existing first floor balcony and balustrades will also be extended across the full width of the first floor addition over the garage. A new glazed double door set with partner full length windows either side is to be installed to the front elevation to provide access from the new bedroom to the balcony. There is to be a centrally positioned casement window to the rear. At ground floor level, the internal garage space is to be reduced lengthways to allow for a utility room to the rear with French doors to provide access to the garden alongside a casement window. To the front, the garage door opening is to be widened (from 2.3. to 3.15m). There are no windows proposed for the side elevation.

Neighbour Representations:
One objection has been received which included a request to speak at Planning Committee meeting. The following points were made:
- The proposal would have a negative impact on the character of the building and adjacent property, 54 Upper Kings Drive
- Concerns that works could not be undertaken without accessing neighbouring property, 54 Upper Kings Drive
- The flashing on the side elevation may overhang the boundary shared by 54 Upper Kings Drive
One comment in support for the scheme has been received and makes the following point:

- The proposed scheme will enhance the property in question

**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 amenity 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 proposed alterations to the property are not considered to detrimentally affect the character and appearance of the building.

Adjacent property, no. 54, has been subject to a number of alterations, including a first floor addition over the garage. This being the case, a certain symmetry offered by these properties will be reinstated if the development at no. 52 is undertaken. As proposed materials are to match that of the existing dwellinghouse, it is not considered that the aesthetic qualities offered by the property will be lost as part of the development or will negatively impact the area.

An objection from the adjacent neighbour at 54 Upper Kings Drive has been made with regards to the negative effect the design will have on the application site as well as no. 54. However, as similar works have been undertaken at no. 54, it is not considered that the proposed alterations will prove detrimental to the character of either property.

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

Another aspect of this objection is that the flashing on the side facing no. 54 will overhang the boundary. This issue was addressed prior to submission of the application and the depth of the flashing on this side has been reduced in an effort to avoid overhang. The flashing will protrude from the side wall of the addition (which is built up to the boundary shared with no. 54, as the existing wall is) by approximately 30mm, however no guttering or any part of the dwellinghouse will protrude further into the property and water run-off will be caught by the guttering along the eaves on the front and rear elevations. Given this it is considered that the proposed development would not impact upon the character or amenity of the occupiers of the adjoining property.

A window is proposed to the rear of the addition at first floor level. This window is to serve a shower room. As such, to protect the occupants and neighbours, this window will be conditioned to be obscure glazed. The new access to the balcony from the first floor addition which faces the road is not considered to affect amenity. Therefore, there are no other issues with regards to the residential amenity of adjacent or surrounding neighbours.

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

**Conclusion:**
The proposed scheme makes use of existing design features present on the principal dwellinghouse and matching properties located in the immediate area, such as the balustrade to the first floor balcony and the retention of the integral garage. Following alterations made to 54 Upper Kings Drive, the current proposal at no. 52 reinstates some symmetry to the two properties which was lost when the former was developed. The proposal does not present any significant issues regarding residential amenity. However, the rear window for the enlargement (to serve a new shower room) proposed at first floor level will be conditioned to be obscure glazed to ensure that potential over-looking is avoided.

The proposal, therefore, is considered to work in-line with aforementioned policies and will not have a negative impact on the street-scene or the amenity of neighbours.

**Recommendation:**
Approve 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 approved drawings submitted on 11th March 2015:
   - DWG 1, Pro. G/F Plan
   - DWG 2, Pro. F/F Plan
   - DWG 3, Pro. Front Elev.
   - DWG 4, Pro. Rear Elev.
   - DWG 5, Pro. Section A:A
   - DWG 6, Pro. Side Elev.
   - DWG 9, Site Location and Block Plans
   *Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the plans to which the permission relates*

3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building
   *Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area*

4) The first floor rear window of the addition shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
   *Reason: To safeguard the privacy of the occupiers of the adjoining property.*

5) Notwithstanding the details shown on the plans hereby approved and for the avoidance of doubt no part of the extension shall encroach onto the plot/property/airspace of the adjacent plot/property No 54 Upper Kings Drive.
   *Reason: To ensure that the development does not impact upon the amenities of the adjoining occupiers.*
**Executive Summary**

This application proposes the changes of use from Guest house (tourist accommodation) to a use as a House in Multiple Occupation for up to 12 residents occupying 6 rooms with en-suite facilities.

As is evident from the planning history below, this unit has had the benefit of planning approval for a change of use from tourist accommodation into a single dwelling house, this consent was never implemented and has now lapsed and the property is currently being used for HMO purposes.

This application is retrospective and seeks consent to continue the HMO use.

The use of the property as a large House in Multiple Occupation would result in an unacceptable intensification of use of the premises and would be detrimental to the amenities of neighbouring occupiers, and the character of the locality and the adjacent Tourist Accommodation Area and also provide substandard accommodation for the users/occupiers of this property.

**Relevant Planning Policies:**
National Planning Policy Framework

**Eastbourne Core Strategy Local Plan Policies 2013**
B2: Creating Sustainable Neighbourhoods
**Eastbourne Borough Plan Saved Policies 2007**

UHT1: Design of New Development  
UHT4: Visual Amenity  
UHT15 Conservation Areas  
HO2: Predominantly Residential Areas  
HO9: Conversions and Change of Use  
HO14: Houses in Multiple Occupation  
HO20: Residential Amenity  
TR2: Travel Demands  
TR6: Facilities for Cyclists  
TR11: Car Parking  
TO1: Tourist Accommodation Area  
TO2 Retention of Tourist Accommodation  
TO7: Preferred are for tourist attractions  
Tourist Accommodation Outside the Designated Area  

**Planning Status:**

Town Centre and Seafront Conservation Area and Tourist Accommodation Zone  

**Site Description:**

Application site relates to a mid-terrace property formerly used as bed and breakfast accommodation. The property has accommodation over three floors (including the roof space) and it shares similar architectural features with other properties within this terrace.  

There is no off street parking within the front garden areas, all of the properties within his terrace have well maintained front gardens. Notwithstanding the modest off street parking potential to the rear of the plot this property along with others in the immediate vicinity rely on street parking to meet their operational/residential needs.  

**Relevant Planning History:**

050195 (92 Royal Parade) Application for a Certificate of Lawful Use as a single private dwelling. LD Certificate (proposed)  
Issued 16/05/2005  

060480 (94 Royal Parade) Application for Lawful Use Certificate for use as a single private dwelling house LD Certificate (proposed)  
Issued 08/08/2006  

100080 (application Property)  
Change of use from guest house (Class C1) to single private dwelling
Proposed development:
Application seeks retrospective consent for the continued use as a House in Multiple Occupation (HMO) for up to 12 residents within 6 bedrooms with en-suite accommodation.

- Ground Floor: - Communal accommodation (lounge, dining, kitchen and utility room
- First Floor:- 3 bedrooms with en-suite shower/wc and communal bathroom and WC
- Second Floor 3 bedrooms with ensuite shower/WC

The bedrooms vary in size across/throughout the building with the approximate sizes being:-

Bedroom 1 (11sqm)
Bedroom 2 (13sqm)
Bedroom 3 (29sqm)
Bedroom 4 (20sqm)
Bedroom 5 (14sqm)
Bedroom 6 (13sqm)

The HMO use has been operational for a number of months and the applicant is now seeking retrospective consent to continue with the use.

The former use was as a guest house (bed and breakfast).

Consultations:
Internal:

Councillor Steven M Wallis Objects to the scheme as it promotes the loss of tourist accommodation and promotes inappropriate development. The development would add to parking stress in the area, there is a local focus on improving the area and this is supported by the Core Strategy and the Driving Devonshire Forward initiative.

Tourism Manager: No response received directly relating to this application however in relation to a similar scheme at The Courtlands Hotel their response (in summary) related to a desire to the creation of fewer tourist bed spaces but a higher quality would be an asset to the town/area.

Specialist Advisor (Planning Policy) The application is contrary to established policy.

Specialist Advisor (Conservation) The works as proposed are limited to the interior of the building, resulting in no change to the external envelope. In this respect there would be no change to the buildings aesthetic merit and as such the character and appearance of the immediate and wider area.
External:

Eastbourne Hotels’ Association lodge an objection. Their comments in the main are summarised:

1. The evidence provided by the applicant – from what we can see online – is out of date and does not meet the requirements of the SPG.

2. The property is not suitable as an HMO and would not be in keeping with the other residences and guesthouses that trade in the area.

3. The assurances given in the application cannot be policed or managed effectively and indeed issues are already being reported in relation to the current users of the building (which should not be occurring if the people the applicant says would be using the building were using the building).

4. The applicant had permission given previously for the premises to be made a single dwelling based on evidence presented at the time. The EHA remained neutral in that application if I recall and made no comment. The fact that a tenant then successfully traded in the premises for 3 – 4 years during a recession confirms that the evidence presented then (which is the same as now) is unreliable surely?

5. The issue in relation to surplus bed spaces in Eastbourne does not relate to properties of the size of this guest house. As the Hotel Survey 2009 and now the one in 2015 confirmed – it is the larger hotels that now present challenges which is why we have supported applications for the larger hotels where there is a mixed residential and tourism offering in the application.

County Archaeologist: - No comments to make

Eastbourne Society: No comments received

Highways ESCC: - Refusal; The proposal does not provide for adequate facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the B2106 Royal Parade and surrounding streets.

Neighbour Representations:
Letter of consultation were sent to 38 local residents and the Council received 23 letters of objection. Objections have been received and cover the following points:-

- Would adversely impact upon the character of the area;
- Parking situation would be made worse;
- Holiday area will be impacted by this proposal;
- May give rise to anti-social behaviour;
- Royal parade is a very nice/quiet area which may be changed by this development;
- The quality of the building stock may be impacted if this were to be supported and the landlord does not invest in their property;
- If the character of the area does go down then it would impact upon the remaining hotel businesses in the area;
- Evidence submitted with the application is out of date, the area and the market for holiday accommodation is buoyant and vibrant, there have a least 6 businesses that have changed hands over the last 3 years; three very close to the application property Nos 90, 91, 92
- If supported may set a precedent for others to follow;
- More Rubbish on the streets;
- Residents will not have any interest in the community, the current owner is an absentee landlord and is only doing this for financial gain with no regard for local residents;
- Does not provide the type of accommodation that is needed;
- The area is a tourist hotspot;
- Family area with Treasure Island opposite;
- HMO’s can impact upon the area;
- Already in use without Planning permission;
- Will impact upon the quality of life for the existing residents;
- The property is already showing signs of disrepair;
- Contrary to planning policy whereby HMO will not be supported in tourist zones;
- Lots of people coming and goings would increase;
- There is an over proliferation of HMO’s in other parts of the town and the character of the area has suffered as a consequence;
- Size of the rooms are deemed to be very small and not suitable for permanent living accommodation;
- Fear of crime and safety if in HMO use;
- Residents don’t contribute to the local community
- Over recent years a lot of young families have moved into the area
- Increase in traffic congestion
- Scheme would appear to conflict with elements of the local plan in that the loss of hotel accommodation to inappropriate development should not be supported

**Appraisal:**

**Principle of development:**

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission without delay to ensure greater choice of housing in the local market and to meet local and national housing needs.

The site is identified within the designated Tourist Accommodation Area (Policy T01 of the Eastbourne Borough Plan and Policy D3 of the Eastbourne Core Strategy Local Plan) and as such should in principle be retained as tourist accommodation unless a case has been proven on viability/redundancy grounds that the commercial use cannot be pursued.

It is apparent from the planning history that the loss of the tourist accommodation to residential was previously accepted in 2010 however this was never implemented. To some extent the situation over viability/redundancy has changed in more recent years as the economy emerges from recession and a number of existing businesses (tourist related) have been sold/changed hands.
As the property lies within the Tourist Accommodation Zone and that the 'lawful' use of
the property is as a guest house providing tourist accommodation the change of use to
HMO would be contrary to Policy HO14 of the Eastbourne Borough Plan.

Policy HO14 outlines the broad policy support for a range of residential accommodation
within the Borough and recognizes the important role that HMO’s can play in meeting the
needs of certain sectors of society. This this policy though lays greater weight with the
importance of maintaining the tourist accommodation within the key tourist
accommodation zone and as such HMO are not to be supported in this key area.

Given the above policy position the proposal is unacceptable as a matter of principle.

The Council is progressing its Eastbourne Seafront Local Plan, a part of which is
reviewing the Tourist Accommodation area. However, this policy document is at an early
stage and is not significantly advanced to deviate away from existing policy. Given this
the overriding policy position is as outlined above and the emerging Seafront Local Plan
should be given very little weight in the assessment/evaluation of this application.

Given the location of the property and policy positon as outlined above it is not
considered that the application proposal is not in conformity to the Local Plan and
therefore is considered not to be sustainable development in NPPF terms.

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

It is accepted that the 'lawful’ use of the property as tourist accommodation would have
some impact upon the amenities of the occupiers of the adjoining and nearby properties
by virtue of the operational needs and requirements of the establishment. The commings
and goings of the clientel and the serving of tourist accommodation would be known and
expected within the tourist accommodation zone.

This area (tourist accommodation zone) has been long standing and the impacts are
considered to be somewhat transitory with the changeover of guests and visitors. The use
of the property for HMO use is likely to have a different impact given that the
resident/occupiers are likely to more resident for longer periods of time. This is likely to
increase the callers/visitors to the property and may also increase the pressure upon
the refuse and recycling facilities at and within the vicinity of the site.

It is accepted that there is the potential for off street storage of refuse/recycling
facilities within the rear yard area, however the effective use of this area may be
compromised with the the desire for it also to provide an element of off street car
parking and cycle storage.

In addition the independent living accommodation to the intensity proposed byway of this
application is likely to result in the pressure for onstreet parking spaces, this issue is
outlined further below.

Despite the issue of HMO’s being prevented within the Tourist Accommodation Zone
there are no other geographical restrictions and similarly there are no policy restrictions
over the concentration of HMO's within a particular area. Some respondents have commented that there are a number of existing HMOs within proximity to the applications site and an additional unit would add to the down grading of the area and the incremental erosion of the residential character of the area. Given this policy void it is recommended that a refusal based solely on this issue could not be substantiated.

**Design issues:**

The application relates to the change of use of the property and as such there are no external changes to the main fabric of the building. It is considered therefore that a refusal based upon the likely impacts from the use of the property upon the character and appearance of the host/parent property and wider street could not be substantiated.

It is noted that this added to the lack of investment into the property/area from absentee landlords is a concern raised by a number of respondents to the application, Members are advised that this is not a material issue in the determination of this application as if this proves to be the case then there remains legislation (S215 Notice) that could be instigated to remedy the issue.

As described within the description of development section above it is considered that the sizes of some of the bedrooms are small, to some regard this is mitigated by having shared communal accommodation on the ground floor however given that the extent of independent living will occur within the private space (bedrooms) then the size of some of these rooms is considered to be inadequate and provide inappropriate accommodation.

It is accepted that HMO accommodation provides accommodation of a nature to suit a particular sector of society however it is considered that the sizes proposed by this submission does not provide the new/likely tenants with quality living accommodation.

**Impact on character conservation area and surrounding area:**

As commented previously there is little external impacts to the fabric of the building and as such there would not be any material impacts upon the character of the wider conservation area. It is accepted that the use may have an impact upon the available street parking in the area; to some regard this may have an impact upon the character of the area. Given that the majority of properties within the area, both residential and commercial rely on on-street parking this proposal would not result in a material impact upon the character of the area.

Given the desire to park as close as is practicable to the development site it there may well be a tendency to park informally and that this somewhat haphazard parking regime may give rise to visual impact upon the character of the area. Notwithstanding this it is considered that any loss of amenity that may result from this issue is not so severe as to justify a refusal of planning permission.

Some of the respondents have commented upon the anti-social behaviour and that there is a fear of crime as a result of the tenants that often occupy HMO’s. As members will be aware the application is retrospective and to date there has not been any direct complaints received over the conduct of the tenants.
It is considered that little weight should be given to this issue in the assessment of this application.

**Impacts on highway network or access:**
Many of the objectors have cited parking as a major issue.

The site in relative terms is located quite close to bus links and also Eastbourne Town Centre where there are a number of facilities and services. In this regard the use of the car may well be mitigated to a level similar to that as tourist accommodation. Notwithstanding this though the use as an HMO for up to 12 residents would have significantly greater impact than if the property were used as a single family dwelling house (in accordance with the previous permission).

The true impacts of the proposal in highway terms is very difficult to accurately assess, however ESCC Highways Dept. have outlined that they have serious concerns over the proposal and that in highways terms this application should be resisted.

It is considered therefore that the application be resisted on this issue.

**Other matters:**

**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 use of the property as a large House in Multiple Occupation would result in an unacceptable intensification of use of the premises and would be detrimental to the amenities of neighbouring occupiers, and the character of the locality and the adjacent Tourist Accommodation Area, and would therefore conflict with the Council’s approved policies.

It is considered that given the independent use of the residential accommodation that there will be the likelihood of the occupiers to have the use of private motor vehicles’ and given the restricted nature of the site there will be a reliance on on-street car parking spaces to meet this demand. This situation is very likely to increase the pressures on parking stress to the detriment of other road users and also the other businesses and residential properties in the area.

**Recommendation:**
Refuse Planning Permission and authorise Enforcement Action to secure the cessation of the unlawful use
Refuse for the following reason:

1. The proposal seeks approval for the retention of an House in Multiple Occupation with the defined Tourist Accommodation Zone and as such is considered to be contrary to Policy HO14 of the Eastbourne Borough Plan (saved policies) 2007

2. The proposal seeks to create living accommodation for up to 12 residents and it is considered that the property is inappropriate for this intensity of conversion, and as such would have an adverse effect on the amenity of the area generally, and the amenities enjoyed by the occupiers of the neighbouring properties in particular, by reason of increased in activity, noise and general disturbance and would conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, Policies HO9 and HO14 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

3. The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the B2106 Royal Parade and surrounding streets.

4. The proposal, given the poor standard/quality of accommodation, is likely to create an unacceptable living environment for the future tenants/occupiers of this building/use, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013 and Policies HO9 and HO14 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

**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.**
Executive Summary:
The application relates to the sub-division of the existing first floor residential unit above the Sainsburys retail store (previously the "manager's flat" above 'The Drive' public house). The applicant seeks permission to create two additional units, which will provide three self-contained flats in total.

The siting, scale and design/appearance of the proposed property is considered to be appropriate to the predominant character of the area and as such the proposal is considered to acceptable in principle.

Planning Status:
Residential unit above Sainsburys retail store (previously 'The Drive' public house)

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
D1: Sustainable Development
D10a: Design

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

Site Description:
Victoria Drive is formed predominantly with residential properties of a substantial size with street trees appearing at intervals along the pavements.

153 Victoria Drive (former Drive Public House) occupies the corner plot where Beechy Avenue meets Victoria Drive, on the west side of Victoria Drive. Adjacent to the site are the junctions of Milton Road and Victoria Drive and Green Street and Victoria Drive. South of no. 153 is a bowling club with associated car park.

The property was most recently used as a pub with residential unit (Managers flat) above, although it was last occupied and used as such some time ago.

The ground floor of the property is currently under refurbishment as a Sainsburys retail store. The building has a hip-to-pitch roof and a number of dormer windows at first floor level to the front, rear and south side. The principal building is set back from the road, with a substantial hard surfaced area to the front and sides, used formerly as pub car park.

Relevant Planning History:

There is an extensive planning history for the site with majority relating to the former Public House. The most recent applications relating to the Sainsburys scheme are listed below:
Installation of ATM to front elevation together with extension of roof overhang
Planning Permission - Approved conditionally, 03/04/2013

Ventilation and extraction units
Planning Permission - Approved conditionally, 21/05/2013

Exterior alterations and modifications
Planning Permission - Approved conditionally, 30/05/2013

Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear
Planning Permission - Refused, 11/06/2013

Demolition of conservatory and infilling side elevation at ground floor level
Planning Permission - Approved conditionally, 29/05/2013

Remove and reconstruction of boundary wall, provision for hard landscaping, parking and bollards
Planning Permission - Withdrawn, 02/05/2013

Conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flats
Planning Permission - Withdrawn, 02/05/2013

Fascia signs.
Advertisement - Advert Approved, 03/09/2013

Proposed development:
The applicant seeks permission to reconfigure the layout of the first floor of the property to create provision for three self-contained units to replace the existing single unit.

The scheme proposes the inclusion of one flat with one bedroom and two flats with two bedrooms which are to be accessed from the rear of the building via an external staircase.

- 1 x 2 bed approx. 93sqm
- 1 x 2 bedroom approx. 60 sqm
• 1 x 1 bedroom approx. 50 sqm

There are no external alterations proposed as part of the development.

Consultations:
Internal:
Specialist Advisor (Environmental Health) – no comment

External:
Highways ESCC – Report dated 8th May (excerpt):
  The current residential use which could continue without any further consent would create a demand for 1-2 parking spaces and the proposal would create demand for 3-4 spaces based on local car ownership levels. The increase that would be created would therefore only be 1-2 cars.
  Although the surrounding streets are well used for on street parking, as the increase is so minor it is unlikely that there would not be at least 2 free on street spaces within reasonable walking distance of the site. It is also noted that the area is reasonably well served by buses and has a number of shops, services, schools, etc. which limits the need to travel beyond walking distance.
  As with all applications the test for highway related issues is whether a severe impact would be created by the development. In this case it is not considered that such an impact would result and therefore I do not wish to restrict grant of consent.
(Condition recommended with regards to cycle parking)

Neighbour Representations:
No objections have been received. Two general comments have been made and one comment of support have been received. These representations cover the following points:
- Lack of parking provision could impact the surrounding area
- No objection to proposal in principal
- General support of proposal

Appraisal:

Principle of development:
There is no objection in principle to the proposed development 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.

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 and Policy D1 of the Core Strategy seeks to protect the residential and environmental amenity and natural and built environment of existing and future residents.

Historically, the first floor of the property has been used as a residential unit. Although two units are to be added as part of this development, it is not considered that it will result in over development of the site.

The scheme submitted initially was to include provision for a fourth studio unit. It was requested that this unit be removed and the space integrated into the remaining three units as the quality of this proposed studio unit (with a considerable proportion located under the skelling) was not considered likely to provide a good enough standard of accommodation. Since its integration and the subsequent reconfiguration of the proposed layout, the scheme is considered to offer a suitable standard of accommodation.

Some concern has been raised with regards to the lack of parking provision. Although there may be an increase of cars parked on the roads near the property, other reasonable transport links do exist in this location. As such, and in accordance with the recommendation from East Sussex County Council Highways, a condition shall be placed on the permission which will ensure that adequate cycle parking provision is made prior to the occupation of the units. This should encourage occupiers to use alternative means of transport.

The access to the flats via external steps to the rear has been in situ historically. However, under its previous use the first floor was also accessible by way of an internal staircase. As this internal staircase will no longer be available, and with an increase of units at first floor level, there is likely to be an increase in use of this access. It is possible that this may have an impact on the adjacent property to the rear of no. 153, namely 1 Beechy Avenue. The base of the staircase is located approximately 11.8m from the boundary shared with 1 Beechy Avenue. As such, the access in itself is not considered to have a detrimental effect on the amenity of the occupier of the adjacent property. However, as there is to be an area of flat roof alongside the rear access, in addition to the platform which leads from the top of the stairs to the two external doors, a condition will be applied to the permission which will prevent this area from being used as an amenity area. This will ensure that the area is used on a transitory basis for accessing and leaving the property and will therefore avoid causing harm to the amenity of 1 Beechy Avenue.

