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 Choudhury, Jenkins, Miah, Murdoch, Robinson and Taylor

Agenda

1 Minutes of the meeting held on 17 May 2016. (Pages 1 - 6)
2 Apologies for absence.
3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.
4 **Urgent items of business.**  
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

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

6 **18 Lottbridge Drove. Application ID: 160482.** (Pages 7 - 12)

7 **21 Granville Road. Application ID: 160398.** (Pages 13 - 20)

8 **31 Upper Kings Drive. Application ID: 160318.** (Pages 21 - 30)

9 **Beach Huts. Application ID: 160534, 160542, 160544, 160563, 160566.** (Pages 31 - 38)

10 **Devonshire Creative Hub. Application ID: 160511, 160512, 160513.** (Pages 39 - 44)

11 **Devonshire Park Players Building, Devonshire Park. Application ID: 160475.** (Pages 45 - 60)

12 **46-48 East Dean Road. Application ID: 160443.** (Pages 61 - 76)

13 **Fitzmaurice Mews. Application ID: 160411.** (Pages 77 - 88)

14 **Result of Consultation into Good Practice Guidance for Local Heritage Assets.** (Pages 89 - 128)  
Report of Senior Specialist Advisor for Planning.

15 **Tourist Accommodation Retention Policy Review.** (Pages 129 - 150)  
Report of Senior Head of Regeneration, Planning and Assets.

16 **Guidance Document on the maintenance, repair and replacement of windows in heritage assets.** (Pages 151 - 220)  
Report of Senior Specialist Advisor for Planning.

17 **South Downs National Park Authority Planning Applications.**
18 Appeal Decisions. (Pages 221 - 230)

1) 24 Sevenoaks Road.

2) 46 Hardy Drive.

3) 51 Upperton Lane.

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
Tuesday, 17 May 2016
at 6.00 pm

Planning Committee

Present:-

Members:
Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Jenkins, Robinson, Taylor and Smathers (as substitute
for Murdoch)

1 Minutes of the meeting held on 19 April 2016.

The minutes of the meeting held on 19 April 2016 were submitted and
approved and the Chairman was authorised to sign them as an accurate
record.

2 Apologies for absence.

Councillors Choudhury and Miah.

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.

Councillor Murdoch was present in the public gallery and declared he had a
prejudicial interest in minute 8 land at Rodmill Drive as he wished to speak
in objection to the application. He advised that he would be exercising his
right as a member of the public to address the committee and would be
speaking from the public gallery and would then leave the room whilst the
item was discussed.

4 3 Susans Road. Application ID: 160304.

Proposed change of use from vehicle hire centre to Eastbourne Food Bank
with associated facilities – DEVONSHIRE.

RESOLVED: (Unanimous) That permission be granted subject to the
following conditions: 1) Development within three years 2) Development in
accordance with the approved plans 3) Opening hours for service users and
deliveries restricted to 8.30 am to 6 pm daily, with the front doors kept
locked shut outside of these times 4) You must implement this permission
in accordance with the email dated 24th March 2016 from Eastbourne
Foodbank to Lee Watson and referred to hereafter as the ‘Operational
Management Plan’. You must not change the operating procedures of the
proposed foodbank use (or any other ancillary uses) without the written
approval of the Local Authority through the submission of an amended
Operational Management Plan 5) You must retain the area shown on the
approved plans as ‘deliveries’ for the purpose of vehicular parking, loading
and unloading in relation to the foodbank use permanently. You must not
use this area for any other purpose at any time.
Informative:

1. To help protect the amenity of local residents and surrounding residential and commercial occupiers you are strongly advised to work with the Neighbourhood Panel and Neighbourhood Policing Team to help manage the risk anti-social behaviour arising as a result of the proposed use.

2. This application hereby approves the use of the premises as a foodbank in accordance with the operational management statement submitted in support of this application. Should you wish to expand the use to other community related uses you must submit an amended operational management plan under the terms of condition 4 of this planning permission.

3. Condition 3 restricts the opening hours of the premises from 8.30am to 6pm daily. Outside of these hours the front doors must be kept locked shut and the premises must not be open to the public or other service users outside these hours.

5 Gilbert Road. Application ID: 160152.

Retention of 3m x 4.05 m x 2.75 m brick outbuilding build in rear garden of number 5 Gilbert Road – DEVONSHIRE.

RESOLVED (A): (Unanimous) That permission be refused on the grounds that 1) Because of its bulk, height and siting the proposed development would lead to an unacceptable loss of outlook and result in an unneighbourly and overbearing relationship that gives rise to sense of being ‘shut in’ for residents of surrounding residential properties. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007 2) The window that is located in the side elevation of the proposed outbuilding would lead to an unacceptable perception of overlooking for the resident of the neighbouring property. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007 3) Because of its siting, location, bulk and height and proximity to existing boundary walls it is considered that the development fails to contribute to local distinctiveness and sense of space. This is contrary to Policy D10A of the Core Strategy and Policy UHT1 of the Borough Plan (saved policies).

RESOLVED (B): that enforcement action be authorised with a notice requiring the reduction in height of the outbuilding to 2.5 metres, in line with what would otherwise be permitted under permitted development rules. An informative advises the applicant to take immediate steps to reduce the height of the structure to avoid an enforcement notice being served.

Informative:

1. To avoid an enforcement notice being served you are advised to take immediate steps to reduce the height of the building to 2.5 metres which would bring the building within the parameters of permitted
development. Should you proceed on this basis, you are advised that any future use of the building must remain ancillary to the main residential building at 5 Gilbert Street.

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.

6 33 Meadowlands Avenue. Application ID: 160316 (PPP).

Proposed two storey dwelling with parking space – RATTON.

**RESOLVED:** (Unanimous) That permission be refused on the grounds that: 1) This proposed dwelling by virtue of the scale, siting and detailed design would undermine the original symmetry of the existing pair of semi-detached properties, and by virtue of the siting and prominent location would appear incongruous within the street scene both from Meadowlands Avenue and Timberley Road contrary to Policy D10A of the Core Strategy Local Plan 2013 and Saved Policies UHT1 and UHT4 of the Borough Plan 2007 2) The proposal by virtue of its small size in terms of available internal floor space would provide substandard accommodation for future occupiers of this dwelling contrary to policy B2 of the Core Strategy Local Plan 2013.

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.

7 70 Kings Drive. Application ID: 160036 (OSR).

Erection of two semi detached dwelling houses adjacent to the existing house, together with the provision of new access and four parking spaces – RATTON.

The committee was advised that the agent had amended the drawings to include a door at lower ground floor level on the rear elevation in order to access the rear garden area for Plot 1. An email was also supplied from Bovis Homes stating they had no objection with the applicant reaching agreement with the Council for the removal and replacement of the two trees on their land. This amendment was not considered to overcome the reasons for recommending refusal as set out in the officers report.

**RESOLVED:** (By 5 votes to 1) That approval be delegated to the Senior Specialist Advisor Planning to grant planning permission subject to appropriate conditions to include a tree protection condition and to ensure details of the boundary are submitted and approved.

8 Land at Rodmill Drive. Application ID: 151382 (PPP).

Erection of four dwellings with car parking spaces at the rear accessed from Rushlake Crescent – RATTON.
Councillors Murdoch, Freebody and Belsey addressed the committee in objection stating that the site was not suitable for a development of this kind. The community needed more facilities such as a GP surgery. The Councillors felt that the development would increase the parking and congestion issues in the area and raised concerns about the local elderly population, the loss of light to St Clements Court and the loss of a prominent tree.