**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. In relation to this, 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.

The proposed scheme does not include any alterations to the external appearance of the building. As such, there will not be any resultant design implications on the street-scene.

The layout of the three proposed units is considered to offer an acceptable quality of accommodation to prospective occupiers. Although the second bedroom of the smaller two bedroom unit is quite small, it is considered appropriate for a small child or as a study/office. The remaining bedrooms of the development are considered acceptable to spacious in size. Although in some of the rooms, the low skelling will result in the loss of some floor space, it is not considered that this loss of space will result in a poor standard of accommodation.

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

**Conclusion:**
The proposed scheme is considered to work in line with the aforementioned policies, both preserving the established character and appearance of the area and not posing a threat to the residential amenity of the area.

**Recommendation:**
Approve 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 approved drawings submitted on 27th January 2015 and 4th April 2015 respectively:
   - 12-0106/PL74, Site Location and Block Plan
   - 12-0106/PL73, Elevations
• 12-0106/PL71, Floor Plans
  Reason: For the avoidance of doubt and to ensure that the
development is carried out in accordance with the plans to which the
permission relates

3) Access to the flat roof adjacent to the principal accesses to the units
hereby approved shall be for maintenance or emergency purposes only
and the flat roof shall not be used as a roof garden, terrace, patio or
similar amenity area. Nor shall this access and ancillary staircase be
used as a balcony, patio, roof garden or similar amenity area at any
time.
  Reason: In order to protect adjoining properties from overlooking and
noise disturbance, safeguarding the amenities of the occupiers/users
of neighbouring plots/properties

4) The development shall not be occupied until cycle parking areas have
been provided in accordance with details which have been submitted
to and approved in writing by the Planning Authority and the areas
shall thereafter be retained for that use and shall not be used other
than for the parking of cycles.
  Reason: In order that the development site is accessible by non car
modes and to meet the objectives of sustainable development.
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<td>Thea Petts</td>
<td>19&lt;sup&gt;th&lt;/sup&gt; May 2015</td>
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<td>The Drive, 153 Victoria Drive, Eastbourne</td>
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<th><strong>Proposal:</strong></th>
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<tr>
<td>Demolition of existing garage and erection of one four-bedroom dwelling with one parking space.</td>
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<td>Row Properties LLP</td>
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<th><strong>Recommendation:</strong></th>
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<td>Approve conditionally</td>
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**Executive Summary:**
The application Relates to the erection of a detached two storey dwelling house to the rear and within the curtilage of the former The Drive Public House.

The siting, scale and design/appearance of the proposed property is considered to be appropriate to the predominant character of the area and as such the proposal is considered to acceptable in principle.

**Planning Status:**
Disused garage to the rear of a soon to open retail store (previously The Drive public house).

** 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
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:
Victoria Drive is formed predominantly with residential properties of a substantial size with street trees at intervals along the pavements.

Beechy Avenue is typified by brick built semi-detached properties with street trees at intervals on the pavement. Along the south side of the road close to the junction with Victoria Avenue, stand such semi-detached properties with some defining characteristics such as brick soldier courses and brick-built archways serving the gates to the rear gardens.

153 Victoria Drive (former The Drive Public House) occupies the corner plot where Beechy Avenue meets Victoria Drive, on the west side of Victoria Drive. Adjacent to the site are the junctions of Milton Road and Victoria Drive and Green Street and Victoria Drive. South of no. 153 is a bowling club with associated car park.

The property was most recently used as a pub with residential unit (Managers flat) above, although it was last occupied and used as such some time ago.

The ground floor of the property is currently under refurbishment as a Sainsburys retail store. The building has a hip-to-pitch roof and a number of dormer windows at first floor level to the front, rear and south side. The principal building is set back from the road, with a substantial hard surfaced area to the front and sides, used formerly as pub car park.
To the rear of the plot, near the boundary shared by 1 Beechy Avenue, is a disused garage which can be accessed from an existing section of dropped kerb on the south side of Beechy Avenue.

**Relevant Planning History:**
There is an extensive planning history for the site with majority relating to the former Public House. The most recent applications relating to the Sainsburys scheme are listed below:

120758
Installation of ATM to front elevation together with extension of roof overhang
Planning Permission - Approved conditionally, 03/04/2013

130124
Ventilation and extraction units
Planning Permission - Approved conditionally, 21/05/2013

130125
Exterior alterations and modifications
Planning Permission - Approved conditionally, 30/05/2013

130128
Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear
Planning Permission - Refused, 11/06/2013

130129
Demolition of conservatory and infilling side elevation at ground floor level
Planning Permission - Approved conditionally, 29/05/2013

130225
Remove and reconstruction of boundary wall, provision for hard landscaping, parking and bollards
Planning Permission - Withdrawn, 02/05/2013

130261
Conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flats
Planning Permission - Withdrawn, 02/05/2013

130304
Fascia signs.
Advertisement - Advert Approved, 03/09/2013
**Proposed development:**
The applicant seeks permission to build a new four-bedroom dwelling to the rear of the plot of 153 Victoria Drive. The new dwelling will be accessed via Beechy Avenue using an existing dropped kerb which was used to access the garage.

The two storey dwellinghouse is to have a hip-to-pitch roof with approximately a full height of 8.1m and an eaves height of 5.7m. The front elevation is to have a two storey bay, other windows and will service the principal access to the property. This principal elevation will be approximately 8.2m wide, leaving a gap of 0.6m between the building and the boundary shared with 153 Victoria Drive (former The Drive Public House) and 0.35m between the building and the boundary shared with 1 Beechy Avenue. The gaps between the external walls of the dwellinghouse and the boundary allow enough space to accommodate the eaves of the building so that no overhanging into adjoining plots occurs. The principal elevation stands approximately 5.8m behind the wall that separates the plot and the pavement. The amenity space to the front of the dwelling is to be divided into off-street parking and a lawn.

The boundary shared with 153 Victoria Drive is stepped. As such, the east side external walls of the property are stepped to accommodate this shape. On the west side (elevation facing 1 Beechy Avenue), the wall is continuous, at a length of approximately 12.15m. The ground floor is to accommodate a living/dining area, kitchen, shower room and a bedroom. The first floor level is to accommodate three additional bedrooms and three bath/shower rooms (one of which is en-suite to one of the bedrooms). The area of floor space for both ground and first floors is approximately 130sqm.

The rear garden is approximately 13.9m in length and 4.7m wide. There is a small paved area spanning the width of the dwellinghouse and inset to allow access from the kitchen which is set back from the rear elevation.

**Consultations:**
**Internal:**
Specialist Advisor (Arboriculture) No comments received  
Specialist Advisor (Planning Policy) Scheme is CIL liable and applicants have committed to honour this payment.

**External:**
Highways ESCC – do not wish to comment given the scale of the development is unlikely to have a negative impact upon the wider highway network.

**Neighbour Representations:**
Including consultees 102 letters of notification were sent out and no objections have been received. One note of general support has been received.
Appraisal:

**Principle of development:**
There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on 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.

Although Beechy Avenue and Victoria Drive are typified by semi-detached properties, there are characteristics of this proposed dwelling which are drawn from nearby properties. The soldier courses and arch above the front door is reminiscent of the archway over gates leading to the rear of nos. 1 and 3 Beechy Avenue. In addition, the property opposite the plot, Tarleton Villa, has the same bay and gable element to the front elevation as the proposed dwelling. As such, these shared design features will allow the new dwelling to harmonise with the established character of the area.

Materials to be used as part of the alterations to the front boundary wall are proposed to match the existing. Although materials proposed for the rest of the development appear to be sympathetic to the materials used to construct nearby properties, a condition requiring discharge will be placed on the permission which will require samples of the proposed materials to be submitted prior to the commencement of development in order to ensure that the character and appearance of the new dwelling further harmonises in its surroundings.

The proposed dwelling is offset from the boundaries of the plot in order to allow for the future maintenance of the new dwelling.

The side wall of the proposed property will be approximately 5.5m away from the flank on No 1 Beechy Avenue. It is considered that the void created by this distance is sufficient and will not result in the plot appearing
overdeveloped, despite the proximity of the new dwelling to the side boundary lines of the plot.

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

The proposed dwelling itself presents no significant issues with regards to affecting the amenity of adjacent occupiers. The design refrains from including windows to the side of the property, with the exception of one window to serve the staircase (on the elevation facing 1 Beechy Avenue) which is to be obscure glazed. In addition, boundary treatments of 1.8m in height are to surround the plot, which will prevent potential for overlooking from the amenity space at the property.

It must be noted that the rear garden of the proposed dwelling will be potentially overlooked on occasion as the first floor residential accommodation of 153 Victoria Drive can be accessed from the rear. This overlooking will only be transitory and as such will not amount to a material loss of amenity that would substantiate a 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 proposed scheme is considered to work in-line with the aforementioned policies, but to further secure compliance to these policies, conditions will be attached to the permission granted.

Recommendation:
Approved conditionally

Conditions:

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
   
   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004
2) The development hereby permitted shall be carried out in accordance with the approved drawings no:
   • 14E3A.LO.002 Rev 01
   • 14E3A.LO.100 Rev 01
   • 14E3A.LO.101 Rev 00
   • 14E3A.LO.102 Rev 01
   • 14E3A.LO.200 Rev 01
   • 14E3A.LO.201 Rev 01
   • 14E3A.LO.300 Rev 01
Submitted on 24th April 2015.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the plans to which the permission relates.

3) The hard surface within the front garden of the property hereby approved 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 curtilage of the property so that surface water does not run off the site onto and across the public footpath/highway.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

4) The dwellinghouse hereby approved shall not be occupied until full details of the means of enclosure/boundary treatments to be constructed on all boundaries of the plot/site have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of occupiers of the property hereby approved.

5) No development shall commence until fences for the protection of trees to be retained to the front of the site have been erected in accordance with British Standard 5837 (2005). The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area.

6) The external materials (facing brick and roof tiles) to the property hereby approved shall match those used in the adjacent property No 1 Beechy Avenue.
Reason: To ensure a satisfactory appearance to the development.

7) 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
Executive Summary:-

Application proposes the redevelopment of a long term vacant/redundant building with a four story building containing 9 1 & 2 bedroom flats.

The scheme proposes a housing led regeneration project that accords with national and local policies and if developed would make a positive contribution to the local housing need of the area.

It is considered that the regeneration potential of this scheme should be given significant weight in the assessment of this proposal.

Environment Agency Flood Defences Areas Benefiting from Defences

Relevant Planning Policies:
National Planning Policy Framework

- Eastbourne Core Strategy Local Plan Policies 2013
- Eastbourne Core Strategy Local Plan 2006-2027
- B1 Spatial Development Strategy and Distribution
- Sustainable Neighbourhood
- C3 Seaside Neighbourhood Policy
- D4 Shopping Seaside (Langney Road to Springfield Road) District Shopping Area
- D5 Housing Low Value Neighbourhoods
- Eastbourne Borough Plan Saved Policies 2007
- SH7 District Local and Neighbourhood Centres
- US5 Tidal Flood Risk
HO2 Predominantly Residential Areas

Site Description:
The application is located within a commercial parade close to the junctions of Langney Road and Seaside. The site has been vacant and non-operational for a significant period of time and in the recent times an artists’ mural has been erected with a view of improving the appearance of the site and surrounding area.

Relevant Planning History:
There is an extensive planning history for this site relating commercial applications (shop fronts/adverts/commercial extensions). However the most relevant applications are listed below.

040835 Demolition of existing shops and erection of four storey building comprised of two retail shops, 6 no. one-bedroom flats and 6 no. bedsit flats (outline application). Outline (some reserved) Refused 11/08/2004

080660 Proposed demolition of existing three single storey retail units and erection of new three storey development comprising two retail units at ground floor level and six residential units to upper storeys (four 1 bed units and 2 studio units) with ancillary cycle storage and re a r a amenity area accommodation. (Outline Application). Outline (some reserved) Approved conditionally 09/12/2008

Proposed development:
Application proposes the demolition of the existing single storey vacant retail units to be replaced by a four storey building containing 9 1&2 Bedroom apartments. The scheme does not propose any off street vehicle parking spaces, although bike store is provided.

The proposed external appearance proposes an individual design that takes is architectural references from the 'modernist' aesthetic utilizing strong horizontal and vertical elements below a flat roof and the external envelope is formed by large areas of render and also windows with projecting bays/features being formed in facing brickwork. The scheme has communal access onto Langney Road.

The scheme has been designed to achieve Level 3 of the Code for Sustainable Homes.

Ground Floor
Apartment No 1 - 2 Bedrooms (3 person) Approx. 65 Sqm
Apartment No 2 - 2 Bedroom (4 person) Approx. 75 Sqm (With courtyard garden)

Communal amenity space approximately 45sqm, 18 space bike store and bin enclosure

First Floor
Apartment No 3 - 2 Bedrooms (3 person) Approx. 65 Sqm
Apartment No 4 - 1 Bedroom (2 person) Approx. 50sqm
Apartment No 5 - 1 Bedroom (2 person) Approx. 50 Sqm
Second Floor
Apartment No 6 - 2 Bedrooms (3 persons) Approx. 65 Sqm
Apartment No 7 – 1 Bedroom (2 persons) Approx. 50sqm
Apartment No 8 - 1 Bedroom (2 persons) Approx. 50 Sqm

Third Floor (penthouse apartment)
Apartment No 9 – 2 Bedrooms (3 person) Approx. 95sqm Including roof terrace

Consultations:
Internal:
Specialist Advisor (Economic Development) No objections to the proposals, is there the proposal to reinstall the mural elsewhere in the community

External:
Environment Agency:- No objection subject to the development being implemented in accordance with the submitted Flood Risk Assessment and recommend conditions to control this.

Highways ESCC:- It is acknowledged that the site is in a reasonably accessible location as it is located within close proximity of a well-served bus routes. It is also within walking distance of the railway station and the Town Centre for many. However, while access to public transport and shops and services does influence car ownership levels, it is unlikely to reduce demand for parking altogether. It is also noted that the former use as retail units would have created some demand for parking. Given the location and previous use a reduced parking provision may well be acceptable.

If robust information had been provided (e.g. a number of parking surveys across several days at different times including evenings showing that the surrounding streets could accommodate the extra vehicles) then the proposal may be acceptable. Without this information however there is insufficient information provided on which to base a favourable recommendation.

Ultimately, parking provision should be appropriate to the development and location and should not create additional pressure on existing streets that cannot be catered for, which could be detrimental to road safety.

It is recommended that the application should be refused for the following reason:- The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing further interference with the free flow and safety of traffic on the B2136, Langney Road and surrounding streets and would therefore be contrary ESCC parking guidance.

Eastbourne Design Review Panel (DRP):- This site/scheme was reported twice to the DRP at the pre application stage, the scheme was generally supported by the Panel members and no objections were raised to the scale of the development, they recommended that the scheme may benefit from an active frontage onto Langney Road

Neighbour Representations:
The public consultation involved 89 local residents were consulted and a site notice erected, as a result of this consultation 1 objection has been received and covers the
following points: The loss of the potential for retail space at the site would/may impact upon the footfall in the area and residential would detract from the character and appearance of this residential street.

Councillor Wallis has made the following comments:-Development should be of high quality in terms of its design, there are parking pressures in the area, there have been localised flooding issues, no soft landscaping proposed, If scheme is supported then the mural should be safely removed and stored.

**Appraisal:**

**Principle of development:**
Local plan policies and national guidance support the provision of sustainable development including the provision of new housing. However these same policies and guidance also requires that development should not result in harm to the natural, built and historic environment; further good design is indivisible from good planning.

The application proposes residential units in the Seaside Neighbourhood, contributing to the Councils spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in meeting the identified housing delivery target for the neighbourhood. The development would conform to the Seaside Neighbourhood Policy (Policy C3 of the Core Strategy) in providing residential accommodation, and is therefore considered sustainable development.

The NPPF is clear that sustainable residential development should be granted planning permission ‘without delay’ to ensure greater choice of the housing in the local market and to meet local and national housing needs.

The site has not been formally identified within the Councils Strategic Housing Land Availability Assessment, therefore would be classified as 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 NPPF states that Local Planning Authorities should encourage the effective use of the land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value.

It is considered therefore that the principle of residential development is acceptable subject to compliance with other relevant planning policies within the development plan and all other material planning considerations

The scheme is located within part of the Seaside District Shopping Area and as such applications that promote/support the functions of the district centre should be supported. It is considered that given that as the application site has not contributed to the retail function of the centre for many years its loss to residential would not be objectionable in principle.

In addition further residential accommodation at the site may help to support the existing business by introducing additional purchasing power into the local economy.
Members will be aware that the application site is located within the Devonshire ward and as such the aspirations of the ‘Driving Devonshire Forward’ (DDF) document has some weight in the assessment of this application. In broad terms the DDF documents seeks to support interventions that seek to improve the quality of the housing stock and public realm within the ward. In this regard the submission seeks the redevelopment of a long term vacant unit that despite the mural has failed to make a positive contribution the area/street scene for a significant number of years and as such is considered to follow the aspirations/ambitions of the Driving Devonshire Forward document.

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

Given that the development proposes a multi-storey development on previously developed land in a tight urban location it is accepted that there will be occurrences of direct overlooking. It is considered however that the design of the proposed buildings have taken account of the overlooking and sensitive relationships and in the main has addressed all of the main over-looking issues.

The windows that do overlooking neighbouring plots properties, overlooking the front façade and commercial rear yards of adjacent properties, the distances involved and the urban fabric which within this development is set it is considered that the loss of amenity from direct overlooking is not severe.

The scale and footprint of the proposed new building has the building running along the common boundary of the properties within Windsor Court, to some degree the proposals will have an impact upon the amenities of the occupiers of the these properties by way of loss of outlook and overbearing relationship to the front/side of these existing buildings.

It is considered that this loss of amenity is not so severe and material to warrant a refusal of planning permission where the overriding material consideration in the determination of this application is the delivery of new residential units in a sustainable location where a comprehensive redevelopment would assist in the regeneration of this part of the Seaside neighbourhood.

Design issues:

The street scene at and within the vicinity of the site is of mixed character and as such there is no discernible character that makes this part of the neighbourhood distinctive. In this regard it is considered that the individual design and appearance of the proposed scheme would not be out of character with the existing street scene.

In some regard the scheme could have included a ground floor commercial unit/space which would have continued the commercial frontage along this parade, this was a suggestion from one respondent and also the Design Review Panel however it is considered that given the significant length of time the existing buildings have remained vacant that this is an indication as to the market demand for commercial space in this area. In addition it is noted that the redeveloped Sainsbury’s unit (opposite the TA centre in Seaside) has vacant units within it, one of which has never been occupied.

The site is located at the edge of the commercial area of Seaside/Langney and the predominantly residential area of Langney/Pevensey Road given this there are no
objections to a wholly residential scheme at the site as this would assist in terms of its
design and would help to provide the transition between the two zones

It terms of active frontage there remains the communal entrance, this would be used by
all users of the building and would to some degree contribute to an increased footfall in
the local area.

**Impacts on trees:**
There are no trees at the site that are worthy of retention and a condition is proposed to
cover/control the new planting to the front of the site.

**Impacts on highway network or access:**
It is clear that ESCC highways officers have concerns with the scheme in that without
evidence to the contrary they are concerned that the development would increase the
pressure on the on-street parking in the locality.

Mindful of this advice officers have given greater weight to the aspirations for the
regeneration of the area, this added to NPPF advice that sustainable development should
be agreed without delay has informed the officers recommendations.

The site is located close to bus links and is also within walking distance of goods and
service with the local area as well Eastbourne Town Centre.

Given the above it is considered that a refusal based solely of the lack of off-street
parking when the scheme is acceptable in all other respects could not be substantiated.

**Sustainable development implications:**

The scheme will utilise modern construction techniques, comply with current building
regulations and deliver level 3 of the Code for Sustainable Homes.

This degree of compliance would deliver a highly specified scheme that would reduce
energy use and thereby contribute to the recution in carbon emmisson.

All habitable rooms have a window providing natural light and whilst the scheme
promotes some two bedroom units these could be used for other purposes (2\textsuperscript{nd} reception
room, study/officer for example.

**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.

**Recommendation:**

Grant Planning Permission subject to
Conditions:

1. Time Limits
2. Approved Plans
3. Materials
4. Construction method Statement to include demotion and construction times
5. Privacy screens to the upper level terrace
6. provision of bike & bin store before first occupation of units
7. Hard and soft landscaping
8. In accordance with the submitted FRA

Informative

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.
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App.No: 150424  Decision Due Date: 11 June 2015  Ward: Devonshire

Officer: Mr Wayne Batho  Site visit date: 8 May 2015 & 15 May 2015  Type: Householder

Site Notice(s) Expiry date: 16 May 2015
Neighbour Con Expiry: 16 May 2015
Press Notice(s): n/a

Over 8/13 week reason: n/a

Location: 199 Seaside, Eastbourne

Proposal: Erection of first floor rear extension and single storey rear extension to side of rear projection. (Amended description).

Applicant: Mr Carlos Dantis

Recommendation: Refuse

Executive Summary:
The National Planning Policy Framework 2012 (7 – Good Design) states that development should be ‘visually attractive as a result of good architecture and appropriate landscaping’. This is echoed by Eastbourne Borough Council Core Strategy Local Plan Policies B2 (Creating Sustainable Neighbourhoods) and B10A (Design) which state that development should be “attractive, well-designed contributing to a high quality local environment that makes a positive contribution to the appearance of the townscape; in doing this all developments should deliver a ‘sense of place’ that is distinctive”. The size, design and appearance of the two storey extension would be incongruous to the terrace of which the site is a part, and unbalance it as a whole as viewed by surrounding properties with a view of the rear of the site.

Eastbourne Borough Plan Saved Policy HO20 (Residential Amenity) states that “proposals will be refused unless they can demonstrate that they do not cause unacceptable ... overshadowing and/or loss of light.” The two storey extension will block the currently available direct sunlight to the dining room and principally the kitchen of no.201 Seaside, from mid-morning until just after noon – over which period the rooms in question currently receive most of their light.

Relevant Planning Policies:
National Planning Policy Framework 2012
7. Requiring good design
Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
D5: Housing
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT4: Visual Amenity
HO2: Predominantly Residential Areas
HO20: Residential Amenity

Site Description:
The site is a two storey mid-terraced single dwellinghouse on the east side of Seaside near to the junction with Barden Road and opposite Seaside Recreation Ground.

The property has a small front garden between the existing building and the highway (as do the rest of the terrace), and a further garden to the rear which is serviced by an alleyway. There is a ground floor only bay to the front elevation, and to the rear is a projection across most of the width of the house (leaving approx. 1.4m from the property boundary to the north, but attached to a mirror-image to the south) with a ground floor single storey element to the rear of this with a lean-to style roof – a pattern repeated along the terrace.

Relevant Planning History:
No relevant planning history.

Proposed development:
The applicant is seeking permission for two extensions:

- A ground floor single storey extension to the north side elevation of the two storey section of the rear projection. This would extend the building to the property boundary for 3m from the shallow portion of the rear elevation, and the lean-to style roof (eaves height 2.65m, maximum height 3.4m, with two velux windows) would be steep enough to necessitate the removal / filling in of an existing first floor window. The extension itself would cover the area where there is currently a ground floor kitchen window and the only access door from the existing building to the rear garden. There would be no new fenestration except for the previously mentioned velux windows.

- To replace the existing ground floor single storey extension at the rear of the projection with a two storey extension within the same footprint. This would have an eaves height of 4.65m and a maximum height of 6.6m, matching the existing two storey element of the projection, and extend east across the 2.1m deep footprint of the existing single storey element. There would be no new windows to the
side elevation, but there would be new uPVC patio doors to the ground floor rear elevation (to allow access to the rear garden) and a new window (1.8m x 1.2m) to the first floor rear elevation.

Materials are to match the existing building in both cases.

Consultations:

Neighbour Representations:
Objections have been received and cover the following points:

- Loss of privacy for properties to the east due to a new first floor window in the rear elevation where previously there was no window.
- Layout and appearance would be at odds with the rest of the terrace, unbalancing it.
- Loss of natural light to neighbouring occupiers directly to the north as a result of the proposed two storey extension.
- Increase in noise due to velux windows in kitchen extension.
- Possible impact on foundations in area where shingle footing has already resulted in subsidence.

Appraisal:

Principle of development:
There is no objection in principle of making alterations to the building provided it would be designed to a high standard, not have an adverse effect on the amenity or the character of the area where it is situated, and is in accordance with the policies of the Core Strategy 2013 and saved policies of the Borough Plan 2007 and the National Planning Policy Framework.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
Kitchen Extension:
The ground floor single storey extension to the side of the projection (kitchen extension) would in no way be visible from the public domain, but would effectively reduce the separation between the projection and the property boundary with no.201 Seaside to zero. The eaves height of 2.65m is within normal tolerances, and is considered acceptable. The roof slope would include two velux windows, but in place of a window and door at the ground floor level, and an additional window at first floor level it is not considered that this represents a prohibitive impact on privacy.

Given that the windows and door which are being replaced all open, it is not considered that the opening velux windows would result in any significant increase in noise.

Rear Extension:
The two storey extension to the rear of the projection will be visible from Barden Road, but only over three other rear gardens or from the alleyway. Despite the fact that it would be incongruous with the rest of the terrace, it is
considered that the impact on the surrounding area would not be sufficient to refuse the application, although the impact caused to the visual amenity of neighbouring properties by the unbalancing of the terrace is of greater concern.

The new window to the rear at the first floor provides an entirely new outlook, but as this would be over 5m from the rear boundary of the site (and over 15m from the nearest facing window) any loss of privacy would be limited to the rear gardens of a handful of properties on the other side of the alleyway. No.15 Taddington Road is directly to the rear of the site and would suffer the greatest loss of privacy were it not for the screening effect of a tree on their property. Overall the loss of privacy due to the window is considered acceptable.

The last point is the impact on natural light received by no.201 Seaside. No.201 is to the north of the site, and the kitchen, dining room and two first floor bedrooms currently receive direct sunlight exclusively from windows that are contained within the gap between projections. The ground floor dining room receives a small amount of direct light in the morning, and the kitchen moreso – until just after noon – and these are the two rooms most impacted. The proposed two storey extension would cut out the natural light to these two habitable rooms of no.201 to an unacceptable degree, and it is considered that this constitutes grounds for refusal.

Design issues:
The bulk and orientation of the two storey extension mean that while not easily visible from the public domain, the unbalanced form of the terrace that would result is likely to be enough to impact properties with views of the rear of the site.

Other matters:
If there are concerns over the viability of the foundations, these should be considered as part of the building regulations application.

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 kitchen extension is unlikely to result in any negative impact, save for a possible slightly domineering relationship over the garden access and kitchen of no.201 Seaside. This is not considered to constitute enough of an impact to recommend a refusal.
The two storey extension would unbalance the rear of the terrace, and while not immediately obvious from the public domain this would certainly affect the visual amenity of surrounding properties. Loss of privacy due to new windows in the rear elevation at first floor level is not considered to be prohibitive as the worst affected property benefits from a screening tree. The major impact this extension would have is by cutting out natural light to no.201 Seaside. Most notably light would be restricted to the dining room and particularly the kitchen. Currently the kitchen enjoys direct sunlight until a short while after noon, and the two storey extension would block sunlight from mid-morning onwards.

**Recommendation:**
Refuse

The National Planning Policy Framework 2012 (7 – Good Design) states that development should be ‘visually attractive as a result of good architecture and appropriate landscaping’. This is echoed by Eastbourne Borough Council Core Strategy Local Plan Policies B2 (Creating Sustainable Neighbourhoods) and B10A (Design) which state that development should be “attractive, well-designed contributing to a high quality local environment that makes a positive contribution to the appearance of the townscape; in doing this all developments should deliver a ‘sense of place’ that is distinctive”. The size, design and appearance of the two storey extension would be incongruous to the terrace of which the site is a part, and unbalance it as a whole as viewed by surrounding properties with a view of the rear of the site.

Eastbourne Borough Plan Saved Policy HO20 (Residential Amenity) states that “proposals will be refused unless they can demonstrate that they do not cause unacceptable … overshadowing and/or loss of light.” The two storey extension will block the currently available direct sunlight to the dining room and kitchen of no.201 Seaside.
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Executive summary:
The proposed development has been amended and following deferral from earlier planning committee and is considered appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would comply with the relevant adopted policies and government guidance.

Planning Status:
Public seafront promenade
Town Centre and Seafront Conservation Area
Covenants
Archaeological Notification Area

Relevant Planning Policies:
National Planning Policy Framework
Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy
D3: Tourism and Culture
D10: Historic Environment
D10A: Design
Site Description:
The application site comprises the two existing decks on the shingle beach immediately adjacent to the lower promenade and to the south west of the pier.

Relevant Planning History:
050831
Change of use of public shelter, part of promenade and shingle beach to A3 use, including provision of sliding doors, windows, electric and other shutters, canopy and floodlights to front of shelter and wooden decking on beach.
Approved conditionally 9 January 2006

060123
Change of use of public shelter, part of promenade and shingle beach to restaurant use (A3 Use Class), including provision of doors, windows and shutters to front of shelter and wooden decking on beach.
Approved conditionally 12 June 2006

Proposed development:
Permission is sought to extend both decks to form larger areas for customers of the two cafes.

As originally submitted, the scheme proposed a single continuous deck, but was amended following discussions with the agent to form two separate decks measuring 29.5m by 6m and 38.5m by 6m, separated by a gap of 6m where an existing groyne transects the beach.

At Planning Committee on 21 April 2015, Members deferred the application to allow for the public consultation period to fully expire, and requested officers to renegotiate the scheme. Members considered that the decks should be extended outwards in depth (towards the sea), rather than in width parallel to the promenade. Following consultation with the applicant and officers specialising in seafront engineering, the scheme has been amended to extend each deck in width by 5m (to 20.5m and 21m), and to increase the depth of the smaller deck by 1.2m to match the larger deck; the gap between them would be 37m. Both decks would have handrails which match those existing.

Consultations:
Internal:
Estate Manager – no comments received
Tourism Manager – supports proposals that help to foster economic growth and add to the range/quality of the beach side catering offer.
Specialist Advisor (Environmental Health) – no comments received
Specialist Advisor (Conservation) - In summary the proposed extension of timber decking to the beach area to be used in conjunction with the associated cafes, is considered to result in little or no harm to the character of the surrounding conservation area.

The site is located on the lower promenade to the west of the Pier, a Grade II* heritage asset within the Town Centre and Seafront Conservation Area. It includes the juxtaposition of natural and built environment, with the promenade following the contours of the bay, providing a visual link between the two. The character of this part of the promenade is a concentration of mixed use units, both on and at the foot of the Pier, including cafes, public conveniences and retail units, with kiosks on the upper promenade.

The activity associated with the commercial and retail units, in conjunction with the use of the promenade and beach for sport and recreation, results in an active and vibrant environment. Additionally, uninterrupted views of the sea and beach, including the promenade edge which is defined by the natural curve of the bay, and the rhythm and harmony provided by the groynes make a positive contribution to the appearance of the area.

In assessing the proposal against the identified character of the area, the following comments are made:

As identified, the west promenade is level with the beach and, as such, the value of the relationship between the promenade, to the west and beach includes its permeability. This value has been clearly identified and retained as part of the proposal, in the form of a distinct gap between the decking to allow for easy access to the beach, whilst taking account of the existing groyne and its future maintenance.

In addition the proposal has been designed to reflect the existing timber decking and balustrades. Whilst this is an acceptable approach, it may be worth exploring an alternate design for the balustrading, as this detail would allow for a more contemporary approach within this historic environment, adding design value to the existing character and appearance of the surrounding conservation area.

Specialist Advisor (Engineering) – the revised scheme poses no problems in respect of access to the beach for maintenance. Extending the decks towards the sea, however, is not recommended, as they would be vulnerable to damage due to tidal and wave conditions, as well as erosion; the sea has been observed up to the toe of the eastern deck on more than one occasion. Furthermore, it would pose operational complications during beach works, as land-based plant drives on the berm; it may be necessary to build ramps over the groyne or work during low tides. It should be noted that EBC will not be liable for any damage to the decks either from tide/coast/storm conditions, or from coast protection maintenance works. The profile of the shingle may change over time/seasonally, and whilst this sort of infrastructure will be considered, it would not be possible to maintain the existing profile consistently just for the decks. With regard to services, there would be no objection to locating them under the promenade, however it is recommended against bringing them through the sea wall on this section of the frontage.
Conservation Area Advisory Group - At its meeting on 31 March 2015, no objections were raised in principle to the extension of the decked areas, however concerns were expressed in respect of the continuous nature of the decking and the impact it would have on the relationship between the beach and the promenade. The Group were firmly of the opinion that the deck should be separated into sections with wide gaps between them so that the shingle would still be visible right up to the edge of the promenade. It was also considered essential that good quality materials should be used, particularly for the balustrading; the design of the balustrading should be carefully considered to reflect either the ornate traditional features found along the promenade, or a very modern interpretation.

External:
Eastbourne Hospitality Association expressing full support for the application

Neighbour Representations:
3 representations have been received who in the main have commented on the following issues:- there should be no commercial activity of this nature on the seafront, that access to the beach would be impeded and had concerns regarding the potential increase in noise levels over longer hours.

No further representations were received after the Committee meeting.

Following the receipt of the revised drawings, fresh site notices alerting the public to the amended scheme were displayed at both cafes, and each objector has been contacted individually, as well as the Eastbourne Hospitality Association. At the time of writing this report, one further representation had been received commenting in the main on the following issue:-

- The scheme would reduce public access to the main beach.

Appraisal:
Principle of development:
The existing cafes and decks are popular and well used. Extending the decks would improve the offer of the cafes and encourage more customers to use them, to the benefit of the vitality of the seafront.

Impact on character and setting of a listed building or conservation area:
The Specialist Advisor in engineering (including sea defences) has confirmed that it would not be desirable to extend the decks any further towards the sea, as they would be vulnerable to damage due to tidal and wave conditions, as well as erosion, and may pose operational difficulties during maintenance works. After a mild winter with minimal erosion, the shingle berm is only level with the parade for a distance of 5m before it starts to drop. National flood defence funding should not be used to keep specific beaches built-up for the protection of timber decking.

The siting, scale and form of the extended decks is considered to be appropriate for this location, and preserves access to the shingle beach for members of the public as well as access for essential repairs/maintenance to the groyne and beach. The wide separation of the decks also preserves the visual relationship between the promenade and the shingle beach.
The balustrade, as proposed, matches that on both existing decks. The views of the Conservation Area Advisory Group on the balustrading are noted, however it is considered that the provision of traditional ornate features would not be sufficiently understated on the lower promenade (the ornate lighting columns and railings are generally featured on the middle promenade). Certainly the shingle beach is not the place for glass or polycarbonate. It is therefore considered that simple timber balustrading is the correct approach.

Other matters:
Hours of use of the extended decked areas is controlled under other regimes (Licensing and lease via Estates dept). The existing licence has a closing time of midnight.

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

Conclusion:
The proposed development in its reduced form is considered to be appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would comply with the relevant adopted policies and government guidance.

Recommendation:  Approve, conditionally

Conditions:
1. Commencement within three years
2. Development in accordance with the approved plans
3. Submission of details of foundations
4. No mains electrical/gas/water connection through promenade

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.
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Executive Summary:
The proposal is appropriate in terms of its siting, scale and design, and would provide new, high quality facilities on the seafront for tourists and would provide a complimentary use to users of the beach and surrounding businesses.

The proposal would improve the offer and image of Eastbourne as a tourist seaside resort as well as providing additional facilities associated with the use of the beach and seafront.

The beach huts and picnic benches would encourage more customers and in turn complementing the cafes and stalls along the beach front to the benefit of the vitality of the seafront.

It would comply with the relevant adopted policies and government guidance.

Planning Status:
Public seafront promenade

Covenants
Eastbourne Borough Council

Environment Agency Flood Zones
Flood Zone 2
Flood zone 3
Tidal Models
Areas Benefiting from Defences
**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
C3: Seaside Neighbourhood Policy
D3: Tourism and Culture
D10A: Design

**Eastbourne Borough Plan Saved Policies 2007**
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
TO7 Preferred Area for Tourist Attractions
TO8 New Tourist Attractions and Facilities

**Site Description:**
The application site is located to the northern end of Royal Parade, opposite Princes’ Park, Crumbles Pond and Bowling Club to the north and adjacent to Fort Fun, car park and beach.

The site is on an existing area of hardstanding on the landward side of the existing beach promenade and is currently occupied by memorial and picnic benches.

The character is identified as a mixed used environment, mainly of tourist uses associated with the beach/sea, café’s and recreation.

**Relevant Planning History:**
060686 Spray water sports centre
Replacement of existing building to include training room, changing rooms and workshop.
County Council 10/11/2006

970251 Construction of pedestrian promenade.
Fast Planning app type - Local Authority Approved unconditionally 27/11/1997
Proposed Development:
Erection of two terraces of 10 standard beach huts along the seafront adjacent to Fort Fun car park (landward side of the promenade).

The beach huts would have a traditional beach hut appearance painted in a variety of colours constructed of timber incorporating shallow pitched roof with a 600mm overhang to the front and timber front doors. They would be sited on the existing hardstanding adjacent to the promenade path.

Each terrace of huts would measure approximately 21 metres long with each beach hut measuring 2.1 metres wide, 2.1 metres deep and 2.3 metre high to the roof ridge. A shallow section of decking measuring 1.2 metres would be positioned to the front directly outside the front doors.

The memorial benches and the picnic benches will be re-sited within the area of existing hardstanding in order to accommodate the proposed beach huts.

Consultations:
Internal:
Estate Manager – To be reported verbally to committee if received
Specialist Advisor (Economic Development) - To be reported verbally to committee if received
Specialist Advisor (Engineering) – No objection subject to conditions

External:
Environment Agency - To be reported verbally to committee if received
County Ecologist – To be reported verbally to committee if received

Neighbour Representations:
A number of objections were received from the initial consultation on the previous siting of the beach huts mainly on grounds that the siting would conflict with vehicle parking and boat storage on the beach and also the use of these beaches by the Spray Water Sports Centre and also third party wind-surfers.

With regard to the new consultation on the revised siting of the beach huts, no objections have been received at the time of writing this report. However, any representation received between publication of the agenda and the committee date will be reported verbally to the committee

Appraisal:
Principle of Development:
Policy TO7 of the Eastbourne Local Plan states that Royal Parade is one of the preferred locations for new quality tourist attractions and facilities.

Beach huts are a standard feature of British seaside beach resorts and normally located on or next to the beach. The proposal for 20 beach huts in total is similar to other beach huts in other locations along the promenade (west of the Pier) and is thus appropriate for its proposed location adjacent to Fort Fun and to the back edge of the beach and would reflect the areas character and enhance its setting.
The proposal would improve the offer and image of Eastbourne as a tourist seaside resort as well as providing additional facilities associated with the use of the beach and seafront. The beach huts and picnic benches would encourage more customers and in turn complementing the cafes and stalls along the beach front to the benefit of the vitality of the seafront.

The potential to increase footfall to and within the vicinity of the application plot is considered to have significant weight in the assessment of this application.

**Design, Siting and Layout**
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 TO8 states that in the preferred locations for tourist development proposals, new facilities should be a high quality of building design and landscaping, sympathetic to the setting of the site, reflect the area’s character and, wherever possible complement existing facilities.

The siting of the amended proposal is now appropriate to its location and would not conflict with other surrounding uses, accesses or through routes. The design of the beach huts are relatively standard and reflect the appearance and colour of beach huts in other seaside resorts and also similar to those that exist to the west of the Pier.

It is considered that the proposal would be in keeping with the character and appearance of the area and would be appropriately sited next to the beach and easily accessed from the promenade path. The beach huts would be sympathetic, if not enhance the setting of the area generating an iconic image of a seaside British beach resort.

The proposal would, therefore, accord with Policies UHT1, UHT4 and TO8 of the Eastbourne Local Plan.

**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 proposal is appropriate in terms of its siting, scale and design, and would provide new, high quality facilities on the seafront for tourists and would provide a complimentary use to users of the beach and surrounding businesses. The proposal would improve the offer and image of Eastbourne as a tourist seaside resort as well as providing additional facilities associated with the use of the beach and seafront. The beach huts and picnic benches would encourage more customers and in turn complementing the cafes and stalls along the beach front to the benefit of the vitality of
the seafront. It would comply with the relevant adopted policies and government guidance.

**Recommendation:**
Approve conditionally

**Conditions:**
1. Commencement within 3 years
2. Development in accordance with the approved plans
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Executive Summary:
The siting of the temporary rides and their justification, through continued use of an identified area on the Pier whilst a new building to replace the Blue Room is designed and implemented.

Set against this background the proposal is considered acceptable only as a temporary measure as the principle, mass, scale and design of the proposal is considered uncharacteristic to Eastbourne Pier, when balanced against its significance and setting.

The identified harm has been balanced against the temporary nature of the proposal and as such is considered acceptable. However such harm would not be considered acceptable as a permanent fixture nor will it outweigh the need for a new building, which will ensure the enhancement and preservation of Eastbourne Pier as a Grade II* heritage asset.

Support for the scheme is recommended on a temporary basis and will be controlled by planning condition limiting the use to 18 months.

Planning Status:
Grade II* listed building situated within a mixed commercial and residential area on the seafront.
**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: Sustainable Neighbourhood
C4: Old Town Neighbourhood Policy
D10: Historic Environment

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development
UHT15: Conservation Area
UHT17: Protection of Listed Buildings and their Settings

**Site Description:**

The Pier is a grade II* listed building located to the south east of the town centre on the seafront and accessed from Grand Parade. It is situated directly opposite the junction of Grand Parade, Elms Avenue and the Pier Hotel and adjacent to the grade II* listed Claremont Hotel and Burlington Hotel to the east and the grade II listed Belle Vue Hotel, Miramar Hotel and Queens Mansions to the North.

The section of the Pier which is subject of this application is located adjacent to the entrance of the pier over the main section of the beach.

**Relevant Planning History:**

141413

Dismantle the existing fire-damaged Arcade frame, together with the removal and replacement of the affected timber deck and deck support steelwork. Removal, refurbishment and reinstatement of existing cast iron balustrade, lighting columns and wind-breaks. Replacement of the Arcade building itself will be subject to a separate application.

Listed Building Consent

Approved conditionally

11/12/2014
**Proposed development:**
Installation of rides and stalls upon the decking at the location of the former Blue Room at Eastbourne Pier for a temporary period of at least 18 months prior to redevelopment.

Proposals include a variety of rides and stalls commonplace within seaside piers to bring the pier back into use while discussions continue regarding a replacement building. This will include items such as waltzers, dodgems, carousel, helter skelter, bungee trampolines, tea cup rides, arcades etc and will be approximately the following heights:

- Waltzer – 6 metres
- Dodgems – 4.9 metres
- Carousel – 4.9 metres
- Helter Skelter – 10 metres
- Bungee Trampolines – 4.6 metres
- Tea Cup Ride - 2.4 metres
- Toy Set - 3.7 metres
- Children’s Train Ride - 1.5 metres
- Arcades - 3 metres
- Stalls - 3 metres

A flexible combination of the above is proposed/requested in order that the applicant is not restricted to specific rides on grounds of operational and business reasons.

**Consultations:**

**Internal:**
- Tourism Manager – To be reported verbally at committee if received
- Specialist Advisor (Planning Policy) – No objection
- Specialist Advisor (Conservation) – No objection subject to conditions (see full response as Appendix No1 below)

**External:**
- English Heritage – To be reported verbally at committee if received
- Eastbourne Hotels’ Association – To be reported verbally at committee if received
- Eastbourne Society – To be reported verbally at committee if received
- 20th Century Society – To be reported verbally at committee if received
- The Victorian Society – To be reported verbally at committee if received

Conservation Advisory Committee – Due to the scheduling of Planning Committee and Conservation Advisory Committee (CAAG) with no Committees in May it has not been possible to report to CAAG prior to planning committee. Notwithstanding this the application has been supported by a thorough assessment report from/by the Councils Conservation Officer and it is considered that the conservation aspects of this proposal are fully assessed and evaluated.
Neighbour Representations:
1 objection has been received and cover the following points:

- Potential noise and disturbance to residents from loud speakers on the boardwalk.

In response, it should be clarified that as the application under consideration is for listed building consent, amenity related objections are not relevant.

Appraisal:
The main consideration in the determination of this application is the impact of the proposed temporary rides and stalls on the historic importance and architectural integrity of the grade II* listed pier.

Impact on character and setting of a listed building or conservation area:
The impact of this proposal in listed building terms has been fully assessed by the Council’s conservation officer (see Appendix No1 below)

Policy D10 of the Eastbourne Core Strategy seeks to protect all heritage assets from inappropriate change including both designated (Listed Buildings & Conservation Areas) and non-designated assets (Buildings of Local interest & Areas of High Townscape).

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, setting, alignment and layout.

Policy UHT15 states that proposals in a conservation area or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area.

Policy UHT17 states that proposals for alterations or extensions to a listed building will be granted only where the works would preserve the inherent character of the listed building and its features of special architectural or historic interest.

In summary the siting of the temporary rides and their justification, through continued use of the identified area whilst a new building to replace the Blue Room is designed, considered and implemented is deemed to be appropriate only on a temporary basis. In this respect, it is recommended that, if an alternate layout to what has been provided as part of this proposal is considered by the agent or owner, a condition is recommended that the alternate layout, including installation details are submitted to both Eastbourne Borough Council and English Heritage for prior approval, as the reconfiguration of rides and layout would inevitably have an impact on the substructure of the Pier.
**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 siting of the temporary rides and their justification, through continued use of the identified area whilst a new building to replace the Blue Room is considered acceptable on a temporary measure as the principle, mass, scale and design of the proposal is considered uncharacteristic to Eastbourne Pier, when balanced against its significance and setting.