A motion to refuse the application was lost by four votes to three on the Chairman’s casting vote.

**RESOLVED: (By 4 votes to 3 on the Chairman’s casting vote)** That permission be granted subject to a mechanism for the continued provision of affordable housing units at the site, replacement tree provision and following conditions: 1) Commencement within three years 2) Development in accordance with the approved plans 3) Hours of operation (building works) 4) Samples of materials 5) Provision of parking spaces in accordance with approval before occupation 6) Provision of cycle/refuse storage in accordance details to be approved before occupation 7) Details of boundary treatment/fences 8) No fences within 1m of the boundary with the footpath in Framfield Way 9) No walls over 600mm in height between the car hardstanding's and the boundary with the footpath 10) Submission of details of surface water drainage 11) Wheel washing facilities 12) Restriction of permitted development rights (extensions).

9 Update on Public Speaking at Planning Committee and Update on the Planning Scheme of Delegation.

The committee considered the report of the Senior Specialist Advisor for Planning advising members of proposed changes to the constitution and the rules of procedure for speaking at Planning Committee and revisions to the planning scheme of delegation for determining planning applications.

A working party comprising Councillors Murray and Taylor had reviewed current practices and procedures associated with processing planning applications and the overall performance of the Planning Committee. A number of recommendations had been made which sought to deliver consistency to the procedure for the public right of address at Committee and to the type of applications reported to the Committee.

The current procedure for speaking at Planning Committee only permitted the applicant or representative to speak in response to an objector. It was proposed to amend the constitution to allow applicants or their representatives an automatic right to address the committee irrespective of a planning officers’ recommendation or whether an objection had been made to an application. It was acknowledged that although this may increase the time taken to process each case at committee, it would allow a more informed debate and would provide a more equitable and transparent approach.

In terms of the scheme of delegation, the working party had acknowledged that the role of the Planning Committee was to decide on more complex
planning applications which related to the character, urban fabric and public realm of Eastbourne. It had identified that the type of application being submitted to the Committee over the past year had been inconsistent with previous years and a more stringent approach was proposed to the grounds on which an application was referred to the Planning Committee for decision. A copy of the revised scheme of delegation was appended to the report.

The Committee requested that section D which related to the referral grounds on which applications should be determined by Committee if submitted by a councillor, a member of the Corporate Management Team or an officer within Planning, be amended to all direct employees of the Council and elected members (and their spouse/partner). The Committee also proposed that the request to address Planning Committee should be accompanied by a written summary of the points to be used in an address.

**RESOLVED**: 1) That full Council be recommended to agree the amendments to the Scheme of Delegation as set out in the report with the following amendments:

(i) Section D be amended as follows “Where a planning application or householder application has been made by an elected member (or their spouse partner) or any direct employee (or their spouse/partner) of Eastbourne Borough Council”.

(ii) Section J be amended to include the requirement for an objector to include a summary written statement of the issues intended for an address to committee.

(2) That Part 4, Section A of the Council’s Constitution, Council Procedure Rules, be amended to allow applicants to have an automatic right to address the Planning Committee.

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

There were none.

11 **Appeal Decisions.**

14 Maple Road – The appeal was allowed with costs.

St Philips Church – The appeal was allowed.

The meeting closed at 7.43 pm

**Councillor Murray (Chairman)**
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Executive Summary:
The site has been subject to a number of complaints in the recent past relating in part to the washing of vehicles (stock not general public) with a pressure washer which causes a noise nuisance to the adjacent residential properties.

As a way of mitigating some of this noise Lifestyle propose to erect a structure to house the washing of vehicles and provide a privacy screen to the top of the existing wall. The application is before planning committee as we have received a request to speak in support of the application.

The proposal is supported in principle, the bulk/scale of the proposal and the materials are considered acceptable given the context within the site. Therefore it is recommended that planning permission is granted for the proposed development.

Relevant Planning Policies:

National Planning Policy Framework
7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013
B2: Creating Sustainable Neighbourhoods
C13: St Anthony’s & Langney Point Neighbourhood Policy
D10A: Design

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

**Site Description:**
Lifestyle are a car sales/repairs operator on the north-eastern side of Lottbridge Drove. To the south-east of the site are the residential properties of Anderida Court and Tollgate Gardens.

The existing building is part two, part single storey with car parking surrounding. The rear of the building is brick facing with the front elevation clad in a grey material to give a more modern visual appearance to Lottbridge Drove.

**Relevant Planning History:**

069644
Change of use from builders merchants storage premises to motor vehicle repair and maintenance workshop within Use Class III and retail car sales.
Planning Permission
Approved Conditionally – condition 4 states that the proposed maintenance/repair workshop and car showroom shall only be used between 0830am and 530pm on Mondays to Saturdays inclusive.
09/12/1969

100447
Variation of conditions 2 of EB/2003/0295 & 3 EB/1969/0644 to alter the approved parking arrangement and condition 4 of permission EB/1969/0644 to extend operating hours of 18 Lottbridge Drove to 08:30-19:00 Monday to Friday; 08:30-18:00 Saturday and 10:00-16:00 Sunday and Bank Holidays
Planning Permission
Approved conditionally
17/09/2010

**Proposed development:**
The site has been the subject of many complaints in relation to the noise generated by the washing of cars using a pressure washer. Lifestyle therefore propose the erection of a canopy under which they will wash vehicles to reduce the noise disturbance to surrounding residential properties.

The proposed ‘canopy’ would be 6.8m in length, 4.6m in width, 2.75m in height to eaves and 3.3m in height at the highest point. The location of the canopy is to the south and western elevations of the building.

The structure is proposed to be constructed with acoustic block walls with a corrugated plastic roof.
A privacy screen is also proposed on the existing boundary wall to the south-east of the site to match the height of the existing acoustic fence. This is formed by horizontal timber boarding.

**Consultations:**
The following comments have been received to the consultation.

4 Tollgate Gardens
- Light impacts on rear of property
- To enclose the car wash and put fencing for privacy will be an advantage to residents.

6 Tollgate Gardens
- In favour of the canopy over valeting area
- Hours of working
- The business has outgrown the property to the detriment of the neighbourhood
- The proposed fencing must be adequate as a ‘block’ which the trees previously gave.

8 Tollgate Gardens
- In favour of the structure being built
- Should operate to working hours

12 Anderida Court, Lottbridge Drove
- Lighting on outside should be switched off
- Should only be used during sociable hours

5 Tollgate Gardens
- No lighting at night
- No jet wash of vehicles from 1pm on Saturday

7 Tollgate Gardens
- Not against the canopy being built it will help with preventing the noise produced
- Should operate within the approved times

**Appraisal:**
**Principle of development:**
There is no objection in principle to the erection of the structure or the privacy screening, providing there are no significant impacts in terms of amenity on the surrounding residential properties and the design is considered acceptable in accordance with saved policies of the Borough Plan 2007, the Core Strategy Local Plan 2013 and the National Planning Policy Framework 2012.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
The structure itself given the height and location within the site will not have any significant impacts on the surrounding residential properties.
The canopy is proposed as the car washing currently undertaken at the site has been the subject of numerous complaints of noise disturbance and water spraying to surrounding properties.