The identified harm has been balanced against the temporary nature of the proposal and as such is considered acceptable. However such harm would not be considered acceptable as a permanent fixture nor will it outweigh the need for a new building, which will ensure the enhancement and preservation of Eastbourne Pier as a Grade II* heritage asset.

**Recommendation:**
Approve conditionally

**Conditions:**
1. That the development and works hereby permitted shall be begun not later than three years from the date of this consent.
   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The rides and stalls hereby permitted shall be removed and the land restored to its former condition on or before 30th September 2016. The installation of the rides and stalls shall be carried out in such a way that they can be removed at the end of the temporary period without any adverse impact on the grade II* listed pier.
   Reason: The proposed works are not considered to be acceptable as a permanent fixture as they would fail to preserve or enhance the special architectural and historical interest of the pier.

3. Within two months from the date of this consent a detailed layout plan shall be submitted to and approved in writing by the Local Planning Authority. The layout plan shall show the location and design of the rides in situ and shall be deemed as the ‘baseline’ layout plan. Prior to the movements of any rides from within the application site or new to the application site shall be the subject of an additional application that shall be agreed in writing by the Local Planning Authority prior to its installation.
Reason: To ensure that the setting, special architectural and historic interest of the pier are not unduly affected.

**Informatives:**

- The applicant is advised that planning permission is also required for the proposal and a planning application should be submitted accordingly.

- The applicant should note that a further temporary consent will only be considered on the basis of the progress of the provision of a building to replace the former blue room.
CONSERVATION OFFICER RESPONSE

TO: Richard Elder
FROM: SARAH LEETE-GROVES
DATE: 14 May 2015
RECOMMENDATION: Approval subject to condition

REF: 150285
SITE: Eastbourne Pier, Grand Parade, Eastbourne, East Sussex, BN21 3EL

PROPOSAL: Installation of rides and stalls upon the decking at the location of the former Blue Room at Eastbourne Pier for a temporary period of at least 18 months prior to redevelopment. (Amended description)

STATUS OF BUILDING OR AREA: Grade II* located in the Town Centre and Seafront Conservation Area

DATE OF SITE VISIT: Numerous - last visited 13 May 2015

COMMENTS:

In considering the significance associated with the application, it is important to note that the Blue Room which was destroyed by fire in July 2014, and subsequently dismantled and a new decking laid, was not listed in its own right. However its siting, mass, scale, design and use of materials, formed an integral part of Eastbourne Pier and made an important contribution to the cultural and natural heritage values, associated with the Grade II* heritage asset, which is now considered one of the “finest of Eugenius Birch’s surviving seaside piers”. ¹

Therefore in assessing the significance of Eastbourne Pier, Principle 3.2 of English Heritage’s 2008 Conservation Principles has been referred to;
The significance of a place embraces all the diverse cultural and natural heritage values that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as understanding deepens and people’s perceptions of a place evolve.

In this respect the ‘value-based’ approach that underpins the identified 2008 Conservation Principles has been adopted, to assess the Piers significance. In brief the four principle categories of heritage values are identified as Evidential; Historical; Aesthetic and Communal Value. In addition to these identified values, the setting of the Pier has also been give due consideration, taking into account English Heritage’s 2011 Good Practice Advice Note 3 – The Setting of Heritage Assets, the advice found in which is in accordance with The National Planning Policy Framework [NPPF].

‘...proportional to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’ (NPPF 2012, para 128)

An approach which would allow for the considered assessment of the significance and setting of the Grade II* heritage asset and in turn provide an informed platform against which, the current proposal for the installation of temporary rides, can be assessed.

In context Eastbourne Pier was opened in June 1870, in reaction the town’s poor provision of recreation in the 1860’s. Sited at the junction of Grand Parade and Marine Parade the location, of which, was settled upon following consultation by the then Duke of Devonshire and his architect Henry Currey; who was mostly responsible for the urban plan of the west of Eastbourne. In this respect Eastbourne Pier deliberately forms the eastern end of a bay and visually separated the high class hotels to the west from the boarding house district to the east.

By 1914 Eastbourne was one largest and most exclusive seaside resorts in England, earning its title “the Empress of watering places”, “the most successful example of aristocratic patronage in the development of a coastal resort, largely made by the 7th Duke of Devonshire. The sense of exclusiveness, as a result of careful planning of residential areas of the town and control over use classes, has gone towards maintaining the town’s impeccable middle-class credentials. In describing the planning of the town in 1888 George Wallis wrote; “We have what we call our artisan town; and we have our high class-villa town; and we have our terrace house; and they are all quite separate.” The aesthetic merits of each ‘district’; continues to be evident in views of the built form addressing the seafront appreciated from the pier itself.

Evidential Value
The potential of a place to yield significant evidence usually from physical remains about past human activity - English Heritage’s 2008 Conservation Principles

An archaeological assessment of past human activity is not deemed necessary when considered in context of the proposed application. However all buildings do capture, information about their historical development and chronology. In this respect Eastbourne Pier encapsulates evidence of evolving form and design, the most notable changes being;

a) 1866 - First pile screwed into the hard clay seabed on 18\textsuperscript{th} April 1866 at a lavish ceremony during which the Lord Edward Cavendish (son of the 7\textsuperscript{th} Duke of Devonshire) deposited a document, sealed in a tin box, down a cast iron crew pile column, the screw piles, invented by Alexander Mitchell gave the piers sub-structure its durability and strength.

b) 1870 – 13\textsuperscript{th} June 1870, the pier was officially opened, although only half complete at approx. 500ft long, as illustrated in the London News on 25\textsuperscript{th} June and The Eastbourne Standard. Designed by Eugenius Birch, the contractors Messrs Head, Wrighton and Co of Stockton and Tees.

c) 1872 – Completed as a 1000ft long promenade deck by 22ft wide, with a pair of projecting bays on each side increasing the width to 68ft at shore and 52ft mid-way, including a 115ft wide diamond shaped, landing stage for steamers at the pier head.

d) 1877 – A violent storm washed away large section of shoreward end of the pier, to counteract the effect of waves surging over the shingle below the shoreward end was rebuilt 5ft higher at an increase in width from 22ft to 52ft as per the former projecting bay.

e) 1888 – Large ‘barn’ building was constructed on the head of the pier to form a theatre, later removed ‘in one piece’ to Lewes for use as a cattle shed, when a grander building was proposed in 1899

f) 1899 – Plans drawn up by Noel Ridley, for a new pavilion theatre and ‘camera obscura’ in the dome surmounting the structure – completed in 1901. The camera obscura is now thought to be the only one on a pier in the world.
g) 1901 – Pavilion Theatre, ‘camera obscura’ and two games saloons on either side of the central ramp

h) 1902 and 1903 – central windscreens erected and ten sided bandstand – the bandstand was removed in 1945

i) 1912 – Original octagonal front kiosk and central pay kiosks removed – the central pay kiosk still survives, sited within the gardens of the Redoubt Pavillion

j) 1925 – Widening of the upper deck near the shore end and a new music pavilion with domed roof was erected (Blue Room). It was for many years a ballroom and later an amusement arcade – Blue Room destroyed by fire in 2014

k) During WWII – wooden decking was removed, replace with concrete, from the centre to prevent an enemy landing and gun platforms installed in the theatre to repel any attempt at enemy landing.

l) 1945 – Bandstand (1902 -1903) removed

m) 1951 – Flat-roofed building replaced the Edwardian entrance kiosks

n) 1970 – Pavilion Theatre (end of Pier) suffered severe fire damaged, including destruction of the access stairs to the ‘camera obscura’. As a result the theatre closed and remaining part of the building was converted to a nightclub.

o) 1970’s – Two steel framed glass fibre amusement arcade buildings were added between the ramp and old theatre, followed by three kiosks between the ballroom and the ramp. – The kiosk closest to the Blue Room was destroyed during the 2014 fire and subsequently removed.

p) 1987 – Hurricane caused damage to landing stage which has not yet been repair.
q) 1991 – The flat roof 1951 building, replaced by a new entrance similar in style to the original octagonal turrets, with shops and covered way.

r) 2003 – Camera Obscura was re-opened to the public.

s) 2014 – Blue Room suffered severe fire damage, including destruction of one of the three 1970’s kiosks. As a result the steel frame was removed and a timber deck installed. (area of which is subject to this application)

In summary since its initial conception in 1866, when the first pile was screwed into the seabed; Eastbourne Pier has undergone incremental change in form and design mostly in response to recreational need and natural disaster.

Whilst significant changes have been made to the physical / visual appearance of Eastbourne Pier, since its completion in 1872, as a 1000ft promenade on the sea. The evidential value associated with the Piers significance is considered HIGH as physical remains inherited from the past, remain in situ, allowing for the interpretation of the structure and its historic evolution.

**Historical Value**

*The way in which the present can be connected by a place to people, events and aspects of life in the past* - English Heritage’s 2008 Conservation Principles

The historic value in which the present can be connected by a place tends to be illustrative and / or associative.

In respect of Eastbourne Pier it can be debated that the structure demonstrates the technological use of early engineering; through the use of a screw-pile mechanism, which was invented and patented by Irish engineer Alexander Mitchell in the 1830’s, at which point it was primarily used for lighthouse construction. A stabilising mechanism adopted by Eugenius Birch in his construction of piers, which were strengthened by a lattice of ties and girders, that provided the necessary strength to support a promenade deck. The visual results of which present an exposed network of functional metalwork, devoid of ornate decoration, in direct contrast to the aesthetic merit associated with the piers promenade.

In additional Eastbourne Pier, illustrates the introduction of a static ‘camera obscura’ room, in the dome which surmounted the Pavilion Pier, by Noel Ridley, a pupil of Birch. With the improvement of lenses in the 19th century, the ‘camera obscura’, could cast larger and sharper images, which resulted in them flourishing at the seaside and areas of scenic beauty. Besides which the ‘camera obscura’ introduced a combination of education and entertainment.
In 1901 the ‘camera obscura’ at the end of Eastbourne Pier, was the largest example in Great Britain when built and today seems to be the only example of a ‘camera obscura’ on a seaside pier in the world.\(^1\) while being a rare surviving example of a ‘camera obscura;’

Historically, Eastbourne Pier is associated with the 7\(^\text{th}\) Duke of Devonshire’s; 19\(^\text{th}\) century urban development plan of Eastbourne seafront, undertaken by his architect Henry Currey. Although the immediate setting of the Pier, which includes the Claremont Hotel, Burlington Hotel both Grade II*, and Cavendish Place (Grade II) is accredited to James Berry who adopted the Regency style reflective of the character associated with neighbouring Brighton.

As already identified the pier is associated with a Eugenius Birch, a design engineer who worked on numerous projects including railways, bridges and viaducts. As an advisor to East Indian Railway Company on behalf of the British Empire, it was only on his return to Britain that he started working on piers which coincided with the coming of the railways to seaside resorts. Additionally Noel Ridley, a pupil of Birch, introduced the largest ‘camera obscura’ in Britain, in 1901 as part of the Pavilion Theatre.

More locally architect Peter D. Stoneham was responsible for the Blue Room, originally a ballroom with a ‘large oval domed zinc roof with a large iron-crested central roof-light and walls with diagonally placed weatherboarding with reeded pilasters and blocked multi-paned sash windows’\(^2\) and later amusements arcade, destroyed by fire in 2014, following which, the large steel framed, domed structure was dismantled.

Eastbourne Pier is considered one of the finest of Eugenius Birch’s surviving seaside piers, and believed to be the only pier in the world to have a camera obscura. In this respect it can be said to be illustrative of a good example of a promenade pier, later adapted into a full blown pleasure pier with good quality late 19\(^\text{th}\) century Edwardian and 1920’s structures. Later replacement buildings have imitated the style of the earlier structures, so that the pier retains a stylistic coherence.

In summary the historic value associated with Eastbourne Pier is considered **HIGH** as it illustrates early use of screw piles in pier construction (technology) and is associated with notable families, people and events.

**Aesthetic Value – Design Value**

*The ability of a place to provide sensory and intellectual stimulation* - English Heritage’s 2008 Conservation Principles

Besides the evidential value attached to the pier through its association with people, events and aspects of life as illustrated in its form and design; the design merit attached to Eastbourne Pier, undeniably makes a valued contribution to the significance of the Grade II* heritage asset.
Originally built as a 1000ft long by 22ft wide decked promenade, with two projecting bays on each side increasing the width to 68ft at the shore end and 52ft halfway long, including seating and railings which survives in the central section, the top railing tube of which doubled up as a gas pipe to provide lanterns with gas lighting.

The incremental growth associated with the built form of the pier, is of high aesthetic merit, each building of which followed the conscious pattern, defined by the original kiosks and the Pavilion theatre. A Victorian style which continued as demonstrated in the Stoneham ballroom and more recently the 1990’s entrance kiosks. The silhouettes of the consciously designed structures introduce a unique skyline in sea views, which defines Eastbourne Pier and in turn a sense of place.

Additionally, it is important to add the entrainment provided by Eastbourne Pier, is contained within a built form, an approach which has retained the experience of an uninterrupted walk, along the timber promenade, with glimpsed and unfolding views.

In summary the aesthetic value associated with Eastbourne Pier is considered **HIGH** as the Piers aesthetic qualities, as a result of a conscious design pattern adopted by its evolution, has taken into account form, proportion, massing, silhouette, views, vistas, circulation and use of materials; an approach which has resulted in a heritage asset with stylistic coherence.

**Communal Value**

*The meaning of a place for people who relate to it – a collective experience or memory* - English Heritage’s 2008 Conservation Principles

Eastbourne Pier like most piers holds childhood memories of seaside summer holidays, containing meaning through memory both for local, national and international visitors. In addition the Ocean Room located at the end of the Pier above the nightclub, hosts wedding receptions, providing additional meaning or collective experience beyond childhood memories.

However the communal value associated with the Pier is no more prevalent than those comments received by the BBC’s Sarah Bell, following the fire of 2014;

BBC News 31 July 2014

The BBC’s Sarah Bell: My Eastbourne

"As someone raised on the sunshine coast, seeing the pier in flames has left me feeling deeply sad and unsettled.

*The symbol of the town, its Victorian structure was the constant backdrop to my childhood of chilly dips in the sea.*
It even played a part in the social structure of teenage years - with the beaches either side reserved for the coolest kids.

Later it was where we would drink local cider and snog boys, in the years before nights out involved tottering up to the nightclub at the end.

Within an hour of the news my Facebook feed was filled with local friends expressing sadness and shock that a key part part of the town’s history could be so easily destroyed.

I just hope that it can be restored and not suffer the fate of the structures in neighbouring towns.”

In summary the communal value associated with Eastbourne Pier is considered **HIGH** as it holds meaning for those who draw sensory identity from it, or have emotional links to it. Both spiritual values of which were undeniably expressed during and following the loss of the Blue Room, from fire in 2014.

**Setting**

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. - English Heritage’s 2011 Good Practice Advice Note 3 – The Setting of Heritage Assets pg 2

In considering the significance associated with Eastbourne Pier, and its role in the urban development of Eastbourne as part of the Duke of Devonshire’s plans, views play an important role in establishing the Piers setting.

Due to the length of the pier views across the bay of the pier, in particular the silhouette of the ‘Victorian’ style structures. Whilst static the composition of which are a fundamental aspect of the design and function of the heritage asset. In addition views from the pier, towards Eastbourne town, allow for the distinction between high class hotels to the west and bed and breakfasts to the east.

In addition the junction from which the pier projects out to the sea, the built form addressing which, forms part of an early development period in the 7th Duke of Devonshire’s urban plan, accredited to James Berry, the collection of which provides the original design intent of the day.

In summary, Eastbourne due to its evidential, historic, architectural and communal value in combination with its setting is now the **finest of Birch’s surviving seaside piers, including a rare surviving example of a ‘camera obscura’. Eastbourne Pier is a good example of a promenade pier, later adapted into a full blown pleasure pier with good quality late C19th,**
Edwardian and 1920’s structures, the aesthetic value of which is demonstrated in the imitated style of the earlier structures, so that the pier retains its stylistic coherence. An aesthetic value which makes a substantial contribution to the silhouette of the structure which in turn defines its immediate and wider views providing a setting with a sense of place.

In assessing the proposal for the; ‘Installation of rides and stalls upon the decking at the location of the former Blue Room at Eastbourne Pier for a temporary period of at least 18 months prior to redevelopment.’ Against the identified significance of Eastbourne Pier, the following comments are made;

It is important to note that for the benefit of this assessment, I have taken into account the indicative layout and elevation plans, drawing no’s WJ_112-0001 and WJ_112-0003 respectively. Whilst it is acknowledged; Section 3. Development Proposals of the submitted Planning & Heritage Statement by Northern Trust, in support of the application, does request a flexible layout as identified in para. 3.4 and 3.5; the approach to which has been addressed separately below, namely;

3.4 "It is proposed that within the application boundary a combination of the proposed equipment can be provided – the precise mix may vary from time to time. This will secure approval for a range of different rides and stalls without restricting the owner / operator to specific rides etc. It is important from an operational point of view to retain some flexibility in respect of which rides are appropriate for the business“.....“However a key part of this approach is also to ensure the installation of the rides and stalls does not have a detrimental impact upon the remainder of the Pier as a listed building.”

3.5 "......The enclosed layout is not definitive and only seeks to provide an example of how a selection of rides could be accommodated on site. The precise layout and configuration of rides will be determined in due course. It is imperative the owner / operator retain this flexibility in order to ensure the most appropriate combination of rides is installed on the Pier at the outset and can be altered as necessary from time to time.”

In this respect, it is recommended that, if an alternate layout to what has been provided as part of this proposal is considered by the agent or owner. This alternate layout is submitted to both Eastbourne Borough Council and English Heritage for prior approval, as the reconfiguration of rides and layout would inevitably have an impact on the appearance of Eastbourne Pier and its setting.

In this respect I would recommend a condition is imposed whereby any new layout or change of equipment is submitted to the Council, through condition for prior approval.

**Assessment of the Proposals**
As already identified Northern Trust’s Planning & Heritage Statement, submitted in support of the application, has formed the basis of the following assessment which has addressed each of the key elements against the heritage assets significance in turn,

Siting

Para. 7.16 "The provision of the rides and stalls will be located at the site of the former Blue Room and as such will be upon a part of the Pier which has historically accommodated development. This will ensure the effective use of the space up the Pier deck in accordance with the history of the Pier in advance of the development of a new building to replace the Blue Room."

Para. 7.22 "Whilst the proposed rides and stalls do not constitute a replacement building at this stage – discussions are ongoing in this respect – the proposed equipment will be in the location of the former Blue Room and will be of a similar height to the previous building. This will ensure that the extent of built form upon the Pier will remain consistent with the historical arrangement and in addition will ensure the silhouette of the Pier will remain very similar...”

Taking into account paragraphs 7.16 and 7.22; the siting of the temporary rides and stalls, namely on the replacement pier deck which once supported the Blue Room, would result in little or no harm to the evidential, historic, architectural or communal value associated with the Pier, the setting of which however will be discussed in more detail later in the document.

Principle

In considering the principle associated with the introduction of temporary rides on the pier, paragraphs 7.23, 7.28 and 7.31 have been extracted, against which to make comment;

Para. 7.23 “The proposed rides and stalls are common place upon many other seaside piers throughout the county and the installation of such equipment upon Eastbourne Pier will not have a detrimental impact upon the character, appearance or historic interest of the remainder of the Pier. The proposed equipment will be appropriate in context with the other buildings upon the Pier and will represent an appropriate use of the decking in advance of the construction of a new building.”

Para. 7.28 "The same can be said for the remainder of the Grande Parade the proposed rides and stalls will not have a detrimental impact upon the wider area by virtue of the fact that they are appropriate installations for a seaside pier, are appropriate in context with the remainder of the Pier itself and they will maintain the silhouette of the Pier along the coastline.”

Para. 7.31 "...It is important for the Pier to remain active and operational and the proposed equipment represents a suitable addition to retain the appeal of
visiting the Pier whist respecting its character, appearance and historic interest as a heritage asset”

It is acknowledge other seaside piers in Britain have rides and stalls to a similar layout and design as proposed through this application. However a key characteristic of Eastbourne’s Pier and seafront is its original design intent achieved through careful planning, which continues to be evident in the containment of entertainment, such as the amusement arcade, in built structures, and as such removing it from the experience of the public realm...‘maintaining the town’s impeccable middle-class credentials’.

In this respect the principle of ‘exposed’ rides and stalls, on the Pier as proposed is considered, out of character with the seaside character and appearance associated with Eastbourne.

That said, the identified harm of the proposal has been balanced against its temporary status and the desire to maintain the continued use of the area or ‘decking in advance of the construction of a new building’.

Mass, Scale and Design

In addition to the principle of the proposal, paragraphs 7.33 and 7.34 have been referred to in respect of mass, scale and design of the temporary proposal namely;

Para. 7.33 “The type of ride and stall proposed have been carefully selected to ensure the physical appearance does not dominate this section of the Pier and does not have an overbearing impact upon the other sections. The scale, bulk and height has been considered in context with that of the Blue Room to ensure there is no greater impact upon the Pier than the built form before the fire.”

Para. 7.34 “The result is a proposal appropriate to a seaside pier and one which is appropriate to the character, appearance and historic interest of the Pier itself.”

Whilst it is acknowledged the mass and scale of the now removed Blue Room has been drawn upon as a marker to set parameters for the temporary rides. It is important to acknowledge, the Blue Room was an architecturally design building, the inherent characteristics of which, being far removed from the cumulative mass and scale of individual rides and kiosks. However these as suggested to do not exceed the overall height of the once Blue Room and as such sit within the height parameters of the existing buildings on the Pier and as a result do not compete with the existing hierarchy of mass and scale.

Setting
The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Para. 7.35 “Furthermore the proposals retain a similar silhouette to the Pier before the fire thus ensuring the distance views remains substantially the same...”

Para. 7.39 “...the proposed rides and stalls are not considered to have any impact upon the setting of the surrounding listed buildings. The proposed rides are situated upon the Pier and have been carefully selected to ensure they will not have greater impact in terms of height, scale and bulk than the previous Blue Room. The proposals will therefore be appropriate within the context of the Pier and as a result will not have a detrimental impact upon the surrounding area, including nearly listed buildings.”

In terms of experiencing the setting of the Pier, it is important to note that whilst the height, scale and bulk of the temporary stalls and rides do not exceed that of the Blue Room. Due to the activity associated with the rides and their inherent character, the experience of the Pier would be affected in a manner which is uncharacteristic with the inherent design associated with the Pier and its built form. Including the experience, of a walk along the timber promenade, with a relatively free passage and unfolding views.

Associated Harm

The associated harm to the piles and substructure has been given due consideration as part of the proposal, taking into account the piles are of High Evidential value and as such make a valid contribution to the significance associated with the Pier.

Para. 7.42 In respect of the installation of funfair rides onto the Pier, each type of ride is considered in terms of its static loading. Seating / strengthening points are installed accordingly below deck level.”