The structure is proposed to be constructed with acoustic blocks to minimise the noise generated.

Lights are proposed only internally and therefore will have little impact, although would at night probably illuminate the plastic roof it is not considered this would result in significant impacts on the surrounding residential properties. We would condition no external lighting to the structure if considered appropriate.

Comments have been made in relation to the operating hours of the site. The original condition restricting hours was varied in 2010 to allow operations between 08:30-19:00 Monday to Friday; 08:30-18:00 Saturday and 10:00-16:00 Sunday and Bank Holidays. It would be unreasonable to include on this application any operating times different to those above.

The screening to the existing wall is also considered acceptable as it will improve privacy to the neighbouring residents.

**Design issues:**
The canopy is situated within the site, set back from the road, the structure is simple in design with brick side elevation and plastic roof. The design given the location within the site is considered acceptable.

The privacy screen to the existing wall is a horizontal timber boarding which is considered acceptable and in keeping with the existing acoustic fencing towards the rear of the site.

**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 erection of the canopy is supported in principle as it should assist with reducing the noise impact of the car wash on the surrounding residential properties. The timber screening is also considered acceptable and will improve privacy for residents.

The design of the structure is simple, given the location within the site the proposed materials are considered acceptable.

**Recommendation:** Grant planning permission subject to the following conditions.

**Conditions:**
1. Time for commencement
2. Approved drawings
3. No external lighting
4. Materials as stated on plans/application form
**Executive Summary:**
This application has been referred to Planning Committee by The Chair following presentation to Delegated Meeting to allow for wider debate from all planning committee members.

The application proposes a significant increase in the size of the property by raising the height of the roof of the existing dwelling by 2.5 metres to convert the loft space into habitable rooms, erecting a 2 storey front extension with pitched roof to match the new raised roof ridge in addition to associated alterations including the erection of a raised platform to rear to match height of first floor level, and alterations to windows in all elevations.

By virtue of the resulting increases in height, size and scale of the property, the development is considered to be unneighbourly and overbearing and out of scale with the neighbouring property and would lead to significant loss of residential amenity through loss of privacy to surrounding residential occupiers as a result of significant additional glazing to the flank elevations, and the construction of a raised decking platform to a height of first floor level located to the rear of the property.

Furthermore the resulting development would be visually dominant, whose appearance would be out of character within the Area of High Townscape Value and is therefore recommended to be refused.

**Planning Status:**
The application property is a single private dwelling (C3 Planning Use)
**Constraints:**

**Area of High Townscape Value**

Area of High Townscape Value

**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
- C2: Upperton Neighbourhood Policy
- C11: Meads Neighbourhood Policy
- D5: Housing
- D10: Historic Environment: Area of High Townscape Value
- D10A: Design

**Eastbourne Borough Plan Saved Policies 2007**
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT16: Protection of Areas of High Townscape Value
- HO20: Residential Amenity

**Site Description:**

The application property comprises a detached 2 storey single private dwelling with 3-bedrooms and use of 2 of a total of 3 existing garages within an adjacent block located in close proximity to the West.

Granted planning permission in 1977, the application property was constructed along with a matching adjacent detached property (23 Granville Road) sharing the application property’s Southern flank boundary.

Separated by a distance of approximately 2 metres, the properties of 21 and 23 Granville Road are staggered, with the neighbouring property sited forward of the application dwelling by approximately 2.5 metres. Both properties have existing windows in flank elevations at both ground and first floor level.

The pair of dwellings are set back from Granville Road by a distance over 20 metres and are accessed via a shared driveway providing vehicular access to/from the aforementioned garage block.

Located within an Area of High Townscape Value, there are significant changes of level found around the location with the properties to the South fronting St Road being sited significantly higher than their counterparts to the North. Indeed the significant changes in level continues along Granville Road which slopes down from South to North resulting in the neighbouring property at 19 Granville Road sitting at a significantly lower level than number 21 despite its relative close proximity.
**Relevant Planning History:**
EB/1977/0445
Erection of 2 two-storey detached houses, a block of 3 garages and provision of 2 parking spaces.
Granted, subject to conditions - 1977-11-22

130170 – 19 Granville Road
Single storey rear extension with balcony.
Householder - Approved conditionally - 28/06/2013

**Proposed development:**
The applicant seeks permission for a substantial redevelopment of the property consisting of a two storey extension to the front of the existing dwelling and the works to the roof raising the height of the ridge by approximately 2.5 metres to facilitate a loft conversion to create additional habitable space within the roof.

In total, the footprint of the property would be increased to approximately 115 square metres, from approximately 67 square metres currently.

**Proposed Full Height front extension:**
- Additional width of 1 metre
- Projected depth of approximately 6.5 metres
- Roof pitch at 90 degrees to existing fronting Granville Road 2.5 metres higher than existing roof
- New full height glazed doors across almost full width of existing rear elevation opening out on to a proposed first floor balcony / raised platform
- Proposed glazing to front comprising of 3no. matching sliding sash windows at first floor level and 2 matching sliding sash windows either side of an entrance door and central covered porch canopy
- Formation of 2 dormer windows in front elevation roof slope
- Side elevation windows would be formed at both ground and first floor of to each of the flank elevations in addition to a single high level window to either side.

**Proposed Rear First Floor Balcony:**
A freestanding balcony providing an elevated platform at first floor level is proposed comprising of approximately 18 square metres of outdoor amenity space which would provide access to and from the property’s rear garden via a staircase at the rear.

**Proposed Ground and First Floor Layout:**
The main habitable living space is to be re-located from ground floor level to first floor, with 3 bedrooms, along with a study, toilet and bathrooms and a bootroom/laundry.

A large open plan kitchen and family room would be formed within the footprint of the existing property whilst a sitting room, circulation area, toilet and staircase to the second floor would be located within the new part of the dwelling at the front.

No new windows are proposed to the Southern flank elevation within the body of the existing property at first floor level, which would see the current window (serving the existing ensuite bathroom to the property’s front bedroom) removed. 2no. new windows are proposed on ground floor level. The Northern flank elevation would be fitted with
large full height glazed units on both ground and first floor levels in an attempt to take advantage of the views across the town that the elevated location affords.

Proposed Second Floor Layout:
Raised Roof of existing dwelling and extending into proposed front extension to form a master bedroom, with dressing area and En-suite.

Glazing would be installed into both flank elevation roof slopes, in addition to the formation of the aforementioned 2 small dormer windows in the front roof slope of the new façade fronting Granville Road. Rear facing glazing would include 1no. rooflight window as well as having the majority of the rear gable glazed in almost full height.

**Consultations:**
**Neighbour Representations:**
No objections have been received following consultation by letter to neighbouring residential properties.

**Appraisal:**
**Principle of development:**
There is no objection in principal to carrying out alterations and extensions to a dwellinghouse with an Area of High Townscape Value so long as it has been designed to a high standard, respects the established character of the area and would not lead to any significant and unacceptable loss of amenity to any surrounding residential properties.

**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.

**Impact to 23 Granville Road:**

Currently, the layouts of the application property and its identically sized and styled neighbour at number 23 are staggered so as to provide additional private amenity space to the front and the rear of each of the properties not directly overlooked the other as the existing body of the building acts as a visual screen.