Para. 7.45 "Any installation will be carried out subject to a number of design checks:

1. The ride / kiosk location may be governed by the size of the unit and its method of function; i.e. the clear distance required around the ride for access and egress, together with general walkway / safety for non-participating members of the public and no-go areas giving separation from electrical supplies, generators or back-up equipment. As a result the precise layout may change from time to time to ensure sufficient spatial standards, maintenance and health and safety standards are maintained upon the Pier.”

In this respect, it is recommended that, if an alternate layout to what has been provided as part of this proposal; is considered by the agent or owner. This alternate layout, including installation details are submitted to both
Eastbourne Borough Council and English Heritage for prior approval, as the reconfiguration of rides and layout would inevitably have an impact on the substructure of the Pier.

In summary the siting of the temporary rides and their justification, through continued use of the identified area, whilst a new building to replace the Blue Room is considered acceptable on a temporary measure. As the principle, mass, scale and design of the proposal is considered uncharacteristic to Eastbourne Pier, when balanced against its significance and setting.

This said, the identified harm has been balanced against the temporary nature of the proposal and as such considered acceptable. However such harm would not be considered acceptable as a permanent fixture nor will it outweigh the need for a new building, which will ensure the enhancement and preservation of Eastbourne Pier as a Grade II* heritage asset.

Recommend Approval subject to conditions:

- New Layout - In this respect I would recommend a condition is imposed whereby any new layout, change of equipment and associated work, is submitted to the Council, through condition for prior approval.

- Timescales – temporary consent with a maximum time period of 18 months whilst discussions for a new building are entered into.

1. List Entry Description – Eastbourne Pier, List Entry Number: 1353116
Executive Summary:
Application relates to the removal of a domestic window to one of the ground floor flats and to be replaced by a pedestrian door. It is proposed that the new door and side window would utilise materials that are used elsewhere on this apartment block.

This new doorway would facilitate direct access from this ground floor apartment direct onto communal secure rear garden area.

There are a number of letters of concerns from other occupiers within the block and these are reported below; in planning terms though there is limited visual impact from the proposal and the use of the doorway as an access to the garden would not cause such a material loss of amenity to warrant a refusal of consent.

Scheme is considered acceptable and recommended for approval.

Planning Status:
Ground floor flat within in a residential block of twelve units in total.

Constraints:
Conservation Area Meads Conservation Area

Relevant Planning Policies:
National Planning Policy Framework 2012
Paragraphs 7-14
Site Description:
The site comprises of a four storey ‘T’ shaped block of 12 flats located on the North west side of Carlisle Road immediately next door to Moira House School.

The property has a open aspect frontage and communal garden to the rear.

Relevant Planning History:

EB/1960/0251
Demolition of property and erection on the site thereof of a four-storey block of 12 two-bedroom flats, and 6 domestic garages.
Granted, subject to conditions. 1960-05-05

Replacement plastic windows approved at units 1-7 & 10 - 12

Proposed development:
The applicant is seeking planning approval to change an existing window to a door and window set (Upvc), giving private access to the existing communal garden at the rear.

Consultations:
Internal: Specialist Advisor (Conservation) had no objections to this proposal and concludes:
‘...whilst the proposed changes would not enhance or preserve the inherent design associated with the rear elevation of Castle Mount. Due to the siting of the works, there would result in little or no impact on the historic or architectural character and appearance of Meads conservation area in which the building is located.’

Neighbour Representations:
6 objections have been received and cover the following points:
- The proposal contravenes the terms of our lease dated 12 April 1966.
- If the work was to proceed, it would create an unacceptable precedent which would be detrimental to the block.
- It would compromise security of the building, having another entrance.
• Will alter the uniformity of the windows and could affect the emergency exit route around the building.
• Nuisance issue with children in front of adjacent flat.
• Increased noise possibly for flats 4, 7, 10, 3, 6, 9, 12.

**Appraisal:**
The main issue to consider when assessing the proposal for changing a window to a door and window set is the impact on visual and neighbour amenity.

The location and design of the proposed door/windows is to the rear of the ground floor on the North west elevation of the block, not visible from the public highway and as such would not be out of character with the host property and not out of character/intrusive into the wider street scene/Meads conservation area.

The use of the door would and can only be used as access to the back communal garden and given this the activity associated with its use would be fairly limited and would not give rise to any material impact upon the occupiers of the adjoining/adjacent apartments.

There are no material issues with means of escape in case of fire

A number of the respondents to this application have raised issues that are civil matters such as breach of covenants/leases, these can not be taken into account in the assessment of this application as private covenants are not material considerations.

**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 proposal to alter an existing window to a door and window set is considered to be acceptable in terms of scale and design. It complies with policies B1, C11, D5 & D10 of the Local Core Strategy 2013, policies UHT4, UHT15, HO2 & HO20 of the saved policies of the Eastbourne Borough Plan 2007 and the guidance outlined in the National Planning Policy Framework 2012.

**Recommendation:** Approve, conditionally

**Conditions:**
1. Time Limit
2. The development hereby permitted shall be carried out in accordance with the following drawings received on 29 March 2015:
   - 916-01 A - Change window ar rear for door - Elevation Proposed
   - Site Location Plan
   - Block Plan
   - Reason: For the avoidance of doubt and to ensure that the proposed
development is carried out in accordance with the plans to which the permission relates.
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building, as outlined under section 10. Materials of the submitted application form. Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

**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: 141521 (PPP)  
Decision Due Date: 25 March 2015  
Ward: Devonshire

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

Site Notice(s) Expiry date: 2 March 2015  
Neighbour Con Expiry: 2 March 2015  
Press Notice(s): 17 February 2015

Over 8/13 week reason:

Location: Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne

Proposal: Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge.

Applicant: Mr A Aggarwal

Recommendation: Grant Permission subject to conditions and legal agreement.

The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 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.

Executive Summary:-

This application proposes the loss of hotel accommodation within the defined tourist accommodation zone; 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) (in relation to the Courtlands Hotel application) 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 bedspaces 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 holiday accommodation 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 holiday 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 all other material considerations. 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.

The site has been vacant for a significant period of time and as such has not made a contribution to the available holiday accommodation with the tourist accommodation zone. Notwithstanding this it remains appropriate that officers assess and test the application against current policy.

Officers are satisfied that if refurbished 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 bed spaces at the site but finished to a higher/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, especially as the use has been redundant for a significant period of time. In addition this scheme proposes the retention of
enhanced accommodation within a building that will have the ability to operate independently.

The retained holiday lets will be serviced and managed by a parent hotel with seafront location and as such 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.

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

The evidence submitted with the application has been independently assessed by an external consultant; their conclusions are that the scheme has satisfactorily assessed and demonstrated compliance with the local policy and as such the loss of the tourist accommodation is acceptable in principle.

Scheme proposes the reuse of a vacant hotel within the tourist accommodation zone into a mix of holiday flats and residential apartments for open sale/let.

It is considered that the proposal has satisfactorily demonstrated that the hotel in its current form is redundant and unviable and that the split use for/as holiday lets supported by an existing ‘parent’ hotel and open use residential accommodation is considered to be appropriate and acceptable.

A suite of conditions are proposed to control the long term availability of the holiday let accommodation.

**Constraints:**
Town Centre and Seafront Conservation Area, and within the Tourist Accommodation Zone.

**Relevant Planning Policies:**
National Planning Policy 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.

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.”

Eastbourne Core Strategy Local Plan Policies 2013
B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood
C3 Seaside Neighbourhood Policy
D3 Tourism Tourist Accommodation Area
D5 Housing Low Value Neighbourhoods
D10 Historic Environment Archaeological Notification Area
D10 Historic Environment Conservation Area

Eastbourne Borough Plan Saved Policies 2007
TO1 Tourist Accommodation Area
TO7 Preferred Area for Tourist Attractions
TO9 Commercial Uses on the Seafront
TO8 New Tourist Attractions and Facilities
TO2 Retention of Tourist Accommodation
TO5 New Tourist Accommodation
UHT15 Conservation Area
US5 Tidal Flood Risk

Site Description:

The application site comprises the Heatherleigh Hotel, a 55 bedroom hotel on a level rectangular site of some 0.093 hectares, located at the junction of Royal Parade and the Redoubt Road. It incorporates a small ‘bedsitter’ manager’s flat.

It is situated towards the north-eastern periphery of the Tourist Accommodation Area as defined in the Eastbourne Borough Council Local Plans, but backs onto substantial residential hinterlands beyond. It is only 150 metres from the absolute north-eastern boundary of the Tourism Accommodation Area which sits at the junction of Royal Parade and Carlton Road.
The site is located directly opposite the Redoubt Fortress and areas of greensward, as well as the bowling greens, beyond which is the shingle bank leading up to the coastal walk and cycle way, and beach. Properties along the frontage in this part of the Town feature a variety of hotels, guest houses, private houses and tourism-let apartments.

The application building, which rises to maximum height of 4 storeys above street level; (5 including the basement), is effectively comprised of 2 large properties which appear to have been amalgamated following the granting of planning permission in 1958.

The premises also include a block of 7 garages, (proposed to be partially demolished); along the back of the site, together with some open parking, fronting onto the Rylstone Road at the rear, a wholly residential road as are others in the vicinity to the rear.

The general theme of local development in this area is a narrow strip of often tourism related uses along the frontage, (within the Tourist Accommodation Area), and a substantial residential hinterland beyond, with predominantly recreational uses opposite. The road frontage is generally similar in style along this frontage, with the feel of originally having been residential properties, such as that of the application site, with largely similar Victorian and possibly Edwardian styling.

The character is markedly different further along Royal Parade to the south-west, where the properties are generally much more substantial and higher. They have a different character, materials and design, mostly in hotel use, from the junction between Royal Parade and Cambridge Road, and heading further south-west, towards the pier and the central part of the seafront area, and commencing with the Langham Hotel.

**Relevant Planning History:**

Following the creation of the hotel in the 1950’s there has been numerous applications relating to extensions and adaptations to the hotel building.

**Proposed development:**

Application seek approval to convert the existing vacant hotel into 28 flats, 12 would be tourist lets and the remaining 16 would be for open market occupation.

In terms of the actual conversion works, these are taking place over all 5 floors of the property, as follows;

- **Basement:** Conversion to 6 flats; (4 x 1 bedroom and 2 x 2 bedroom).
- **Ground floor:** Conversion to 7 flats; (3 x 1 bedroom and 4 x 2 bedroom).
- **First Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Second Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Third floor:** Conversion to 3 flats; (1 x 1 bedroom and 2 x 2 bedroom).

Therefore, the scheme will provide a total of:
• **28 flats**, The flat sizes range from 25.5 sq. metres to 71 sq. metres

• 14 x 1 bedroom and 14 x 2 bedroom,

The flats are also:

• Divided into **holiday lets** and **open market units**, with:

• **12 holiday let units** and **16 open market**, and therefore almost a 50/50 split. The split reflects the differences between the 2 separate original dwellings which made up the current hotel, and are clearly separated by the main staircase.

• The applicants have very carefully laid out the development so that the **holiday let units would all be sited in the westernmost part of the premises**, the ‘half’ of the floor space which belonged to the dwelling which was incorporated into the overall hotel following the 1958 planning permission.

This layout will therefore ensure that the units are properly segregated, and that they follow a logical division, thus ensuring that the holiday and open market lets are wholly separated, and make it much less likely that there could be future support for the loss of these holiday lets to unrestricted housing. The holiday let units will be spread out over the 4 floors of the western-most half whilst the open market housing will be laid out over the 5 floors of the eastern-most element.

The **Holiday let** units would be laid out as:

• **9 x 1 bedroom and 3 x 2 bedroom flats.**

• This **number of 1 bedroom flats will be appropriate as the smaller unit elements** would be more likely to be marketable as holiday lets, with a significant part of business being for the singles market or couples, but allowing for a few family units as well.

The holiday lets would also be operated in conjunction with the applicants’ core business of coaching holidays from their nearby business centre at the Hilton Royal Parade, where these units would be administered in connection with their overall holiday business.

**Supporting Reports:**

The application has been submitted with a number of supporting reports which in the main conclude that the building has fallen into significant disrepair and that the costs involved in bringing it back to current standards at a time when the hotel market is in a state of flux would be unviable and also unrealistic.

Given the sustainable location and that the proposed use would be likely to result in a reduction in the level of private motor vehicle use then the change of use is likely not to result in any material increase in off-site impacts.
The support for the application would retain an element of tourist accommodation at the site and would also realise the full development potential of the site.

To the rear of the plot the scheme proposes 7 off-street parking spaces along with bike storage for 20 cycles and a further enclosure that would accommodate up to 24 refuse/recycling bins.

**Consultations:**

**Internal:**
- Estate Manager: No comments/objections to the scheme
- Tourism Manager: No direct response to this application but in relation to a very similar application at the Courtlands Hotel they supported the views of the Hospitality Association whereby the view that fewer bed-spaces but higher quality was promoted.

**External:**
- Southern Water Services: No objections subject to an informative requiring the applicant obtains SW approval for the conventions prior to the sue commencing.
- Environment Agency: No objections to the proposal

Eastbourne Hotels' Association: Support the application for the following reasons:
- The hotel is unsustainable in its current form
- Evidence from other recent applications still stand
- The hotel has not contributed to the hotel stock for a significant period of time.
- Not economically viable to refurbish and run as a hotel
- Fewer holiday rooms but better quality would be better for the town as a whole.
- Parking no worse than as its former use as a hotel
- Further deterioration would be harmful to the area and may follow the same path as the Lynwood and the Latham
- Town has more than adequate bed stock to cope with demand (Premier Inn and the re-opening of the Ambassador)

County Archaeologist: Works involved do not constitute any risk to archaeological remains and thereby no objections are raised

Highways ESCC

**Neighbour Representations:**
1 letter of support has been received commenting in the main on the following issues:
- No realistic chance of the property ever being viable as a hotel again,

5 letters of objection has been received and cover the following points:

- The area already suffers from parking issues, particularly in the summer months. I don’t believe the proposal adequately deals with the parking issues for 28 new dwellings.
- No constriction works before 9am and or after 6PM as this may conflict with guests at nearby properties.
Concerns over the likely occupiers of the users

This area due in part local support and investment from the local community is a safe environment and an attractive holiday spot, anything that would detract from this would be damaging to Eastbourne’s Tourism as a whole

Refuse areas being unsightly

The rear of the building needs to refurbished as much as the front as this is where the wider community live.

**Appraisal:**

**Principle of development:**

The proposal complies with the adopted planning policy for the loss of tourist accommodation and as such there is no objection to the principle of the change of use.

The scheme proposes the retention of an element of tourist accommodation with the remainder of the property being converted into residential apartments. It is considered that the proposed residential accommodation would provide ‘windfall’ units in an area of the town where they are needed and given the general sustainabel location of the site it is considered to be supportable in this regard.

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

The property has a history of hotel/holiday accommodation and as such the local community would have experienced some degree of activity associated with this business operation. It is accepted that this activity has reduced during the periods of inactivity/close business. Notwithstanding this a refusal based on the impacts from the increased commercial activity at and within the vicinity of the site could not be substantiated.

Similarly local residents will experience some loss of amenity through the activity associated with on street parking, however it is considered that this loss of amenity would be less than the if/when the hotel was fully functioning.

**Design issues:**

The application proposes that the new uses should follow broadly the former split between the properties. In addition the scheme relates to a change of use and as such save for modest repairs and refurbishment there are no significant external changes.

Given this it is considered that there should not be any material impacts upon the character of the host property or the character of the wider area.

**Impacts on highway network or access:**

It is accepted that the site has not been active for a number of years and to some regard the local community has grown used to this. The regeneration of the site into holiday accommodation and also open market residential properties would generate some pressure for on street parking, however when compared to the lawful use of the site the impacts are considered to be less than substantial in NPPF terms and therefore a refusal on this issue could not be sustained.
Other matters:

The applicants are happy to accept controls/limitations upon the tourist and residential accommodation in order to ensure that the long term availability/retention of the tourist accommodation.

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.

Recommendation:

Grant Permission subject to conditions and legal agreement.

The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 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.

Conditions:

1 Time Limit

2 In accordance with the approved drawings
3 Details, including Samples, of a Good Quality of Materials to be used on external elements of the proposed development, where required, to be submitted to the satisfaction of the Council.
4 Controls over Construction and Demolition Times.
5 Making good after demolition of conservatory and garages.
6 Tree Planting and Landscaping.
7 Boundary Treatment.
8 Refuse enclosure.
9 Vehicle and bicycle parking to be provided and retained, in accordance with the approved plans,
10 Surface and Foul Water Drainage Arrangements.
11 Hard Surfacing Details.
12 Details of any external lighting required.
13 Controls to ensure retention of tourist let uses.
14 Control to limit the occupancy of the open residential units until such time as the holiday accommodation has been refurbished and is trading. (Ok to delete if dealt with via the S106)
**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: 150195
Decision Due Date: 18 April 2015
Ward: Devonshire

Officer: Richard Elder
Site visit date: 8 May 2015
Type: Planning Permission

Site Notice(s) Expiry date: 27 March 2015
Neighbour Con Expiry: 27 March 2015
Press Notice(s): n/a

Over 8/13 week reason: Amendments required to plans and committee cycle

Location: 1b Lower Parade, Eastbourne

Proposal: Provision of decking area on the beach for Periwinkles seafood outlet adjacent to the lower promenade together with the removal of 2 sections of railings to facilitate access to the deck. (Amended description).

Applicant: Mr Frank Evans

Recommendation: Approved conditionally

Executive Summary:
The proposed development is appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would have no significant impact on the setting of the adjacent Grade II listed Pier and surrounding conservation area. It would comply with the relevant adopted policies and government guidance.

Planning Status:
Public seafront promenade
Town Centre and Seafront Conservation 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
C1: Town Centre Neighbourhood Policy
D3: Tourism and Culture
D10: Historic Environment
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
TO9: Commercial Uses on the Seafront

Site Description:
The application site comprises a small retail outlet for a shellfish bar immediately adjacent to the lower promenade and beach to the north east of the pier. The application site involves part of the beach area adjacent to the promenade where access would be gained.

The character is identified as a mixed used environment, the concentration of which is within the immediate setting of the Pier, providing a contrast to the openness of the beach and longer views across the sea.

Relevant Planning History:
None

Proposed development:
Provision of decking area on the beach for Periwinkles seafood outlet adjacent to the lower promenade together with the removal of 2 sections of railings to facilitate access to the deck.

The original application involved the provision of a deck measuring 10 metres deep and 20 metres wide. The application has since been amended to reduce the size of the deck to 5 metres deep and 10 metres wide. The deck would be enclosed by an open 1.1 metre high balustrade.

Consultations:
Internal:
Estate Manager – No response

Specialist Advisor (Economic Development) – No response
Specialist Advisor (Conservation) – No objection to amended proposal.

Specialist Advisor (Engineering) – No objection to amended proposal.

External:
Environment Agency – No objection

County Ecologist – No objection

Neighbour Representations:
1 objection has been received and covers the following points:

- Inappropriate at this location, would not serve as a benefit to this part of the promenade and would detract from existing visitor attractions within the area.
- Detrimental impact upon the regeneration benefits and setting of the Grade II* Listed Eastbourne Pier.
- Negative impact upon the setting, character and appearance of Eastbourne Pier alongside the implications upon the vitality and viability of the Pier.
- No need for the additional decking within this area and the implementation of such a development would hinder rather than enhance the tourism offer within Eastbourne.

Appraisal:
Principle of development:
The principle of a deck has already been established to the south west side of the pier where there are beach decks associated with café’s and outlets. The proposed deck on the other side of the Pier would improve the offer of the cafes and encourage more customers and a variety of uses, to the benefit of the vitality of the seafront.

Design, Siting and Layout
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.

The siting of the amended proposal is now appropriate and a sufficient distance away from the adjacent groyne. The scale and form of the amended proposal is considered to be appropriate for this location, modest in size and preserves access to the shingle beach for members of the public as well as access for essential repairs and maintenance to the groyne and beach.

The design and layout is relatively standard. The proposal has been designed to reflect the natural environment within which it will be sited, which includes timber decking and balustrades. Whilst the design of the balustrades reflects
the balustrades associated with decking to the west, it is considered that more of a standard design approach to the balustrade, is considered as an enhancement to the existing character of the area. As such, a condition is required to provide further details of the balustrade and details of making good to the existing railings after removal of the 2 bays.

The proposal would, therefore, accord with Policies UHT1 and UHT4 of the Eastbourne Local Plan.

Impact on character and setting of a listed building or conservation area:
Policy UHT15 of the Eastbourne Local Plan states that the character or appearance of conservation areas should be preserved or enhanced.

Policy D10 of the Eastbourne Core Strategy 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 application site is situated within the immediate setting of the Pier a Grade II* heritage asset. Located within the Town Centre and Seafront Conservation Area, the contribution to which includes the juxtaposition of natural and built environment, to which the promenade follows the contours of the bay, providing a visual link between the two.

The character of this part of the promenade, which is an extension too and includes the west promenade; includes the activity associated with the concentration of mixed use units, upon and at the foot of the Pier; including cafes, public conveniences and retail units, with kiosks on the upper promenade.

The activity associated with the commercial and retail units at upper and lower promenade, in conjunction with the use of the promenade and beach, for sport and recreation results in an active and vibrant environment.

Additionally uninterrupted views of the sea and beach, which includes the promenade edge, defined by traditional style railings to the east, the natural curve of the bay, rhythm and harmony provided by the groynes, make a positive contribution to the character and appearance of the area.

Whilst the value of the relationship between the promenade and beach includes its permeability, it is acknowledged that the promenade to the east of the Pier is limited to access points, within the railings. Partly due to the various heights between the surface of the promenade and level of the beach, the proposal however to remove two bays of railings to provide access to the proposed decking, is considered acceptable in principle as the contribution the railings make to the character of the area would not be undermined by the removal of two bays.
The reduced depth of the decking to 5m is visually more comfortable than previously proposed and the length is proportionate with the location of Perrywinkles and the depth of the proposed deck.

The proposal would, therefore, accord with Policies UHT15 of the Eastbourne Local Plan and Policies 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 proposed development is appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would have no significant impact on the setting of the adjacent Grade II listed Pier and surrounding conservation area. It would comply with the relevant adopted policies and government guidance.

**Recommendation:**
Approve conditionally

**Conditions:**
1. Commencement within 3 years
2. Development in accordance with the approved plans
3. Submission of details of foundations
4. Submission of details of balustrading
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App.No: 141469 (RMT)  
Decision Due Date: 29 January 2015  
Ward: Sovereign

Officer: Leigh Palmer  
Site visit date:  
Type: Reserved Matters

Site Notice(s) Expiry date: 29 December 2014
Neighbour Con Expiry: 30 March 2015
Weekly list Expiry: 16 December 2014
Press Notice(s): 23 December 2014

Over 8/13 week reason: Deferral from Planning Committee and amendments sought

Location: Sovereign Harbour, Eastbourne

Proposal: Reserved matters (Access, Appearance, Landscaping, Layout and Scale)application relating to condition 1 of outline application Reference:131002 for the development of site 8 at Sovereign Harbour for up to 8dwellings, open space and berth holder facilities and related discharge in respect of site 8 of the following conditions: condition1 (reserved matters), condition 4(within 2 years), condition 172(harbour wall maintenance) conditions 9 & 192 (restriction of residential units, condition 177 (estate road layout), condition 191(public spaces).

Applicant: Port Morseby Homes Ltd.

Recommendation: Approve the reserved Matters

Executive Summary:-
This application was deferred from Planning Committee in February in order to seek revisions (amended drawings) to the design of the ‘public open space’ element within the scheme.

The agents for the application have submitted revised details for the area of ‘public open space’ and have also provided commentary on a number of other issues discussed at the February Planning Committee.

Revised Public Open Space:-Following the comments made at the earlier planning committee the area of public open space has been significantly remodelled and now proposes two tiers of hard surfacing separated/bounded by raised planters incorporating site appropriate planting.

As members will note there is a significant change of levels across the site from the front to the rear, as a result of this the level plaza design as graphically shown on the ‘parameter plan’ could not be delivered, notwithstanding this it is considered that the
scheme as currently proposed represents as close to the ‘parameter plan’ as is practicable.

**Site Constraints:** The site constraints relate to the change of levels from Pacific Drive down to the harbour level (front to back of the site), there remains the desire that this area (including the harbourside) is accessible to all and as such any regrading of the sloping site/area would have to have regard to requirements of all users. In this regard this has resulted in the introduction of DDA compliant low rise steps and ramps. The scheme has been revised to increase the extent of hardstanding area/path adjacent to the harbourside and also the scheme has introduced a second area at a higher level than the harbourside walkway, this facilitates the access to the wider hard/soft landscape area.

This second footpath would facilitate direct access to the proposed landscaped area and maintain an elevated area to support the wider and longer range views of the harbour.

The two tiers of hard surfaced are to be delineated by planted areas following an ‘organic’ wave form.

Notwithstanding that the area of public open space does not wholly reflect the illustrative designs highlighted on the ‘parameter plan’, it remains acceptable in planning, landscape and townscape terms.

**Other issues from planning committee:**

**Refuse/recycling facilities:** The Councils waste contractor (Kier) have confirmed that they will collect/replace bins to/from the front garden area on collection day.

**Off-site Construction Area:** The outline approval requires the submission and approval of a construction traffic management plan, notwithstanding this it is envisaged that the site compound and construction deliveries will be within the development site and thereby not compromising the free flow of traffic at and within the vicinity of the site.

**Design of the Buildings:** The applicants consider that the design of the dwellings is entirely appropriate and are not proposing any changes.

**Berth Holder Facility:** The area for the birth holder facility has been taken from existing facilities elsewhere with the harbour. It is considered that this is acceptable.

**Representations Received:** Round 1 (original Scheme as reported to February Committee and attached below) and round 2 (post February Committee) 23 respondents:

- Different from original master plan
- Master plan provided a relaxing and meaningful area
- Not visually attractive
- Use for/by dogs
- Health hazard for children
- Open space is a premium in the harbour
- Would provide more defendable space for flats
• Would have a negative impact upon the character and appearance of the harbour
• Would not create a pleasant meeting place for the public
• Potential conflict with users of the cycle paths, accidents are very likely to happen
• Would result in loss of harbour views
• Given variance from original concept feel that the aspirations of Sovereign Harbour are being lost with this piecemeal development
• The scheme presents a monolithic terrace to the PoS, this is sympathetic
• Beach option is the cheaper option
• Need to make the area attractive to residents and visitors
• We have a beach already we don’t need another one so close
• Will become a wasteland very quickly
• Should be accessible for the disabled
• Will offer no improvement to the area
• Would be difficulty to keep clean (inc litter)
• Maintenance costs are likely to be high.

Representations Received (Round 3) to final draft of the Public Open Space 2 respondents:–

• Unclear as to the finishes of the harbour walkway, they need to be hard surfaced in order to allow wheel chair and buggy access
• There are no shelter or screening on the walkway both of which would enhance the appearance.

East Sussex County Council Highways:–
Vehicle and cycle parking are considered and access to the site are considered to be sufficient.

Boundary treatments and bin enclosures are to be handled by a further reserved matter application, however the informal details seen to date are acceptable.

Public access and details of the harbour wall is supported.

Sovereign Harbour Residents Association:–
• If supported then no further changes without referral to SRA
• Access from front of the properties direct onto Cycle path may cause a potential hazards to cyclists and pedestrians, this area if heavily trafficked at all periods of the day and not only rush hours
• Designs do not compliment the surroundings properties
• Brick facing would be more appropriate, render facades can deteriorate very quickly especially given the coastal location (see The Harbour Quay Apartments)

Recommendation:–

Members should be aware of the conditions attached to the outline planning permission; these comprise an extensive list and cover all construction issues, the design and appearance of the proposed buildings and the public open space.
Conditions as attached below relate only to issues not covered by the conditions at the outline stage.

Conditions:

**Issues the reserved matters subject to the following conditions**

1. Time limit
2. In accordance with the approved plans
3. No development shall commence before details of the boundary treatment (including privacy screens) for the building plots hereby approved are submitted to and approved in writing by the Local Planning Authority.
4. Prior to its installation at the site details of the location, design and appearance of any external plant and machinery associated with the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site be retained as such thereafter.

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**Appendix No 1**

**Committee Report February:-**

The report from February is attached below for Members information.

**Relevant Planning Policies:**

- National Planning Policy Framework
  1. Building a strong, competitive economy
  4. Promoting sustainable transport
  6. Delivering a wide choice of high quality homes
  7. Requiring good design
  8. Promoting healthy communities
  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

- Eastbourne Core Strategy Local Plan Policies 2013
  B1: Spatial Development Strategy and Distribution
  B2: Creating Sustainable Neighbourhoods
  C14: Sovereign Harbour Neighbourhood Policy
  D1: Sustainable Development
  D5: Housing
  D8: Sustainable Travel
  D9: Natural Environment
  D10A: Design

- Saved Borough Plan Policies 2007
  NE4: Sustainable Drainage Systems
Site Description:
The application site (Site 8 at the Outline Planning Application stage) is located at the northern edge of the North Harbour off Pacific Drive, within an area of mixed residential development. The site overlooks the Harbour and has extensive views across the water to the south west. It is currently undeveloped although accessible and used as a pedestrian connection between the existing Harbour walkways, for dog walking and general amenity. The plot falls gently from Pacific Drive to the Harbour side.

The planning brief for the site identifies residential development that will complete the Harbour edge and create a new public open space. There is an existing spur into the site from Pacific Drive for vehicle access which also provides access to a pumping station
adjacent to the site. A cycle route runs alongside the site along the Pacific Drive pavement, and there are bus stops on either side of Pacific Drive next to the access road into the site. Pedestrian walkways along the north western and south eastern sides of the North Harbour link into the site and there is a combined stepped and ramped access at the head of Hobart Quay adjacent to the site boundary which links into the access road. The site is accessible and has the potential to contribute to the recreational and amenity uses within the Harbour.

The site sits in an area of mixed residential development with larger scale buildings alongside the Harbour. To the south west a string of large scale detached properties sit along the Harbour edge with private moorings. Along Hobart Quay on the north western side the properties are mainly three storey houses, and along the south eastern side are larger scale apartment blocks of between three and five storeys and with pitched roofs that give them greater presence. To the north east of the site, on the other side of Pacific Drive, the scale is more domestic with predominantly two storey detached and semi-detached houses arranged around a cul-de-sac road layout. Adjacent to the northern boundary, next to the access road there is a pumping station which is an open topped brick enclosure approximately 1500mm high.

**Relevant Planning History:**

Extensive planning history for Sovereign Harbour with the most relevant to this particular proposal is the Planning Brief and the outline planning permission:-

**Sovereign Harbour SPD 2013**

131002 Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne: Site 1 - up to 72 dwellings and access Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, C1 and D13,600sqm) Granted subject to the S106 agreement on 2\textsuperscript{nd} December 2014

**Proposed development:**

Proposed Development:
The development of Site 8 is for the provision of up to 8 dwellings, with a public open space overlooking the harbour and provision for potential future berth holder facilities. Within this submission the applicants also seek to discharge a number of conditions (requiring further details) that were attached to the outline permission.

The scheme proposes 4 pairs of semi-detached dwellings comprising the following accommodation:-

- **Lower Ground Floor:** Undercroft car parking (2 spaces), bin enclosure and utility room.
- **Ground Floor:** Main pedestrian entrance from Pacific Drive, en-suite bedroom No 2, kitchen and day room.
- **First Floor:** en-suite bedroom No 3, study and main living room
- **Second Floor:** Bedroom No 1 with dressing room and roof terrace
The dwellings are mirrored pairs (external appearance identical). When viewed from Pacific Drive the main façade is two storey with the upper storeys recessed from this main elevation.

The height of the Pacific Drive façade is approximately 7m and comprises the main entrance to each dwelling with the main external treatment being formed by rendered and contrasting feature brickwork/weatherboarding.

The height of the dwellings on the rear elevation is higher than the Pacific Drive elevation given additional storeys and also due to the change in levels. The maximum height to the top of building is approximately 11m and the height to the terrace level is some 8.3m.

All of the units are to have the same accommodation and is accessed via an extension of the existing access to the site adjacent to the pumping station.

The application plot follows the planning brief and the outline consent and is split into two part; one comprising the residential element of the development and the other forming an area of public open space. The split between the two plots is 50/50 to accord with the outline consent.

The main pedestrian access is to the front of each property facing pacific Drive with a secondary access to the rear. Vehicle access is to the rear of the residential element of the plot with under croft parking (2 spaces per dwelling). This under croft provides access to the each homeowners bin/refuse enclosure, refuse collection will be taken from the front of the property in Pacific Drive.

There is also a parking court for a further 8 surface parking spaces.

The area of Public Open Space has been designed to reflect the characteristics of the a ‘beach’ with more intensive planting along the junction with/to the residential part of the plot. In addition there is an element of hard surface footpath providing pedestrian access along the harbourside; the scheme also proposes public benches and litter bins.

Adjacent to the proposed public open space is the proposed location for a berth holder facility.

**Consultations:**

**Internal:**

Specialist Advisor (Planning Policy): It is considered that this application is in accordance with policy and is consistent with the Sovereign Harbour SPD. Therefore there are no planning policy objections to this application.

The Vision for Sovereign Harbour in the Core Strategy is: ‘Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development, ensuring that a holistic view is taken of development across the remaining sites’.

The application is considered to be in accordance with Core Strategy Policy C14.
Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy is supported by the Sovereign Harbour Supplementary Planning Document (SPD), which provides additional guidance on the uses considered to be appropriate for each of the remaining development opportunity sites, including details of the size, scale and form of development. The SPD was developed through a working group consisting of councillors, officers and the Sovereign Harbour Residents Association, and involved a significant amount of community involvement. It was adopted in February 2013.

The SPD identifies that Site 8 could accommodate a maximum of 8 homes, ranging in height from between two storeys fronting Pacific Drive and up to four storeys adjacent to the waterfront.

The SPD requires that 50% of the site should remain public open space, and that this should include a new harbour walkway linked to existing walkways, and an allowance for the future provision of berth holder’s facilities. The scheme is in accordance with the SPD.

Vehicle access to the site was established at outline permission stage as being off Pacific Drive. The Design and Access Statement confirms that a 15m gap has been provided between the neighbouring pumping station and the nearest residential property.

**External:**
Southern Water No objections

Environment Agency No objections, access is maintained to the harbour. (officers comment that the wall will be maintained by Premier Marinas)

Sovereign Harbour Residents Association No response received

Highways ESCC No response received

**Neighbour Representations:**
As part of the consultation regime for this application site notices were posted at the site and 220 individual householder letters were distributed. As a result of the publicity on this application 17 Objections/comments/responses have been received and cover the following points:

-Not in keeping with the area
-Finish is bland and should include brick and render
-Not much open space between properties
-Should introduce parking and speed controls in the area especially opposite Vancouver Way
-Far too high, 4 storeys is too much
-Out of keeping as all of the properties in the locality are brick and pitched roofs
-Overshadowing
-Possible access pedestrian safety issues if access is direct onto Pacific Drive
-Conflict with Cycle Path to the front of the site
-Area is prone to flooding, adequate drainage needs to be incorporated into the scheme
-This plot was part of the wider flood defences.
-Construction times should be controlled in the interest of residential amenity
- Give rise to potential overlooking issues from the front windows and terrace
- Dominating development
- look directly into neighbouring bedrooms and thereby resulting in loss of privacy
- looks like a municipal office block from the rear, a carbuncle of glass.
- Height of buildings may impact upon the efficiency of existing solar panels on nearby dwelling houses

**Appraisal:**

**Principle of development:**

The application site is located within the Sovereign Harbour neighbourhood, as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). The principle of the development of up to 8 dwellings on Site 8 has been agreed through the outline planning permission for Sovereign Harbour (planning ref: 131002 referred to above in the Planning History Section).

The principle of residential development on this site is accepted and the illustrative plan at the outline stage approved the redevelopment of the site as paired villas set out in four blocks with public open space to the rear (facing the harbour). This principle has been followed through to this reserved mater application.

The buildings will be located on the north eastern part of the site fronting onto Pacific Drive, with the public open space fronting onto the Harbour.

This reserved matter application addresses all of the constraints from the outline application stage; in the main these relate to the residential/open space proportion split, the overall height of the dwellings, the and the means of access thereto and the delivery of public access to the harbour side.

There are no planning concerns/issues with the residential redevelopment of the site.

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

The redevelopment of this site for residential purposes has been a long held aspiration and this principle has been followed through the SPD and also the granting of the outline planning. Set against this background it is considered that the principle of residential redevelopment has been established, notwithstanding this it is important to assess whether there are any specific design issues that may give rise to impacts upon the residential amenity.

The height of the dwellings accord with the parameters of the outline planning permission, in this regard there should not be any substantive overshadowing/overbearing impacts upon the occupiers of the adjacent/nearby properties. Issues if overlooking can be mitigated with appropriate conditions.

The Pacific Drive elevation is principally two storey height with study and bedroom windows facing the street. It is considered that the highway (Pacific Drive) affords sufficient protection to the occupiers of the dwellings opposite the development site. The scheme does include terraces however the terrace to the front of the dwelling is of a size/depth that would only be likely to be used for maintenance purposes and as such it
does not impact upon the amenities of the occupiers of dwellings opposite to the site in terms of direct overlooking. On the rear elevation further terraces are proposed, these are considered to be acceptable in principle and are a common design feature for properties that overlook the harbour. Where there is the potential for a degree of overlooking the scheme promotes privacy screens, the precise details of these are controllable via planning condition.

It is accepted that the scheme promotes greater height to the rear of the properties facing the harbour, this greater height includes large elements of glazing and also a terrace/amenity area/balcony to the ground/first & second floor levels. It is accepted that the scale of the development accords with the parameter plans as set out at the Outline Planning stage, however these plans did not include terraces.

It is considered that the degree of overlooking from the terraces is not sufficient to substantiate a reason for refusal. The degree of overlooking is mitigated by the distance to the properties in Hobart Quay and that these properties face the development site and hence suffer a degree of overlooking from public vantage points. In addition the properties within Long Beach View have themselves balconies and given the disposition and distances involved it is considered that there should not be any substantive material loss amenity through direct overlooking.

Given the longstanding aspiration for the development of this site and also the grant of outline planning permission the issues over the loss view/outlook have previously been considered/evaluated. Notwithstanding this it is considered that the dwellings maintain a degree of separation between the pairs and thereby affording extensive glimpses through/to the harbour beyond.

The scheme delivers the Public Open Space that was a requirement from the outline planning stage and also maintains the footpath access to and around the harbour wall, these features help to maintain the character and appearance of the site and surrounding area.

**Design/Layout Issues:**

The residential dwellings propose an external form that is reflective of and influenced by a 1930 aesthetic. This has manifested itself in the inclusion of large areas of render and glazing under flat roofs with ironwork balustrades.

The residential properties are mirrored pairs of semi-detached dwelling and propose principally 2 storey facing Pacific Drive and 4 storey on the harbour side.

On the Pacific Drive elevation the 3rd and 4th storey are recessed from the principle elevation and are viewed as subservient additions to the dwellings when viewed from Pacific Drive, conversely the harbour side elevation seeks to maximise the benefits of the short and longer range views of the harbour as well as maximising the ability for solar gain by large areas of glazing over four storeys.

The mirrored pairs of dwellings create a strong street frontage with the gaps between giving views across the Harbour. The layout creates internal living areas and external private amenity space overlooking the Harbour with a south west aspect. These will
provide a high level of surveillance and sense of security to the open space. The change in level across the site to meet flood protection requirements also means the external amenity spaces will be raised above the Harbour level, creating a clear threshold and privacy for the occupiers of the new dwellings.

The proposed dwellings have significant floorspace, some 207sqm GIA (2,228sqft) over four floors excluding the external terraces. Whilst this size of property is not common in the locality is does drive a scale of development that in and of itself helps to create a landmark development that along with the public open space would create a destination and a local ‘way marking’ development.

It is accepted that the design and appearance of the dwellings are different in their form and design from the properties that adjoin and abut the site, it is acknowledged that this form of design reflects buildings in other parts of the wider parts of Sovereign Harbour area, given this it is considered that the design/appearance of the dwellings is not objectionable in principle. It is considered that the form of the dwellings in providing a contrasting architectural style/aesthetic adds to the range of the properties available within Sovereign Harbour. It is considered therefore that resisting this application on design/appearance of the proposed buildings could not be substantiated.

A key element of the design plan and also the outline application was the recognition that this site could/should deliver an elements of public open space. Within this scheme the applicants are proposing to create a an element of public open space with ‘beach’ feel/appearance. The design, siting and layout of this public open space will afford deliver an element of high-quality public realm that given its aspect is likely to benefit from direct afternoon sunlight and also uninterrupted views across the harbour. The scheme also delivers a public pedestrian walkway adjacent to the harbour.

It is considered that the design and layout issues of the scheme are considered to be acceptable.

**Impacts on highway network or access:**
Access for vehicles uses the existing roadway with a restricted access into the public open space. Parking for the houses also takes advantage of the change in level across the site with cars tucked beneath the dwellings (under croft) and screened from the Harbour.

The parking requirement for the residential dwellings, based on 2 allocated spaces for each dwelling is 16 spaces, the scheme delivers this amount of parking, also a number of in curtilage visitor spaces are also proposed. It is considered that the parking density and the arrangement is acceptable.

**Cycle parking is provided with the scheme to meet current standards.**

The scheme proposes low front garden walls, this would address any concerns over potential conflict between access to/from the properties and other users of the cyclepath.

**Sustainable development implications:**
The scheme would utilize modern construction techniques/materials and would meet building regulations. It is considered therefore that shame would deliver a sustainable
form of development that would not give rise to significant construction waste and provide a highly energy efficient dwelling.

**Other matters:**

The timing and the delivery of the community centre:

Regarding the provision of the community centre, the SPD states ‘The facility must be built as a priority in the phasing of the overall development of the Harbour and should therefore be provided prior to commencement of development of any of the remaining residential development sites.’

Members will be aware that the negotiations on the section 106 at the Outline Planning stage removed all triggers so that the development of the community centre could be developed out from any other site. This reserved matter application does not necessarily mean that development will start on site (Site 8) prior to the commencement of the community centre.

Members are advised that this issue is not determinative in the assessment of this application and should not be pursued through to a reason for refusal.

Members are advised that issues relating to highway safety/cycle path were determined and evaluated at the Outline Planning Application stage. It is clear that the parameter plans indicated pedestrian access directly onto Pacific Drive. Given that the specific design issues within the scheme have addressed this issue a refusal based on this issue could not be substantiated and should not be pursued through to a refusal.

Members are advised that the principle of residential development at this site has been accepted and a refusal based on the principle/density of the development could not be substantiated and should not be pursued through to a 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.

**Recommendation:**

Members should be aware of the conditions attached to the outline planning permission; these comprise an extensive list and cover all construction issues, the design and appearance of the proposed buildings and the public open space.

Conditions as attached below relate only to issues not covered by the conditions at the outline stage.

Conditions:
**Issues the reserved matters subject to the following conditions**

5.  *Time limit*
6.  *In accordance with the approved plans*
7.  *No development shall commence before details of the boundary treatment (including privacy screens) for the building plots hereby approved are submitted to and approved in writing by the Local Planning Authority.*
8.  *Prior to its installation at the site details of the location, design and appearance of any external plant and machinery associated with the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site be retained as such thereafter.*

**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.*
**Executive Summary:**

*East Sussex County Council be advised that Eastbourne Borough Council do not wish to raise any objections to the proposal.*

Since the application was last considered by the Planning Committee in November 2014 the applicant has carried out further traffic analysis including survey work in Eldon Road, Willingdon Road and Cobbold Avenue.

The amendments to the scheme now before Members seeks to change the proposed access arrangements to and within the site with the main change being a one-way system from Cobbold Avenue to Eldon Road for Primary School related vehicles only.

The existing grounds maintenance access from Cobbold Avenue would, as originally proposed, provide access to staff car parking although capacity is now reduced from 18 to 10 spaces. A turning area for staff / service vehicles is also proposed.

In addition Cobbold Avenue is now proposed to provide entry to the Kiss & Drop circulation. The internal road would provide for occasional servicing and emergency access to the rear of the proposed new School but is now also proposed to continue, one-way, southwards adjacent to the site boundary shared with nos. 2A and 4 Eldon Road before turning westwards into the designated Kiss & Drop 'zone' along the Eldon Road frontage. This zone now proposes 15 drop-off spaces (previously 10) and 20 parking spaces (previously 22).
Vehicles would leave the site via the existing access from Eldon Road which is to be widened in order to allow for access and egress for vehicles using the existing secondary School and as the main service entrance for the proposed Primary School.

The reversal of the flow in the Kiss & Drop arrangement now means the omission of the originally proposed vehicular exit onto Eldon Road and, in turn, no requirement to fell street Elm trees to provide adequate visibility.

Another strand of the amended proposals is to change the phasing of the Eldon Road/Willingdon Road/Rodmill Drive staggered junction from 3 to 2 phases and to alter its layout slightly with the intention of improving its operation by reducing queuing times and maintaining pedestrian access.

The final main amendment is the inclusion of an electricity sub-station along the Eldon road frontage to the west of the existing entrance.

In all other respects the application remains the same as previously considered at your November committee.

It is accepted and acknowledged that there is an identified need for this accommodation within Eastbourne and it is accepted that ESCC have undertaken a thorough audit of available/potential sites to meet/mitigate this need. In this regard it is considered that this site is the only one available and deliverable within the time frames required.

Notwithstanding this it is considered that the clear emphasis in the NPPF on the provision of new school places, and the fact that the loss of playing field will be replaced by alternative provision in the form of artificial sports pitches, means that the principle of development is acceptable.

With regard to design, whilst the aesthetic design of the proposed school is not of particularly high quality, it is acknowledged that its role as a school and budgetary constraints may not facilitate outstanding design but it is considered that its functional appearance, use of quality materials and appropriate siting would not adversely affect visual amenity or the streetscene in this location. Similarly the location, siting, scale and bulk of the proposed development would not give rise to any material impacts upon the occupiers of nearby properties/plots.