In seeking to install windows within the extended roof space on the Southern flank elevation, albeit in a central location, it is considered that some of the privacy of the rear garden would be eroded adjacent to the rear of the neighbouring dwelling over which the rear elevation windows of number 21 do not afford a view currently. This would be eroded by an even greater extent by the proposed raised platform appraised a little later on in this report.

The proposed increase in both the height and the depth of the property is certainly not insignificant, and it is considered that the resulting development would have an overbearing impact on number 23 and also to the neighbour to the North (number 19) also leading to a loss of outlook in front of the resulting in a form of development considered to be unneighbourly, and which is considered would have an unacceptable
detrimental impact on the amenities of the neighbouring occupants leading to a greater sense of the feeling of enclosure, to the front garden particularly.

Being located to the North of number 23, the application property should not impact its Southerly neighbour in terms of increased overshadowing from for the majority of the day, the increase in the ridge height of the property is likely to lead to overshadowing to the garden of 23 in the Summer months when the sun is located higher in the sky in the very latest part of the day and early evening.

Impact to 19 Granville Road:

Sited substantially lower than the application property, the increase in size and height of the subject property in comparison to number 19 is also considered to be overbearing as a result.

Application reference 130170 granted permission at 19 Granville Road for the erection of a single storey infill extension to the rear, South Eastern corner of the property and the formation of a roof terrace positioned so as to retain privacy from properties to North, whilst also maintaining some privacy from the properties located on a higher level to the South, and the application property in particular.

In seeking to add additional windows glazing to the side elevation and in introducing a substantial amount of glazing to the rear elevation number 19 located much lower to the North would be considerable more overlooked that it is currently.

In seeking to assess the proposed alterations to glazing, it must be noted that as a single private dwellinghouse, the application property retains Permitted Development rights for certain alterations to windows and doors throughout the property, although this would preclude new windows being installed on flank elevations above ground floor level, unless they were obscurely glazed and non-opening above 1.7 metres in height.

The addition of a 3rd storey by raising the roof level of the existing property by 2.5 metres would add an even greater element of overlooking, with the additional height providing an opportunity to gain even further intrusive views to the rear of the its lower neighbour, including parts of their rear first floor roof terrace not readily overlooked at such close proximity.

Whilst it is acknowledged that the topography of the area means that properties located at elevated levels to the South, (such as those located along the ridgeline formed by nearby properties of St John’s Road) can already overlook those properties which are lower down, the distance between properties substantially reduces the feeling of being overlooked and retains a feeling of privacy which the proposed development would negate.

Raised Platform:

In addition to the loss of privacy through the substantial alteration and reconfiguration of windows added to those associated with the roof raise loft conversion, the formation of a freestanding raised platform to first floor height is considered unacceptable in that it provides views to the rear of both adjacent neighbouring properties, which would
otherwise no be readily available, and which are considered to have a significant
detrimental impact to privacy and is therefore considered to be unacceptable in this
regard.

Design issues:
Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean
built environment with a sense of place that is distinctive and reflects local character.
Policy 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 Borough
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, setting,
alignment and layout.

Policy UHT 16 of the Borough Plan requires that proposals located within areas of High
Townscape Value Development will be required to preserve the character and appearance
of the area. Development should: a) use materials which respect and compliment the
predominant traditional materials of the location, b) not allow the loss of traditional
materials and features , c) retain amenity spaces where they form part of the established
character of the area.

The established character of the area, is typically for buildings to be finished in dark
coloured bricks or hanging tile, predominantly red, or brown in the case of the application
property and that of number 23. Whilst some properties have painted or rendered parts
of the front or side elevations in white, this is fairly limited, and restricted mainly to
ground only on elevations which are visible from the surrounding street.

Although the current application seeks to form a new facade which would uphold this
design trait, the side elevations of the property at both ground and first floor are sought
to be rendered white.

Due to the topography of the surrounding area the subject property is sited in a highly
prominent location making the finish highly visible, making the property stand out within
the street scene and against the back drop of the steadily rising properties as they go up
the slope towards those of St John’s road above. It is therefore considered that both the
level of glazing and the addition of a white rendered finish to the rest of the side
elevations (North side in particularly) which make the property appear over dominant in
the context of the streetscene resulting in a discordant feature with the Area of High
Townscape Value.

In increasing the size, scale height and mass of the building, and establishing a new roof
pitch to the front elevation at 90 degrees to that which exists for both 21 and 23, the
resulting appearance of the property is one out of scale with the adjacent neighbouring
property and goes against the visual character of the streetscene whereby properties
increase in height the further up Granville Road they are situated due to the change in
levels in this part of the town.

This established rhythm would be interrupted by the lower height of number 23 sited to
North, which would be of detriment to the overall appearance of the area.
Whilst it is accepted that an owner should have the right to alter and adapt their property to suit their changing needs, the resulting development should strike a balance with the established character of the area, resulting in a proposal with a greater degree of harmony with its surroundings.

**Impacts on highway network or access:**
Despite the fairly substantial increase in the size of the property, the resulting development only seeks to add 1 additional bedroom to the property (currently comprising 3 bedrooms).

The property, with 2 existing off street garaged parking spaces, in addition to additional off street parking out in front is considered to have adequate parking provision for the proposed number of bedrooms and there the proposal is not considered to have an unacceptable impact on the adjacent highway network in this respect.

**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 considered to be unneighbourly and overbearing and out of scale with the neighbouring property and would lead to significant loss of residential amenity through loss of privacy to surrounding residential occupiers as a result of significant additional glazing to the flank elevations, and the construction of a raised decking platform to a height of first floor level located to the rear of the property.

**Recommendation:**
It is recommended to refuse the application.

**Reason for Refusal**
1. By virtue of the resulting increases in height, size and scale of the property, the development is considered to be unneighbourly and overbearing and out of scale with the neighbouring property and would lead to significant loss of residential amenity through loss of privacy to surrounding residential occupiers as a result of significant additional glazing to the flank elevations, and the construction of a raised decking platform to a height of first floor level located to the rear of the property which does not accord with policies HO20 of the Eastbourne Borough Plan (Saved Policies) and the policy B2 of the Eastbourne Core Strategy Local Plan.

2. The resulting development would be visually dominant, whose appearance would be out of character within the Area of High Townscape Value and therefore would not accord with policies UHT1, UHT4 and UHT16 of the Eastbourne Borough Plan (Saved Policies) and Policies B2, D10 and D10a of the Eastbourne Core Strategy Local Plan.
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**.
Executive Summary:

This application is being reported to planning committee given a request to address planning committee has been received.

The application property comprises a single private dwelling (C3 Planning Use). Pre-application advice has been sought and given (under reference 150894) providing guidance on an initial submission to help overcome the concerns of the Council regarding certain elements of the proposal, the potential for impact to 20 Spring Close in particular.

Overall the proposal is considered to be acceptable in terms of its impact on the amenities of nearby residential occupiers and the resulting development would not have a detrimental impact on the street scene and would not upset the established character of the area.

The proposal is therefore recommended to be approved.

Constraints:

Archaeological Notification Area
prehistoric wetlands
Consult county.archaeology@eastsussex.gov.uk
Relevant Planning Policies:
National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C12: Ratton & Willingdon Village Neighbourhood Policy
D5: Housing
D10: Historic Environment
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
HO20: Residential Amenity
TR11: Car Parking

Site Description:
The application property comprises a detached single private dwellinghouse located on
the North side of Upper Kings Drive. The property is set quite a long way back in to the
site and is accessed via an existing gravel driveway culminating in a turning circle located
in front of the property.

Within its generously sized front garden, an existing garage is positioned midway
between the front of the property and the main road. The property, a good example of
traditional Sussex architecture, is partially obscured when viewed from some angles from
the adjacent street due to the central positioning of the garage, which if of a much more
utilitarian appearance, and is considered to contribute poorly to the overall appearance of
the property.

The existing two storey property comprises 4 bedrooms, and historically has been
extended on its Northern flank via the formation of a two storey side extension, and also
a single storey 10 metre projection to the rear, with roof terrace above (behind a tiled
false pitched roof) accessed via a spiral staircase from the garden or from first floor level
from the rear of the master bedroom on the North side of the property.

The single storey rear extension has for many years been used as a recording studio, the
purpose for its erection.

Highly characteristic of the surrounding area, the site is occupied by well established and
abundant vegetation in the form of mature trees and hedges which are located around
the periphery of the site and provide good privacy screening to and from neighbouring
properties.

Prior to its purchase by the current owner, the property had been unoccupied for a
number of years, and as a result, some of the vegetation, particularly conifers located
along the Northern property boundary required some attention, and have been cut back
or removed, as they had grown rather large, to an extent to which they were reducing
the amount of light reaching the adjacent neighbouring property to the North, a
bungalow known as 20 Spring Close.

Other well established natural screening exists along the rear property border in the form
of further conifers, and to the Southern boundary also in the form of a long established
line of beech trees.

In addition to 20 Spring Close, other adjacent properties include 29 Upper Kings Drive to
the South East, 33 Upper Kings Drive to the North East, both of which share the
respective Southern and Northern property boundaries, but which are both located
substantially more forward within the plot, better addressing Upper Kings Drive.

To property’s rear boundary is shared with 3 properties located within Spring Close.

**Relevant Planning History:**

EB/1978/0207
SINGLE STOREY EXTENSION AT REAR & EXTNL STAIRCASE
Approved Unconditional
1978-06-13

EB/1968/0231
2/ST SIDE EXTN & EXTN TO FORM DBL GARAGE
Approved Unconditional
1968-05-10

EB/1955/0122
ERECT DOM GARAGE
Approved Unconditional
1955-03-24

EB/1950/0256
ERECT GARDEN STORE
Approved Unconditional
1950-07-06

EB/1950/0012
ERECT SINGLE PRIVATE DWELLING & GARAGE
Approved Conditional
1950-01-12

EB/1948/0037
LAYOUT OF ESTATE
Approved Unconditional
1948-08-05

**Proposed development:**
The applicant seeks permission for the erection of a two storey extension to the rear of
the property, a first floor addition over the existing single storey rear projection, in
addition to the formation of a garage extension (with pitched tiled roof which would could
be accessed internally via the house to provide extra storage space for the applicant and his family.

The new garage would be attached to the North side of the property and the demolition of existing detached garage located in front of the property.

The rear two storey extension would project approximately 4.3 metres from the existing rear elevation of the property. The proposed extension would culminate in a shallow (10 degree) mono-pitched roof finished in Rephanol or similar material. The extension would be constructed of brick to match the existing property, and clad with timber to the rear elevation at first floor level.

To make way for the two storey rear extension, and existing brick built garden store would be demolished. Associated works to the back garden would also be completed adjacent to the rear of the property in the form of a new paved patio area with retaining walls constructed of red brick.

The first floor extension to the existing single storey rear projection, in place of the roof terrace, would provide a new master bedroom. A total of 7 no. aluminium ‘conservation style’ roof lights would be installed along the length of the Northern flank elevation which would be pitched away from the boundary and finished in matching tile and would culminate form a roof ridge lower than that of the existing roof of the main dwellinghouse.

Full height windows would be installed in to the Southern flank elevation of the proposed fist floor addition as well as full height glazed patio doors leading on to the new patio area.

Permission is also sought for the installation of an additional front dormer window to be installed, in association with the enlargement of the existing front dormer window located towards the North Eastern corner of the property.

Proposed window alterations to the front elevation also includes the installation of a full height window to provide natural light to the internal staircase, work which could otherwise be undertaken within Permitted Development.

**Consultations:**

**Internal:**
Specialist Advisor (Arboriculture) – Officers should use their best endeavours to retain the mature trees and shrubs that adjoin the site.

**External:**
County Archaeologist - Consultations
* Although located within an Archaeological Notification Area there are no concerns as to the potential for impact to any heritage assets as a result of the proposed development.

**Neighbour Representations:**
2 objections have been received and cover the following points:
* Reported inaccuracies with the submitted drawings
Ownership of trees along Southern boundary questioned
  o No. 29 States they are located within their property boundary
Potential for impact to screening vegetation along Southern Boundary
Imposing 4+ metre rear 2 storey extension
  o Loss of Outlook
  o Loss of privacy
Design of rear extension out of character with area
Scaffolding etc. would require hedge/trees to be pruned, although this is not stated in the application form
Impact of parking by trades people
Potential for noise and disturbance as a result of construction

The applicants’ comments:
  Amended drawing submitted showing full extent of vegetation along Southern boundary. The applicant’s intentions are to seek to retain them as they provide privacy for themselves also, as well as to the neighbour.
  Once ownership of the trees has been established, the applicant will ensure that the necessary agreements are in place before carrying out any work adjacent to this boundary.
  The applicant accepts that should pruning of trees be required to accommodate works, that trees will be fully retained to ensure the section of boundary remains screened.
  There is ample room for all site vehicles parked on site. It would be impractical for large delivery vehicles to park on the road, as materials would need to be manually handled a considerable distance.
  A condition controlling the hours of construction, to standard hours during the week, and limited on Saturdays and not on Sundays/Bank holiday would be accepted by the applicant only if necessary to gain approval.

Appraisal:
Principle of development:
There is no objection in principal to alterations to a residential property including extensions and installation of roof mounted solar panels so long as the development is designed to a high standard and would be in keeping with the host property and surrounding area, and would not have an unacceptable impact on the amenities of any surrounding residential occupiers.

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 main considerations for the proposal in respect of the potential for impact to residential amenity concern the adjacent residential occupiers of number 20 Spring Close to the North and 29 Upper Kings Drive to the South. It is considered that the resulting development is unlikely to have any significant detrimental impact on any other residential property in the locale.
**Impact to 20 Spring Close:**
Sited to the North of the application property, the addition of a first floor element over the existing rear projection close to the shared boundary is likely to lead to some increase in overshadowing to the neighbouring bungalow. However, it is considered that any loss of light that may occur has been offset through improvements in this regard via works carried out to reduce the density of vegetation along this boundary.

Additionally, to address the potential for loss of light, and the potential for the appearance of the extension to be overbearing in its nature, the proposal sees the North facing elevation sloping away from the adjacent boundary reducing the potential for impact in both respects.

Following removal of some of the existing vegetation along the Northern boundary to increase levels of light reaching number 20, the South facing flank elevation of the bungalow serving the property’s main living area, in addition to the rear garden of the property, has become subject to increased overlooking via the existing first floor roof terrace at the rear.