The proposed amendments relating to the access and parking arrangements appear to have overcome/mitigated the impacts from the previous scheme and now there should be less impacts upon the highway network and the high amenity value street tree have now been secured. In this regard the amendments are seen as a positive benefit.

It is recommended that ESCC use appropriate conditions to control the access and the wider amenity issues.

**Planning Status:**
Predominantly residential area.

**Relevant Planning Policies:**
National Planning Policy Framework 2012
Paragraph 72 Importance of school places in locations and number to meet the local demands

Paragraph 74 Retention of open space

**Core Strategy Local Plan 2013 Policies**
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C5 Ocklynge & Rodmill Neighbourhood Policy
D7 Community Sports and Health
D10a Design
E1 Infrastructure Delivery

**Eastbourne Borough Plan Saved Policies 2007**
UHT1 Design of New Development
UHT4 Visual Amenity
H09 Conversions and Change of Use
HO20 Residential Amenity
UHT15 Conservation Area
TR10 Safe Routes to School
TR11 Car Parking
NE28 Environmental Amenity
LCF16 Criteria for New Schools
LCF18 Extension of Education Establishments

**Site Description:**
Cavendish Secondary School is a 2 storey substantial school building (constructed as Eastbourne High School grammar school for girls) located on the north side of Eldon Road in the Old Town part of Eastbourne on a site which slopes steeply from south to north and marginally less steeply from west to east.

The campus is set in 4.425 hectares and includes the main school building from 1939, with extensions from 1979, 1983, 1993 and 1996; green playing fields as well as hard and soft landscaping. The campus site is terraced to accommodate the buildings and sports facilities on even ground, with a vehicular access snaking all the way around the building, except for a small section at the western end. The site is accessed from Eldon Road by car and pedestrian with a second vehicle entrance from Cobbold Avenue.

The school is situated within a predominately residential area of detached and semi-detached 2 storey houses, and is located approximately 1.3 miles from the Eastbourne mainline train station via Victoria Drive.

A contemporary church building is located opposite on the south side of Eldon Road.

**Relevant Planning History:**
EB/1978/0520
Erection of single-storey craft block (Phase 1).
Resolved: No objections. 1978-11-07
EB/1979/0384
Extension to existing School in the form of a detached craft and teaching block.  
Resolved: No objections, concern expressed. 1979-08-29

EB/1990/0376
Erection of a two-storey building linked to existing sports hall, to provide changing rooms and sports facilities on the ground floor and conference/display area on the first floor, and formation of car-parking area fronting Eldon road. Granted, subject to conditions. 1990-09-10

EB/1991/0393
Erection of two-storey and single-storey extensions to School, in-filling of 2 light wells and formation of 5 additional car-parking spaces.  
Resolved: No objections. 1991-11-05

EB/1993/0256
Approval of reserved matters for the erection of a two-storey building, linked to existing sports hall, providing sports facilities and changing rooms, with conference and exhibition facilities on the first floor.  
Granted, subject to conditions. 1993-09-14

940605
Erection of a two-storey sports hall and amenities building, linked to existing sports hall, with multi-purpose/exhibition facilities on the first floor.  
Planning Permission Approved conditionally 17/11/1994

950063
Retention of a single mobile classroom unit.  
County Council County Council – Objection 23/04/1995

950324
Provision of a 2.4 metres high wire mesh enclosure to house approximately 50 cycles.  
Planning Permission County Council – Objection 21/07/1995

991174
Provision of a base transceiver station (six antennae and four dishes with ancillary equipment) on the roof of Cavendish School.  
Prior Notification (telecoms) 21/03/1999

030021
Retention of a single mobile classroom unit.  
County Council - No Objection 15/02/2003

030257
Extension of two science laboratories at first floor, new covered access and store on ground floor. Removal of open fire escape, and replacement with new enclosed staircase.  
County Council - No Objection 20/06/2003

100347
Formation of porch and ramp to main entrance, re-configuration of vehicle parking and circulation area. County Council – Objection 14/07/2010

110383
Conversion of existing double garage to classrooms
County Council - No Objection 25/07/2011

130458
Erection of steel mesh fence
2m wall to 3.0m wall with mesh fence, including replacement 3.0m high gates. County Council – Objection 02/07/2013

Proposed development:
The application involves the construction of a two storey (plus basement) primary school building of approximately 2000m² gross internal area with associated external hard and soft landscaping works. The works will also include the refurbishment of approximately 620m² existing accommodation in the basement of the existing Secondary School.

A feasibility study was undertaken in 2014 to assess the potential options for providing a 2 form entry (2FE) primary school on the Cavendish site and investigating how a nursery could also be provided.

The preferred option is an all-through school to make best use of the current building so that facilities can be shared to enable more efficient / effective use of space avoiding duplication where possible. The proposed accommodation will provide much needed primary school places for children in Eastbourne.

Housing data provided by Eastbourne Borough Council shows that Town Centre, Meads, Upperton and Seaside will see the greatest housing growth in the period to 2027. With the exception of Seaside all these areas would be attracted to a new school at Cavendish.

The proposed two storey building would be sited directly adjacent to the western side of the existing school at an elevated level (due to the sloping site) on an area currently used for playing fields. The new school building would be linked to the existing school building via a basement and ground floor link to facilitate shared facilities between the schools.

The basement would primarily accommodate the link between the 2 schools to providing internal access to the existing schools canteen, the ground floor would provide the main hall, classrooms and nursery while the first floor would provide mainly classrooms only. There will be an open, double height space above the main entrance. The area surrounding the building would be designated as play areas and landscaped accordingly.

Addressing the loss of playing field area, 2 x 3G multi use pitches would be provided on half of the existing hard play area to the east of the site and a new ‘games court’ would replace 2 tennis courts to the north side of the site adjacent to Cobbold Avenue. The remaining areas of playing fields/areas would remain the same.

Vehicular access to the site has been amended from the previous consultation and now proposes an ‘in out’ arrange with internal site controls. The ‘in’ to the site for the ‘kiss
and drop’ would be from Cobbold Road and the ‘out would be onto Eldon Road. (The specifics of the arrangement have been summarised in the Executive Summary above)

The projected increase in pupils on the entire site from 2015 to 2023 would be approximately 200 pupils due to the projected reduction in pupil numbers as a consequence of the Gildredge House Free School.

With regards additional staff employed, the submitted application form states that there are 100 existing staff and 50 proposed staff (150 in total) but no indication as to the split between full/part-time.

**Consultations & Neighbour Representations:** This was undertaken by ESCC and to at the time of writing no responses have been directly received by EBC. Any representations received after the production of this report will be orally reported to Planning Committee.

**Appraisal:**

**Principle of development:**
The application site is located within the Ocklynge & Rodmill neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). The neighbourhood vision for Ocklynge & Rodmill states: Ocklynge & Rodmill will increase its level of sustainability by improving access to services and facilities and making the neighbourhood friendlier for pedestrians and cyclists, whilst continuing to promote access to open spaces and creating a more inclusive community.

Core Strategy Policy C5: Ocklynge & Rodmill Neighbourhood Policy states that the vision for Ocklynge & Rodmill neighbourhood will be promoted by a number of measures including: increasing the provision of local community and health facilities; creating a more pedestrian-friendly environment through public realm improvements; protecting important greenspaces across and adjacent to the neighbourhood; and promoting the provision of safe walking and cycling routes.

The Eastbourne Core Strategy Local Plan identifies that schools are vital community facilities, and that there is a demand of additional school places up to 2027, the delivery of which will be directed through the Infrastructure delivery policy. Core Strategy Policy E1: Infrastructure Delivery states that the Council will work closely with public agencies, utility companies and infrastructure providers to ensure that the necessary infrastructure to support future housing and employment development is available, and that the strategic infrastructure requirements will be set out in the Council’s Infrastructure Delivery Plan.

The Council’s Infrastructure Delivery Plan (October 2014) recognises that:

- There is a need for additional ‘early years’ provision and where possible new nursery facilities should be located on the same site as existing or new build primary schools; and
- There is an identified shortfall of up to 6 forms of entry across Eastbourne over the Core Strategy period, which equates to 180 school entry places.

There are two local policy issues relating to this application: the expansion of educational provision of the site, and the loss of part of the school playing field.
Firstly, it is recognised that paragraph 72 of the National Planning Policy Framework states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It also states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

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

The site is identified on the Policies Map as being part of the designation for Borough Plan Policy LCF18: Extension of Educational Establishments. This policy states that planning permission will be granted for additional education facilities within sites identified for educational use, provided that:

a) the development has no significant detrimental effect on residential, visual or environmental amenity (see Policies HO20, UHT4 and NE28);
b) the development is acceptable in terms of siting, scale and materials, and appropriate landscaping is provided (see Policy UHT1);
c) the development has good, safe and secure access by public transport, on foot and by bicycle, where access is considered to be inadequate a travel plan and the development of safe routes to school will be required (see Policies TR3 and TR10);
d) appropriate provision is made for access by people with disabilities and with mobility problems.

In addition, Borough Plan Policy LCF16: Criteria for New Schools states that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility, provided that:

a) the development has no significant detrimental effect on environmental, residential or visual amenity (see Policies NE28, HO20 and UHT4);
b) the scheme is acceptable in design terms (see Policy UHT1 a), b) and g));
c) the development has good, safe and secure access by public transport, on foot and by bicycle, where access is considered to be inadequate a travel plan and the development of safe routes to school will be required (see Policies TR3 and TR10);
d) appropriate provision is made for access by people with disabilities and those with mobility problems;
e) where appropriate sports facilities should be designed with future dual use in mind, including independent access to changing and indoor sports facilities.

The revisions to the scheme in terms of accessibility and parking (kiss and drop) are considered to have overcome/mitigated the previous concerns and are deemed appropriate and acceptable and unlikely to give rise to any substantive harm to the local highway network. In terms of NPPF Members are aware that the schemes can only be resisted on highways related grounds when there is a demonstrable ‘severe’ impact.

The application will result in the loss of part of the school playing field in the south east corner of the site to accommodate the new primary school. Paragraph 74 of the NPPF states that existing open space, including playing fields, should not be built on unless: the open space is surplus to requirements; the loss would be replaced by equivalent or better provision; or the development is for alternative sports and recreation provision.
In addition to this, Core Strategy Policy D7: Community, Sports and Health states that the loss of any community, sports or health facilities will be resisted unless it can be demonstrated that the facility is no longer required to meet current needs, or where alternative and improved provision can be made elsewhere in Eastbourne that is accessible to local people.

The application proposes the provision of two new 3G (artificial) sports pitches, although it appears that these are located on existing playgrounds. Whilst these do not provide the equivalent quantity of playing field loss, they do provide a significantly higher quality of playing field that can be used all year round, as opposed to the grass pitches that may be unusable during parts of the winter.

The NPPF is clear that great weight should be given to the need to create, expand or alter schools in order to ensure that a sufficient choice of school places are available to meet the needs of existing and new communities, which is significant in determining the application.

However, it also recognises that local planning authorities and school promoters should work together to identify and resolve key planning issues. Despite on-going discussions on the Infrastructure Delivery Plan relating to overall school provision in Eastbourne, East Sussex County Council did not engage with Eastbourne Borough Council on the specific site and the key planning issues before the application was submitted.

Although the application will result in the loss of part of the school playing field, replacement provision will be made by the provision of new artificial sports pitches that will be available all year round, and therefore this could be considered a suitable replacement.

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

Policies LCF16 and LCF18 of the Eastbourne Local Plan (Extension of Educational Establishments) states that planning permission will be granted for additional education facilities within sites identified for educational use, provided that the development has no significant detrimental effect on residential, visual or environmental amenity.

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

The nearest residential properties to the proposed school building would be nos. 2a and 4 Eldon Road. The nearest part of the school building would be 25 metres to the rear garden boundary of no.2a Eldon Road and 26.7 metres to the rear garden boundary of no.4 Eldon Road. Given the pattern of development in the area, this distance is considered to be appropriate. The 2 storey height of the school, which would be at a lower level than these properties due to the sloping site, would not appear significantly dominating or unneighbourly in views to the west and the provision of a flat roof to the school would keep height and bulk to a minimum.

Due to the distance between the proposed school building and the nearest residential property and the siting of the building at a lower level, it is considered that the height,
scale and bulk of the proposed building would not result in any significant loss of sunlight, daylight or outlook to surrounding residential properties.

With regard to any potential noise impact, there are several play areas proposed around the southern, eastern and northern sides of the building. These may have an adverse noise impact from children playing during break and lunch times and an increase intensification of play areas in comparison to the existing playing field. As such, it is considered that ESCC may choose to impose conditions to control this issue.

The provision/use of the access points for relatively short periods of the day may give rise to a degree of noise impacts, this loss of amenity is not considered sufficient to warrant or sustain a planning objection to the proposal. Notwithstanding this though ESCC may choose to impose conditions to control the timings of access issues and parking times.

With regards the use of the sports pitches, it is considered that an informative is necessary to be included on any permission that provision of floodlights would require a separate planning application.

As such, it is considered that the proposal would not adversely impact on surrounding residential amenity and would accord with Policies LCF16 and LCF18 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

Design and Siting:
Policy LCF18 of the Eastbourne Local Plan (Extension of Educational Establishments) states that planning permission will be granted for additional education facilities within sites identified for educational use, provided that the development is acceptable in terms of siting, scale and materials, and appropriate landscaping is provided.

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 of the Eastbourne Core Strategy requires new development to make a positive contribution to the townscape and urban heritage.

The siting of the proposed school to the east of the existing building fronting Eldon Road would appear to be the most appropriate area within the site for the new school given the topography constraints of the site, maintaining the existing building line of the existing school building and utilising the existing main vehicular entrance to the school.

The aesthetic design of the proposed new school has been kept simple and clean to enhance the schemes sense of place and individual identity and to contrast appropriately with the 1930’s appearance of the existing school utilising mostly traditional materials referenced in the local vernacular. The main face materials would include brick and grey metal standing seam cladding.
The design appears functional in appearance with no real noteworthy innovative or original features. However, given its role as a new school where development budget is usually a constraint, paragraph 61 of the NPPF recognises that securing high quality and inclusive design goes beyond aesthetic considerations where connections between people and places and the integration of new development into the natural, built and historic environment may compensate for its relatively ordinary visual appearance. It is considered, therefore, that the proposed siting and design of the new school is appropriate in this location and would sit comfortably within the streetscene next to the existing school building on this relatively large site.

As such, it is considered that the proposal would accord with Policies LCF18, UHT1 and UHT4 of the Eastbourne Local Plan and Policies B2 and D10a of the Eastbourne Core Strategy.

**Impacts on trees:**
Policy NE28 of the Eastbourne Local Plan states that development proposals will be judged on their effect on environmental amenity.

The redesign of the proposal with the amended access/parking arrangements has meant that all street trees can now be retained.

**Highway and Parking Considerations:**
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.

Borough Plan Policies LCF16 and LCF18 state that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility, provided that:

- **c)** the development has good, safe and secure access by public transport, on foot and by bicycle, where access is considered to be inadequate a travel plan and the development of safe routes to school will be required (see Policies TR3 and TR10);
- **d)** appropriate provision is made for access by people with disabilities and those with mobility problems.

The scheme has now been amended and now provides what is considered to be an appropriate form of access and parking regime that would meet the operational needs/requirements and would not give rise to any material impacts upon the local highway network.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken by ESCC 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 amendments/revisions to the scheme have overcome/mitigated the concerns with the original proposal and therefore the scheme is considered to be acceptable.

Recommendation:
No objection is raised in principle to the provision of a new school.

East Sussex County Council be advised that EBC do not object to the proposal and request that they look to secure appropriate planning conditions to mitigate noise and access issues.
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1 Background

Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.

Given the many varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end and for reasons the many varied applications are clumped together into three broad categories Major, Minor and Others.

In broad terms the types of application falling into these categories are outline below.

<table>
<thead>
<tr>
<th>MAJOR DEVELOPMENT</th>
<th>MINOR DEVELOPMENT</th>
<th>OTHER DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>10+ Dwellings / Greater .5Ha</td>
<td>1-9 Dwellings/ greater .5Ha</td>
<td>Householder applications</td>
</tr>
<tr>
<td>Office/light industrial greater 1000sqm / 1Ha</td>
<td>Office /light industrial up to 999sqm under 1Ha</td>
<td>Change of use</td>
</tr>
<tr>
<td>General industrial greater 1000sqm / 1Ha</td>
<td>General Industrial up to 999sqm under 1 Ha</td>
<td>Adverts</td>
</tr>
<tr>
<td>Retail greater 1000sqm / 1Ha</td>
<td>Retail up to 999sqm under 1 Ha</td>
<td>Listed Building</td>
</tr>
<tr>
<td>Gypsy &amp; Traveller 10+ Pitches</td>
<td>Gypsy &amp; Traveller 0-9 Pitches</td>
<td>Conservation Area Applications</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Certificates of Lawfulness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Notifications</td>
</tr>
</tbody>
</table>
In analysing the performance for the processing of these differing types of application the Government do allow 13 weeks for the processing major applications and 8 weeks for processing the Minor and Other categories.

The figures below give the development management performance figures against these categories and for the calendar year 2013 on going both annual performance and quarterly statistics will be reported.

In addition this report also includes information about the recent appeal decisions and Members should note that any decision made to refuse an application opens the potential for an appeal by the applicant to the Planning Inspectorate.

As Members will be aware the majority of the applications received are granted planning permission, however for those that are refused and challenged through to an appeal it is considered important to analyse the appeal decisions in order to determine and evaluate whether lessons need to be learnt, or interpretations need to be given different weight at the decision making stage.

In addition the evaluation of the appeal decisions will also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

2 Special Measures

Members will be aware that along with all Councils our performance has to be reported to Central Government and where authorities are deemed to be underperforming then they will be placed in ‘special measures’.

As from June 2014 the Government have imposed two criteria against which Councils will be assessed, these are:-

- Where Councils have received more than 10 major applications over a rolling two year period then no more than 40% should take longer than 13 weeks to deal with.
- Where Councils have received more than 10 major applications over a rolling two year period 20% of decisions on major applications are overturned at appeal.

Members will note therefore that it is important to keep abreast of all decisions with regard to maintaining performance above the ‘special measure’ thresholds

2 All Decisions

It is clear therefore that with the regular (quarterly) reporting of this this report to Planning Committee issues, trends and pressures could readily be identified. The figures in Tables 1-3 below include the data from the Government return (currently excludes ‘Notifications and Certificates of Lawful development.’)
TABLE 1

<table>
<thead>
<tr>
<th>Decisions</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
<th>2106/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>All determined</td>
<td>574</td>
<td>596</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delegated</td>
<td>510 (89%)</td>
<td>521 (87%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Granted</td>
<td>521 (91%)</td>
<td>546 (92%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refused</td>
<td>49 (9%)</td>
<td>50 (8%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TABLE 2

<table>
<thead>
<tr>
<th>2014/15 All Q’s Running Total</th>
<th>TYPE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All determined</td>
<td>596</td>
<td></td>
</tr>
<tr>
<td>Delegated</td>
<td>521 (87%)</td>
<td></td>
</tr>
<tr>
<td>Granted</td>
<td>546 (92%)</td>
<td></td>
</tr>
<tr>
<td>Refused</td>
<td>50 (8%)</td>
<td></td>
</tr>
</tbody>
</table>

It is clear from the tables above that the volume of the cases determined during the survey period (Tables above) have percentage levels consistent with the whole year (2103) percentage.

It is considered that in granting planning permission for 92% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of
the applicants and only where there are substantive material planning considerations is an application refused.

The table below highlights the speed of decision against the three Government categories (Major Minor and Other).

It is clear from the table below that the team are performing on/over the National PI threshold and that there are, at this time, no special measure issues.

**TABLE 3**

<table>
<thead>
<tr>
<th>TITLE</th>
<th>Q1 (Apr – Jun) 14/15 %</th>
<th>Q2 (Jul - Sep) 14/15 %</th>
<th>Q3 (Oct - Dec) 14/15 %</th>
<th>Q4 (Jan - Mar) 14/15 %</th>
<th>Year in total (Rolling Performance as a %)</th>
<th>National/local TARGET PI %</th>
<th>SPECIAL MEASURES PI %</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAJOR</td>
<td>50 (4/2)</td>
<td>57 (7/4)</td>
<td>60 (5/3)</td>
<td>100 (1/1)</td>
<td>59</td>
<td>60</td>
<td>20</td>
</tr>
<tr>
<td>MINOR</td>
<td>76 (63/48)</td>
<td>79 (47/37)</td>
<td>84 (43/36)</td>
<td>71 (52/37)</td>
<td>77</td>
<td>65</td>
<td>0</td>
</tr>
<tr>
<td>OTHER</td>
<td>87 (99/87)</td>
<td>86 (98/84)</td>
<td>92 (89/82)</td>
<td>86 (94/81)</td>
<td>86</td>
<td>80</td>
<td>0</td>
</tr>
</tbody>
</table>

**PRE-APPLICATION ADVICE**

In addition to the formal applications received the Council offer a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the calendar year.

<table>
<thead>
<tr>
<th>NAME</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRE APP (Old Process)</td>
<td>01</td>
</tr>
<tr>
<td>PRE APP HOUSEHOLDER</td>
<td>175</td>
</tr>
<tr>
<td>PRE APP MEDIUM</td>
<td>135</td>
</tr>
<tr>
<td>PRE APP MAJOR</td>
<td>19</td>
</tr>
<tr>
<td>TOTAL</td>
<td>330</td>
</tr>
</tbody>
</table>

This information is considered to be relevant given that it is a barometer as to the additional workload of the team and members should note that our returns to central government are based a pre-described application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

Members should note that Appendix No1 includes further application data by ward.

**4 Refusals**

Members requested further information on the number and break down of the refusal issued for the calendar year 2014. This information is highlighted within tables 4&5 below.

Member should be aware that in common with other years we refuse fewer than 10% of the applications received.
### TABLE 3

**REFUSALS BY WARD**

<table>
<thead>
<tr>
<th>Row Labels</th>
<th>Count of ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV</td>
<td>8</td>
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<tr>
<td>Devonshire</td>
<td></td>
</tr>
<tr>
<td>HP</td>
<td>2</td>
</tr>
<tr>
<td>Hampden</td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td></td>
</tr>
<tr>
<td>LG</td>
<td>1</td>
</tr>
<tr>
<td>Langney</td>
<td></td>
</tr>
<tr>
<td>MD</td>
<td>15</td>
</tr>
<tr>
<td>Meads</td>
<td></td>
</tr>
<tr>
<td>OT</td>
<td>3</td>
</tr>
<tr>
<td>Old Town</td>
<td></td>
</tr>
<tr>
<td>RN</td>
<td>9</td>
</tr>
<tr>
<td>Ratton</td>
<td></td>
</tr>
<tr>
<td>SA</td>
<td></td>
</tr>
<tr>
<td>St</td>
<td></td>
</tr>
<tr>
<td>Anthonys</td>
<td>4</td>
</tr>
<tr>
<td>SV</td>
<td>10</td>
</tr>
<tr>
<td>Sovereign</td>
<td></td>
</tr>
<tr>
<td>UP</td>
<td>8</td>
</tr>
<tr>
<td>Upperton</td>
<td></td>
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<tr>
<td>(blank)</td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>54</strong></td>
</tr>
</tbody>
</table>

### TABLES 4&5

**REFUSAL BY DECISION LEVEL**

<table>
<thead>
<tr>
<th>Refusal Number</th>
<th>Description</th>
<th>Decision Level</th>
<th>Ward</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>131058</td>
<td>Retrospective application for the installation of decking and guard</td>
<td>DV</td>
<td>Devonshire</td>
<td>19 Sydney Road</td>
</tr>
<tr>
<td>131017</td>
<td>Erection of 4no. floodlights, measuring 18m in height, and a covered...</td>
<td>LG</td>
<td>Langney</td>
<td>Shinewater Lane</td>
</tr>
<tr>
<td>140119</td>
<td>Outline application (For Access, Appearance, Layout and Scale) for...</td>
<td>DV</td>
<td>Devonshire</td>
<td>Firle Road &amp; Beltring Terrace</td>
</tr>
<tr>
<td>140682</td>
<td>Change of Use from a Bed &amp; Breakfast (Class C1) to a House for...</td>
<td>DV</td>
<td>Devonshire</td>
<td>10 Rylstone Road</td>
</tr>
<tr>
<td>140740</td>
<td>Erection of a two storey, two bedroom attached dwelling.</td>
<td>SA</td>
<td>St Anthonys</td>
<td>3 Churchdale Place</td>
</tr>
<tr>
<td>140781</td>
<td>Erection of two detached single storey dwellings.</td>
<td>DV</td>
<td>Devonshire</td>
<td>Eshton Road</td>
</tr>
<tr>
<td>141168</td>
<td>Change of use of public amenity land to private garden within the...</td>
<td>SV</td>
<td>Sovereign</td>
<td>2 Vancouver Road</td>
</tr>
</tbody>
</table>
DELEGATED

<table>
<thead>
<tr>
<th>Application Date</th>
<th>Location</th>
<th>Development Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>141064</td>
<td>Sovereign 8</td>
<td>Full width single-storey flat-roof extension to north-east elevation,  Lundy Walk</td>
</tr>
<tr>
<td>130630</td>
<td>Meads 26</td>
<td>Crown lift one sycamore, Saffrons Park</td>
</tr>
<tr>
<td>130786</td>
<td>Upperton 15</td>
<td>Erection of 1 No. 3 bed detached chalet bungalow, Hartfield Road</td>
</tr>
<tr>
<td>131011</td>
<td>Devonshire 119</td>
<td>Erection of steel framed balcony with timber floor, balusters and Royal Parade</td>
</tr>
<tr>
<td>131024</td>
<td>Sovereign 5</td>
<td>Provision for a Car Port attaching to existing garage, Cook Avenue</td>
</tr>
<tr>
<td>131067</td>
<td>Upperton 11</td>
<td>Installation of a replacement telecommunications mast on the public Victoria Drive</td>
</tr>
<tr>
<td>140204</td>
<td>Ratton 2</td>
<td>Full width single-storey flat-roof extension, Warburton Close</td>
</tr>
<tr>
<td>140136</td>
<td>Meads 3</td>
<td>Removal of lateral branches of an elm (encroaching on property, Saffrons Park</td>
</tr>
<tr>
<td>140167</td>
<td>Meads 3</td>
<td>Erection of 1 No. 3 bed detached chalet bungalow, Grange Gardens</td>
</tr>
<tr>
<td>140248</td>
<td>Ratton 4</td>
<td>Felling of one ash; felling of one twin-stemmed sycamore, Walnut Tree Walk</td>
</tr>
<tr>
<td>140306</td>
<td>Ratton 9</td>
<td>Display of 1 x externally illuminated totem sign on grass verge (App, Wilton Avenue</td>
</tr>
<tr>
<td>140308</td>
<td>Hampden Park 9</td>
<td>Single storey plan roof extension, 9 Wilton Avenue</td>
</tr>
<tr>
<td>140344</td>
<td>Ratton 10</td>
<td>Felling of two beech and two ash, Linkway</td>
</tr>
<tr>
<td>140355</td>
<td>Upperton 71</td>
<td>Proposed loft conversion to rear with mansard roof, Grey's Road</td>
</tr>
<tr>
<td>140497</td>
<td>Upperton 26</td>
<td>Provision of internal stairs and rooflight to provide access on to Uperton Road</td>
</tr>
<tr>
<td>140559</td>
<td>St Anthonys 29</td>
<td>Proposed new end of terrace two storey dwelling to extend the existing Filder Close</td>
</tr>
<tr>
<td>140656</td>
<td>Meads Compton Place 74</td>
<td>Felling of one beech, Compton Place Road</td>
</tr>
<tr>
<td>140662</td>
<td>Meads 74</td>
<td>Removal of lowest large limb on house side of one Corsican pine, Meads Road</td>
</tr>
<tr>
<td>140653</td>
<td>Meads 6</td>
<td>Repollarding of a group of limes; crown raing of one yew to clear Carlisle Road</td>
</tr>
<tr>
<td>140568</td>
<td>Ratton 8</td>
<td>Erection of first floor addition to rear and side (North West), Lodge Avenue</td>
</tr>
<tr>
<td>140570</td>
<td>Ratton 3</td>
<td>Construction of 2no. dormers, to the front and rear of the property, Eridge Road</td>
</tr>
<tr>
<td>140626</td>
<td>Upperton 9</td>
<td>Replacement windows to basement flat, Upperton Gardens</td>
</tr>
<tr>
<td>140640</td>
<td>Upperton 118</td>
<td>Construction of a ramp and bridge to access the first floor of the Station Parade</td>
</tr>
<tr>
<td>140649</td>
<td>Old Town 5</td>
<td>Erection of balcony to the rear elevation at first floor level, Peppercombe Road</td>
</tr>
<tr>
<td>140665</td>
<td>Devonshire 118</td>
<td>Proposed change of use of ground floor shop unit to 2no., 120 Seaside</td>
</tr>
<tr>
<td>140680</td>
<td>Meads 13</td>
<td>Two-storey side extension to form an additional 3no. self-contained College Road</td>
</tr>
<tr>
<td>140748</td>
<td>Devonshire 87</td>
<td>Retrospective application for permission to erect decking at rear on Longstone Road</td>
</tr>
<tr>
<td>140784</td>
<td>Ratton 230</td>
<td>Erection of dormers to side and rear, with 3 rooflights, to create Willingdon Road</td>
</tr>
<tr>
<td>140788</td>
<td>Ratton 10</td>
<td>Creation of a driveway for one car and crossover from public highway Blackwater Road</td>
</tr>
<tr>
<td>140820</td>
<td>Ratton 91</td>
<td>Felling of one yew (T2), Parkway</td>
</tr>
<tr>
<td>140813</td>
<td>Devonshire 18</td>
<td>Demolition of existing conservatory and replacement with proposed Cavendish Avenue</td>
</tr>
<tr>
<td>140810</td>
<td>Meads 15</td>
<td>Replacement of one timber-framed window, to front, with PVC double Darley Road</td>
</tr>
<tr>
<td>140839</td>
<td>Hampden Park 7</td>
<td>Proposed single storey extension which would extend beyond the rear, Wilton Avenue</td>
</tr>
<tr>
<td>140897</td>
<td>Meads 16a</td>
<td>Felling of one copper beech, Grassington Road</td>
</tr>
<tr>
<td>140867</td>
<td>Meads 89</td>
<td>Display of one painted wooden sign illuminated by Existing LED, Meads Street</td>
</tr>
<tr>
<td>140845</td>
<td>Upperton 9</td>
<td>Proposed two storey extension to existing side elevation to form Moat Croft Road</td>
</tr>
<tr>
<td>140869</td>
<td>Old Town 13</td>
<td>Proposed single storey extension which would extend beyond the rear, Greenfield Road</td>
</tr>
<tr>
<td>140982</td>
<td>Meads 51</td>
<td>Reduction of one yew by 8-10 feet in height and removal of some outer Meads Road</td>
</tr>
<tr>
<td>141035</td>
<td>Enys Road 4</td>
<td>Single storey extension at side and change of use from garage to Enys Road</td>
</tr>
<tr>
<td>141029</td>
<td>Meads 10A</td>
<td>Alterations to front to provide new access to lower ground floor flat Hyde Gardens</td>
</tr>
<tr>
<td>141038</td>
<td>Sovereign 73</td>
<td>Proposed single storey extension which would extend beyond the rear, Princes Road</td>
</tr>
<tr>
<td>141091</td>
<td>Ratton 64</td>
<td>Proposed single storey extension which would extend beyond the rear, Selkemston Road</td>
</tr>
<tr>
<td>141147</td>
<td>Meads 6</td>
<td>Prior approval of a proposed change of use from an office (B1) and Cornfield Terrace</td>
</tr>
<tr>
<td>141201</td>
<td>St Anthonys 20</td>
<td>Proposed single storey rear ground floors extension and conversation Boswell Walk</td>
</tr>
<tr>
<td>141226</td>
<td>St Anthonys 68</td>
<td>Rear ground-floor extension with raised decking and steps to ground- St Philips Avenue</td>
</tr>
<tr>
<td>141235</td>
<td>Upperton 12</td>
<td>Rear extension at ground floor level, above existing lower ground Carew Road</td>
</tr>
<tr>
<td>141137</td>
<td>Meads 4</td>
<td>Pollarding of Ino. Evergreen Oak and removal of second trunk, Saffrons Park</td>
</tr>
<tr>
<td>141400</td>
<td>Old Town 15</td>
<td>Single storey extension to the front, Gorse Close</td>
</tr>
</tbody>
</table>

5 Appeals

As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the year 2014/15 have received 14 appeals; some of these appeals have not yet been decided but all appeals received are reported below.

Appeals received by ward/count & Appeal by development type/application

TABLE 6
### TABLE 7

<table>
<thead>
<tr>
<th>Row Labels</th>
<th>Count of ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV Devonshire</td>
<td>4</td>
</tr>
<tr>
<td>HP Hampden Park</td>
<td>1</td>
</tr>
<tr>
<td>MD Meads</td>
<td>4</td>
</tr>
<tr>
<td>RN Ratton</td>
<td>1</td>
</tr>
<tr>
<td>SA St Anthonys</td>
<td>1</td>
</tr>
<tr>
<td>UP Upperton</td>
<td>3</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>14</strong></td>
</tr>
</tbody>
</table>

#### RECENT APPEAL SUMMARIES

**ADV Advertisement**

140867

The Pilot, 89 Meads Street, Eastbourne

Display of one painted wooden sign illuminated by Existing LED

Dec Level Delegated

Officer Recommendation Refuse

Appeal decision Appeal decision expected

**HHH Householder**

131058

19 Sydney Road, Eastbourne

Retrospective application for the installation of decking and guardrails to flat roof at rear, with removal of bedroom window, to be replaced with access door to decking.

Dec Level Committee

Officer Recommendation Refuse

Appeal decision Appeal decision dismissed Significant detrimental impact upon
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Address</th>
<th>Description</th>
<th>Recommendation</th>
<th>Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>140108</td>
<td>60 Watts Lane, Eastbourne</td>
<td>Two storey extension to form self-contained unit adjoining the existing detached private house, with internal linking access doors.</td>
<td>Approve</td>
<td>Committee</td>
<td>Dismissed – Effect of the proposal on the character and appearance if the host dwelling and the area</td>
</tr>
<tr>
<td>140748</td>
<td>87 Longstone Road</td>
<td>Retrospective application for permission to erect decking at rear on existing flat roof.</td>
<td>Refuse</td>
<td>Delegated</td>
<td>Dismissed – Adverse impacts upon the residential amenity (privacy) of the occupiers of the surrounding/adjacent properties</td>
</tr>
<tr>
<td>140167</td>
<td>Flat 4, 3 Grange Gardens, Eastbourne</td>
<td>Replacement windows, to replace the existing timber windows with matching upvc windows.</td>
<td>Refuse</td>
<td>Delegated</td>
<td>Dismissed replacement windows in this instance would be harmful to the character and appearance of this building within the conservation area.</td>
</tr>
<tr>
<td>140451</td>
<td>Inglewood Nursing Home, 9-9 Neville Avenue, Eastbourne</td>
<td>Proposed 2-storey extension to provide 10 additional residents</td>
<td>Approve</td>
<td>Committee</td>
<td>Appeal Dismissed ‘ Development failed to show that extension was subservient and was intrusive into the street scene’</td>
</tr>
<tr>
<td>140628</td>
<td>2 Silverdale Road (Southdown House)</td>
<td>Alterations to existing garage block to form new pitched roof to replace flat roof and...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ref</td>
<td>Application/Proposal</td>
<td>Decision Level</td>
<td>Officer Recommendation</td>
<td>Appeal Decision</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>------------------------</td>
<td>----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>130676</td>
<td>Formation of two 2 bedroom flats within roof space - resubmission of application 130676.</td>
<td>Dec Level Delegated</td>
<td>Refused</td>
<td>Awaiting</td>
<td></td>
</tr>
<tr>
<td>140711</td>
<td>Courtlands Hotel 3 – 5 Wilmington Gardens Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel and 15 residential apartments.</td>
<td>Dec Level Committee</td>
<td>Granted</td>
<td>Awaiting</td>
<td></td>
</tr>
<tr>
<td>140781</td>
<td>R/O 11 – 23 Eshton Road Erection of two detached single storey dwellings.</td>
<td>Decision Level Committee</td>
<td>Refused</td>
<td>Awaiting</td>
<td></td>
</tr>
<tr>
<td>141201</td>
<td>20 Boswell walk Proposed single storey rear ground floors extension and conversation of loft space, including the formation of front and rear dormers, to form habitable rooms.</td>
<td>Decision Level Delegated</td>
<td>Refused</td>
<td>Awaiting</td>
<td></td>
</tr>
<tr>
<td>1-6 The Courtyard Wharf Road</td>
<td>Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.</td>
<td>Dec Level: Planning Committee</td>
<td>Approve</td>
<td>Appeal Dismissed ‘ scheme would not harmonize with the local environment and would not respect its distinctiveness’</td>
<td></td>
</tr>
</tbody>
</table>

**PAP Prior Approval**
<table>
<thead>
<tr>
<th>141091</th>
<th>64 Selmeston Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed single storey extension which would extend beyond the rear wall of the existing house by 8 metres for which the maximum height for the overall extension would be 3 metres.</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation: Refuse</td>
<td></td>
</tr>
<tr>
<td>Dec Level: Delegated</td>
<td></td>
</tr>
<tr>
<td>Appeal decision: Appeal Allowed ‘Would not have an overbearing impact upon the occupiers of the adjoining properties’.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>130329</th>
<th>25 Gordon Lodge Twinn Language School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of a three storey extension at rear and conversion of the existing building to provide 11 no. residential flats together with landscaping, waste and cycle storage, including the removal of the existing rear external escape gantry and single storey lower ground side addition.</td>
<td></td>
</tr>
<tr>
<td>Officer recommendation: Approve</td>
<td></td>
</tr>
<tr>
<td>Decision Level: Committee</td>
<td></td>
</tr>
<tr>
<td>Appeal Decision: Dismissed ‘No S106 to cover the delivery of affordable housing’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>130424</th>
<th>2-3 Beverley Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Recommendation: Refused</td>
<td></td>
</tr>
<tr>
<td>Decision Level: Delegated</td>
<td></td>
</tr>
<tr>
<td>Appeal Decision: Allowed ‘good design and the energy efficiency of the windows would outweigh the modest harm to the character of the Conservation Area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>130786</th>
<th>15 Hartfield Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erection of 1 No. 3 bed detached chalet bungalow.</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation: - Refused</td>
<td></td>
</tr>
<tr>
<td>Decision Level: Delegated</td>
<td></td>
</tr>
<tr>
<td>Appeal Decision: - Dismissed 'Overlooking would impact upon the living conditions of the future occupiers of the unit; development would neither preserve nor enhance the character of the Conservation Area.</td>
<td></td>
</tr>
</tbody>
</table>

**RMT Reserved Matters**

| 130468 |
Land East Of Kings Drive, Kings Drive, Eastbourne

Application for approval of reserved matters (Details of the Dec Level Committee)

Officer Recommendation Approve

Appeal Decision Withdrawn

Appeal Analysis

Table 9

<table>
<thead>
<tr>
<th>Year</th>
<th>Approve – Member Overturn Allowed</th>
<th>Approve – Member Overturn Dismissed</th>
<th>Refuse – Member Support Refusal Allowed</th>
<th>Refuse – Member Support Refusal Dismissed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>7 (28%)</td>
<td>4 (16%)</td>
<td>2 (8%)</td>
<td>12 (48%)</td>
</tr>
<tr>
<td>2014</td>
<td>0</td>
<td>4 (40%)</td>
<td>2 (20%)</td>
<td>4 (40%)</td>
</tr>
<tr>
<td>2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appeal Analysis Table 10

<table>
<thead>
<tr>
<th>Year</th>
<th>Special Measures PI (%)</th>
<th>No of Majors Overturned at Appeal (number and %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>20</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>2015</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2016</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2017</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2018</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The above table 9 identifies the relevant decision permutations and it is acknowledged that the appeal volume is reducing when compared to the previous year. There may be a number of reasons for this; it could be applicants benefiting from the free pre-application advice and thereby improving the quality of the schemes that are being submitted; it could also be the Government’s introduction of the ‘larger residential extension’ scheme that allows for homeowners to extend greater depth than would formerly be allowed without the need for a planning application. The appeal rate/volume will continue to be monitored going forward.

It is accepted that Eastbourne due to the nature and type of the borough statistically receive few major applications and as such we may not get above the commencement survey threshold of more than 10 applications. Notwithstanding this it is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level.
Appeal Analysis Table 9 Column 1

**Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong)** It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council. Notwithstanding this at the time of reporting it is acknowledged that the % of cases in this column has fallen significantly compared to the previous year.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decision received to date there have been no instances this year where this scenario has occurred.

In some way this could be an indication that all parties are aligned in their thinking and are consistent with established policy and National Advice.

Appeal Analysis Table 9 Column 2

**Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right)** This is also a category where appeal costs can be awarded. This shows that officers are not always right, but the volume of cases in the category is modest.

Appeal Analysis Table 9 Column 3

**Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong**. This shows that officer and Members are in tune but the officers have been over zealous with their recommendation and it has not been supported by the Planning Inspectorate. The volume in this category remains low but again this needs to be monitored as it is an indication that Officers may not follow planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

In essence it is important that officers do not shy away from making difficult recommendations if the recommendation is in accordance with national and local advice/policies.

Appeal Analysis Table 9 Column 4

**Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal dismissed (officers and Members were right)**. This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The Higher the % the better, Members will note that this category is usually by far the largest.

**Appeal Costs**
As members will be aware the appeal process can award costs of the appeal to any party where the counter party has acted in an unreasonable manner. During the survey period the Council received two awards of costs:–

No issues to report.

Appeal Analysis Table 10
As commented earlier Eastbourne may not trigger the special measures threshold for Government intervention due to the number of major applications received. Notwithstanding this for the first nine months of 2014 Eastbourne has had 1 major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

**Planning Enforcement**

As outlined in the Planning Enforcement Policy Statement previously reported to committee regular reporting of the enforcement function to Planning Committee is considered important as keeps members aware of the cases and issues that are live in their area and would it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

Going forward it is the intention to provide the statistics on a quarterly basis with an annual review.

Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the ‘Driving Devonshire Forward’ policy document.

**Table 11**

Enforcement Live Case on Hand

<table>
<thead>
<tr>
<th>Row Labels</th>
<th>Count of Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV Devonshire</td>
<td>35</td>
</tr>
<tr>
<td>HP Hampden Park</td>
<td>7</td>
</tr>
<tr>
<td>LG Langney</td>
<td>11</td>
</tr>
<tr>
<td>MD Meads</td>
<td>14</td>
</tr>
<tr>
<td>OT Old Town</td>
<td>4</td>
</tr>
<tr>
<td>RN Raton</td>
<td>14</td>
</tr>
<tr>
<td>SA St Anthonys</td>
<td>14</td>
</tr>
<tr>
<td>SV Sovereign</td>
<td>12</td>
</tr>
<tr>
<td>UP Upperton</td>
<td>14</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>125</strong></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>YEAR</th>
<th>END OF Q1</th>
<th>END OF Q2</th>
<th>END OF Q3</th>
<th>END OF Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>28</td>
<td>46</td>
<td>61</td>
<td>95</td>
</tr>
<tr>
<td>2015</td>
<td>144</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2105</td>
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</tbody>
</table>

Table 12
It is clear from the above tables/information that the volume of cases closed has significantly increased in the second and third quarters of the calendar year 2014. This rate of closure reflects an upturn from approximately 10-15 cases per month (Q1&2) to approximately 25-30 cases per month (Q3&4), this has continued within the first quarter of 2015.

It is important to note that the closure rate is now matching the volume of received cases and as such there should not be an expanding backlog of live cases. On this issue Members should note that the volume of cases on the over 6months old list has remained fairly static at 30 cases.

Table 13 Enforcement Closed Cases by Complaint Type for 2014

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>2014 (246)</th>
<th>2015 (74)</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach of Planning Condition</td>
<td>34</td>
<td>18</td>
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<td></td>
</tr>
<tr>
<td>Empty Property</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General enquiry</td>
<td>2</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land detrimental to the area</td>
<td>41</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Disrepair</td>
<td>23</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adverts</td>
<td>8</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change of use</td>
<td>28</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building works</td>
<td>82</td>
<td>28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Works in Conservation Area</td>
<td>11</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Works to Listed Building</td>
<td>9</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Works to Protected Trees</td>
<td>10</td>
<td>1</td>
<td></td>
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</tr>
</tbody>
</table>

4 Human Resources
As members are aware the Customer First team within which the planning function rests, has undergone significant change during the last 2 years. However there has been a period of stability over this survey period with the roles/responsibilities of the Case Workers and Specialist Advisors becoming embedded.

The planning function now has a full compliment of staff with their knowledge base being supported by a comprehensive training/mentoring programme facilitated by internal and external trainers.

5 Legal

Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

APPENDIX No 1

Planning Application Type/Ward for calendar year 2014 to date:- Appendix 1 Table 11

Table 14

Calendar Year 2014 Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions)

<table>
<thead>
<tr>
<th>Row Labels</th>
<th>Count of ward</th>
</tr>
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<tbody>
<tr>
<td>000 Invalid code</td>
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<tr>
<td>DV Devonshire</td>
<td>171</td>
</tr>
<tr>
<td>HP Hampden Park</td>
<td>78</td>
</tr>
<tr>
<td>LG Langney</td>
<td>46</td>
</tr>
<tr>
<td>MD Meads</td>
<td>337</td>
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<tr>
<td>OT Old Town</td>
<td>115</td>
</tr>
<tr>
<td>RN Ratton</td>
<td>139</td>
</tr>
<tr>
<td>SA St Anthonys</td>
<td>131</td>
</tr>
<tr>
<td>SV Sovereign</td>
<td>90</td>
</tr>
<tr>
<td>UP Upperton</td>
<td>217</td>
</tr>
<tr>
<td>(blank)</td>
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</tr>
<tr>
<td>Grand Total</td>
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</tr>
</tbody>
</table>
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