The first floor addition in this quadrant of the building would see the current levels of overlooking to be reduced. The new first floor elevation would be fitted with high level roof lights along the extent of the North flank and would not afford obtrusive views to the adjacent bungalow as the terrace presently provides.

On balance, the impact on the residential amenities of the occupants of 20 Spring Lodge Close is considered to be acceptable. In order that no issues arise in the future, it is considered pertinent to condition the removal of permitted development rights in respect of any further flank elevation openings.

**Impact to 29 Upper Kings Drive:**
3rd party concerns have been raised as to the potential for loss of outlook and loss of privacy as a result of the proposal.

The neighbouring garden is considered to be generous in size, and the potential for any significant loss of outlook as a result of the 2 storey rear extension would not have a severe impact on residential amenity in this respect. The presence of existing mature trees and hedges already establishes a significant visual screen, and the addition of the extension will not be unacceptable. Whilst a 4.3 metre projection is certainly not insignificant in its size, and in relatively close proximity to the shared boundary does present the potential for loss of visual amenity, it is important to note, that the development is located to the rear of the property, away from the public realm, and has been designed to incorporate a flat roof to minimise its mass.

Located to the North of number 29, the proposed development would not cause significant levels of loss of light or overshadowing to the neighbouring dwellinghouse, and would not have an unacceptable impact on the adjacent garden.

The applicant has stated that the mature vegetative screen located along the subject boundary is to be retained, which should result in the elevation being significantly
screened and in even in the winter months when many of the trees would lose their leaves and the level of screening would be reduced.

Design issues:
Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy 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 Borough 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, setting, alignment and layout.

The majority of the proposed works will be carried out to the rear of the property, and as such there will be limited impact in respect of the impact to the wider area when viewed from the public realm.

Works which would be highly visible include the formation of a pitched roof garage to the side of the property, demolition of the existing garage and limited alterations to windows, all of which are considered to be appropriate in terms of their design, ensuring that the resulting appearance is in-keeping with the host property and respects the character of the area.

In demolishing the garage, the applicant opens up the view of the front of the property, improving its appearance. At present, this element appears at odds with its surroundings and its removal would be welcomed. The new garage would be finished in materials to match the host property and is considered appropriate.

The first floor extension adjacent to the Northern boundary would result in an increase in bulk and mass of the property when viewed from the number 20 Spring Close, however the impact is less than that of the conifers which have since been removed, and which were required to provide screening from the rear windows of the application property, an the first floor level roof terrace.

The design and appearance of the first floor element and its relationship with the neighbouring bungalow, is on balance considered to be acceptable.

With regard to the 2 storey rear extension, it is acknowledged that that design of the roof contrasts with that of the existing property. The shallow pitched roof would be constructed of a man made material in order to achieve the shallow roof pitch which has been proposed, design to minimise its bulk adjacent to the shared Southern boundary, and to maximise levels of light reaching the Southern elevation windows at both ground and first floor.

The rear elevation of the property would be clad in timber at first floor level, and should be read as a modern addition to the host property, rather than an attempt to blend in with traditional Sussex vernacular. Due to its siting to the rear of the property, the resulting extension would not impact on the established character of the wider area.
Representations have been received from the neighbour to the South concerning the appearance of the two storey development along the share boundary. As stated earlier in the report, the roof of this extension has been designed to reduce its height, and the potential for impact.

In addressing the received comments regarding the overall design and appearance of the property, it is important to balance the needs of both parties to extend, alter and/or enjoy their property as they wish to a certain extent. The rear garden of 29 Upper Kings Drive is generous in its size in both length and width, and as the properties are positioned differently within their respective plots, the potential for impact is greatly minimised.

The extended Southern flank wall would be constructed of brick to match the existing property and would project along the same plain as the existing flank wall of the main dwellinghouse retaining some continuity in the pattern of development. The presence of existing screening along the shared Southern boundary, to be retained, would lessen the impact of any development in close proximity to the boundary.

Despite its large front façade when viewed from the Upper Kings Drive, the depth of the property is fairly limited, and the resulting 4.3 metres extension is not considered unreasonable in terms of the overall increase to the property’s footprint. Despite its position close to the shared boundary, the proposed 2 storey addition is considered to have an acceptable impact to its neighbouring residential occupiers in that it is not considered to result in an overbearing or unneighbourly development in the particular location and is considered not to have an unacceptable impact in terms of its visual appearance as a result of the more modern stylings of the proposed alterations to the rear of the property.

**Impacts on trees:**
By way of its close proximity to the existing natural beech tree screen along the property’s Southern boundary, there are some concerns as to the potential for impact as a result of disturbance to the roots of the adjacent beech trees in forming the foundations of the new South flank wall, which would be set back from the Southern boundary by a distance of over 1 metre.

By their nature, beech tree roots can be sensitive to disturbance and therefore, it is recommended that in the event of an approval being granted, the foundations in closest proximity to the shared Southern boundary are dug by hand so that the any exposed roots may be dealt with as sensitively as possible during this phase of the development.

In order to retain the levels of privacy that surrounding properties are used to, and to reduce the visual impact of two storey brick elevational extension, the maintenance of the existing vegetative screens around the entire periphery of the property are considered to be important, and their loss resisted where possible.

The applicant accepts that should pruning of the trees be needed to accommodate the works, then the trees will be retained fully so that the screening they provide is not lost, helping to maintain the privacy to and from South facing windows in the first floor addition, and rear elevation windows.
Bordering on the Northern boundary, works have taken place to existing overgrown conifers in order to reintroduce lost light back to the next door property at 20 Spring Close. As part of any ongoing works in this respect, it is of paramount importance to balance a requirement for additional light through pruning and removal, with the need to retain a sufficient natural privacy screen.

**Impacts on highway network or access:**
There should be no significant impact to the highway network as direct a result of the proposed alterations to the property which would see the number of bedrooms increase by 1, to a total of 5 bedrooms. Ample on street parking exists within the front garden of the property and as a result of the construction of the new garage, to replace the existing earmarked for demolition.

Representations received by a 3rd party raised concern as to the location of parking for trades vehicles. In a direct response it was stated within the applicant’s extended planning statement that due to the size of the existing front garden and driveway that all trades vehicles and delivery of materials used in the construction would not be parked out on the adjacent street, and would be accommodated with the site.

Overall, there are no highway concerns which exist that would support a recommendation for the current application to be refused.

**Sustainable development implications:**
The proposed additions would be built to the latest Building Regulations specification and thus should improve the thermal efficiency of the home through extra insulation to the rear elevation and the installation of new windows at the property.

**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:**
Despite the fairly significant increase to the overall size of the property, it is considered that the scale and mass of the resulting development would not be out of character with other properties in the area. The majority of development would be located to the rear of the property and out of view and would not be readily visible from the street.

On balance, it is considered that proposed development would not have an unacceptable impact on the amenities of any of the surrounding residential occupiers, and is considered to be an acceptable form of development for the area which would respect its established character in accordance with local and national planning policy.

**Recommendation:**
It is recommended to approve the application 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 23/03/2016:

DWG. NO.: 1307.02 Revision D - Preliminary Layouts
DWG. NO.: 1307.03 Revision A - Proposed Elevations - Planning

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

3) No Permitted Development, side elevation windows

4) No Permitted development dormers and roof alterations

5) Hand Dug foundations adjacent to Southern property boundary and sensitive treatment of any tree roots.

6) Use of Matching brick and tile

**Informatives**

N/A

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**
App.No: 160534, 160542, 160544, 160563, 160566  
Decision Due Date: 15 July 2016  
Ward: Devonshire

Officer: Neil Holdsworth  
Site visit date: Various  
Type: Planning Permission

Site Notice(s) Expiry date: 12 June 2016  
Neighbour Con Expiry: 4 June 2016  
Press Notice(s): 17 June 2016

Over 8/13 week reason: N/A

Location: Land adjacent to Marine Parade and Royal Parade, Eastbourne.

Proposal: Erection of five beach huts on the eastern seafront promenade.

Applicant: Housing and Economic Development Partnership.

Recommendation: Approve conditionally

Executive Summary:

Five applications are reported here and they relate to the erection of five new beach huts along the seafront to the east of the pier. The applications follow an architectural competition held by Eastbourne Borough Council over the winter of 2015 – 2016.

The beach huts represent a modern interpretation of a traditional concept that has been long associated with the English Seaside Town. Whilst the materials used and designs proposed are unconventional and challenging, it is considered that the design concepts are strong and well-articulated, and the proposals represent a very high standard of design.

The project will help regenerate the Devonshire area and draw visitors to the eastern seafront. In doing so the proposals will preserve and enhance the Town Centre and Seafront Conservation Area and help secure its long term viability. The applications are therefore recommended for conditional approval.

Planning Status:

The application sites are all located on the Eastern Seafront promenade which is an established public open space.
Conservation Area
Town Centre and Seafront Conservation Area

Eastbourne Core Strategy Policy
B1: Spatial Development Strategy and Distribution
C1: Town Centre Neighbourhood Policy
D10: Historic Environment
D10: Conservation Area

Borough Plan Policies
UHT15: Conservation Area
HO20: Protecting Residential Amenity.

Site Description: The applications relate to five distinctive locations along the eastern seafront that have been identified by the Council as being appropriate for the erection of beach huts and seafront facilities. The first three locations fall on the seafront promenade outside Marine Parade between the Queens Hotel and Metropole Court. The latter two are located further along the seafront on relatively open ground beyond the Redoubt.

Relevant Planning History:
There is no relevant planning history in respect of the sites in question.

Proposed development:
Five new contemporary beach huts are proposed for the identified locations along the eastern seafront.

Consultations:
Internal:

Councillor Steve Wallis: Support planning application. The Beach huts initiative is part of the wider Devonshire regeneration programme which includes house building, creating employment opportunities and refurbishing vacant retail units.

Tourism and Leisure: Are in full support of the scheme/proposals.
Specialist Advisor (Engineering):

- Site is located in Flood Zone 3 however the risk of the site from flooding is low and acceptable given nature of use proposed.
- No Drainage plans submitted. Sites must be connected to mains sewer and not use soakaway.
- Existing data suggests low risk of sites comprising vegetated shingle.
- Comments received relating to detailed design of individual hardstandings.

External:

Eastbourne Hospitality Association: No response received.

Conservation Area Advisory Committee:- welcoming the principle of contemporary design within the conservation area, the group expressed concerns about the longevity of the structures to be created and their potential to act as a focus for anti-social behaviour

**Neighbour Representations:**

Five objections have been received specifically in respect of proposal 160534. The issues raised include:

- Proposed Beach hut is out of character with Victorian Seafront.
- Proposed beach hut is too tall and will impede views from surrounding properties.
- Proposed Beach hut will result in additional vandalism, graffiti and other types of anti-social behaviour.
- Proposed Beach hut will attract pigeons and Seagulls.
- Proposed Beach hut will result in additional noise.
- Proposed Beach hut will result in additional rubbish.
- Proposals will increase parking demand. - Concern that proposed beach hut will result in loss of interest from film makers using this part of the seafront.

Any further consultation responses will be reported in the addendum to the planning committee report.

**Appraisal:**

This report relates to five separate planning applications for the construction of beach huts on the eastern seafront promenade. A brief description and analysis of the five sites, together with the proposed beach hut, is provided below:

**Site 1** – This is an area of land adjacent to the Queens Hotel known as the ‘Old Wishing Well’ site. The beach hut is to be built on a new hardstanding either entirely on the shingle, or partially on the promenade and partially on the shingle. The new building comprises a steel framed beach hut known as the ‘Re-bourne’, which is to be formed by steel gabions filled with empty recycled bottles. Designed by Calderpeel architects, the aspiration is for the structure to be visible and illuminated in the evenings, and to host occasional events (i.e. musical events) in addition to being a concession outlet. (planning application reference 160542).
Site 2 - The second site comprises an unused decked area adjacent to the intersection between Marine Parade and Marine Road. The proposed design by JAK studio Architects involves the construction of a traditional beach hut in the form of a 'spyglass'. Taking on the appearance of a telescope, the hut will be constructed on a recessed turntable enabling it to be orientated in different directions. Internally the hut will have the traditional amenities and facilities of a beach hut. (planning application reference 160544).

Site 3 – The third site is further along Royal Parade directly adjacent to Metropole Court. It is currently occupied by a redundant wooden kiosk. The proposed development, designed by Dublin based architects Stephen Foley Architects involves the construction of a framed ‘tooth’ style hut constructed from translucent Corian panels creating a flexible, multipurpose space. (planning application reference 160534).

Site 4 - The fourth site comprises an existing slabbed area outside the Treasure Island car park, beyond the redoubt monument. This site was designated for a community arts project. The hut proposed for this location was designed by local artist Sheila Hay and students from Sussex Downs college with a proposed ‘ceramics hut’, to be used as a concession outlet. (Planning application reference 160566).

Site 5 - The final site is located further along the seafront adjacent to a series of new traditional beach huts recently built by Eastbourne Borough Council. Entitled ‘the stargazer’ the proposal comprises a new café/concession outlet to be located directly on the beach. Its black metal façade is to be laser cut with thousands of small holes reflecting the star constellations of the night sky, and internally illuminated with LED lights. (Planning application reference 160563).

Principle of development:

Each of the sites to which these applications relate are located on or directly adjacent to the beach and pedestrian promenade, on open space that is currently publically accessible and will continue to be following the construction of the beach huts in question.

In 2015 the Council identified an opportunity to utilise the land to the east of the pier to construct a series of beach huts. At present there are 87 huts and 69 Brick built chalets at six locations which are all located to the west of the pier. The Council have recently constructed 20 traditional huts opposite Princes Park.

The construction of high quality, innovative, architecturally designed beach huts to the east of the pier is connected to broader regeneration objectives relating to Devonshire Ward area. The beach huts themselves are conceived as iconic structures with the potential to become landmark buildings along the seafront in their own right, and it is envisaged that the huts will become
an attraction on the coastal arts trail linking the Towner Gallery with the De La Warr pavilion in Bexhill and the Jerwood Gallery in Hastings.

Of the five beach huts, three are designed as traditional concession outlets with the other two being hired out on an hourly or daily rate for recreational use by visitors and local residents. The concession stands will be on a small scale, and cater primarily for the needs of beach users. They therefore fulfil an established need and should help attract and retain visitors to the eastern part of the seafront. The presence of such small scale commercial activity is not considered to raise land use issues.

Overall it is considered that the proposed beach huts will make a positive contribution towards the regeneration of the eastern seafront, improving perceptions of this area and promoting tourism. It will therefore help achieve the objectives of the Town Centre and Seaside Neighbourhood Policies as set out in policies C1 and C3 of the Core Strategy.

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

The proposed beach huts are located a significant distance from residential properties and would not have any material impact on residential amenity. In the case of sites 1, 2 and 3 the proposed structures will be visible from residential properties which face out on to the seafront along Marine Parade.

The applicant has submitted elevations showing that the maximum height of the proposed beach hut from the promenade is 2.7 metres, in this regard it is considered that the structures would not block views of the sea or have any significant impact on the outlook from these properties. As such, the application is considered acceptable in terms of its impact on residential amenity. Sites four and five are not located within the vicinity of any residential properties.

Design issues and impact on conservation area:

Sites one to four are located within the Town Centre and Seafront Conservation Area. The applications were reported to the Conservation Area advisory group on 24th May 2016. Whilst welcoming the principle of contemporary design within the conservation area, the group expressed concerns about the longevity of the structures to be created and their potential to act as a focus for anti-social behaviour. The latter points are also reflected in two objections received from members of the public specifically received in relation to site three.

Sites one to three can be considered to be within the wider setting of the pier, which is a grade 2* listed building. Given their modest scale, they are not considered to have any significant impact on views of the pier from the beach or seafront promenade.
The beach hut is a long established feature common to many English seaside towns and seafront promenades. Each proposal represents a contemporary interpretation of this traditional concept reflecting the needs of modern visitors and lifestyles. In each case there is a developed and well-articulated vision behind the proposed building that aims to challenge conventional notions about the seaside beach hut. As an example the spyglass (site 2) provides a standard of accommodation beyond what would ordinarily be provided within a beach hut; its large glass wall and comfortable facilities would appeal to users outside of the summer season. Similarly, the ‘re-bourne’; ‘what unearthed’ and the stargazer (site 1, 3 and 5) all explore the concept of the beach hut at night time where it would normally be closed down and unused.

The process of the architectural competition has established many possibilities and possible uses for beach huts, and the construction of the huts will help establish Eastbourne – and specifically Devonshire Ward - as a pioneering location for experimental architecture. In this case it is considered that the deviation from the use of traditional materials within the conservation area and in the setting of the surrounding listed buildings is justified on the grounds that an exceptionally high standard of design has been achieved with broader benefits for the regeneration of the area.

Turning to the concerns about the longevity of the structures, the client brief requires the beach huts to be constructed with a 20 year design life. Once the huts are built, they will be owned and maintained by Eastbourne Council in the same way as other structures along the seafront. Each of the designers involved has a considerable professional stake in the success of this high profile project. In the event that the structures fail in the future the Council as landowner would be responsible for the maintenance and upkeep of the buildings and can take action accordingly. In this context, it is not considered that fears relating to the longevity of the structures should deter the project from going ahead.

Other issues

Any noise generated by users of the proposed beach huts are considered acceptable in principle, given that the huts are located in an urban town centre location in close proximity to other noise generating uses.

The possible loss of the beachfront for film making purposes as a result of the proposed beach huts is not considered to be a material consideration in this decision.

Finally, whilst it is acknowledged that new buildings on the seafront may attract crime and anti-social behaviour, this risk is considered to be no different than that posed by any other new building, and not a sustainable ground to withhold planning permission.
Impacts on trees:

No trees in the vicinity of the site.

Impacts on highway network or access:

Whilst the proposal may attract additional trips to the seafront, the town centre location is considered to be well located for means of access other than the private car. As such the additional travel demand should be absorbed in to the existing highway and public transport networks.

Planning obligations:

Not relevant on a scheme of this size.

Other matters:

Flood Risk

The proposals are located within flood zone three and due their locations are at risk from tidal flooding. Given that the proposed development is of a low intensity and does not involve permanent residential or commercial use, and that to some extent the buildings/structures are sacrificial it is considered that the risk of harm from tidal flooding is manageable and not a sustainable ground to withhold planning permission.

Vegetated shingle

The Council acknowledge that certain parts of the seafront have developed high value ecological habitats, however the application sites themselves have no vegetated shingle and as such this is not considered to be a barrier to supporting these applications.

Drainage

The Specialist Advisor (Engineering) has requested that the proposed buildings do not use soakaways and a waste water mains connection is established. The applicant has confirmed that this is proposed. A condition on each decision requires adequate drainage to existing drainage network to be operational prior to the beneficial use of any of the beach huts.

Seagulls

It is acknowledged that the proposed huts may attract seagulls and pigeons, however this would be no different to any other seafront structure and does not comprise a sustainable ground to withhold planning permission.
Human Rights Implications:
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion: The application is considered to be acceptable in Land use, amenity, conservation, design and all other respects.

Recommendation: Approve all five proposals conditionally.

Conditions:
1) Development within three years
2) Development in accordance with approved plans
3) Drainage & Utility connections shall be operational prior to the first beneficial occupation of the beach huts.

Informatives:

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.
Three applications are reported here and propose the conversion of three existing shop units along Seaside and Seaside Road to a flexible use comprising a café space, employment/training space, printworks and workshop/art space.

It is considered that the proposed help to support the wider vitality and vibrancy of this part of the Devonshire ward in particular and the wider Eastbourne Town Centre in general. The proposed uses/activity would help to foster the creative arts within Eastbourne and become an additional focus for residents and visitors alike. It is considered that the proposed uses and activities will also become a milestone on the coastal cultural trail linking Eastbourne/Bexhill and Hasting.

It is considered that the proposed uses and activities are acceptable in land use terms and as such the applications are recommended for approval subject to conditions.

**Planning Status:** This application relates to three former shop units located on Seaside and Seaside Road in Devonshire Ward.

- 1-5 Seaside – former use as a Kebab shop and takeaway (160511)
- 67-69 Seaside Road – former use as a shop (160512)
- 137-139 Seaside Road – former use as a shop (160513)

**Constraints:**

**Building of Local Interest**
(67-69 Seaside Road)

**Conservation Area**
Town Centre and Seafront Conservation Area

**Eastbourne Core Strategy Policy**
B1: Spatial Development Strategy and Distribution
C1: Town Centre Neighbourhood Policy
D10: Historic Environment
D10: Building of Local Interest
D10: Conservation Area

**Borough Plan Policies**
Eastbourne Borough Plan 2001-2011
UHT15: Conservation Area
UHT18: Buildings of Local Interest

**Site Description:**

All three applications relate to commercial units located within the retail/commercial areas of Seaside/Seaside Road within the Devonshire ward.

**Relevant Planning History:**

1-5 Seaside:
140357:
Conversion of existing maisonette above take away restaurant to three self-contained one bedroom flats with the ground to remain commercial in the form of a retail unit; with a single storey side extension to the ground floor providing additional space for the retail unit.
Approved conditionally
20/05/2014

67-69 Seaside:
140151
Conversion of existing maisonette above retail shop to four self-contained one bedroom flats, with ground floor single storey extension and new dormer to rear elevation at third floor over rear outrigger. The ground floor and basement is to remain as retail.
Planning Permission
Approved conditionally
10/04/2014

137-139 Seaside Road:
None relevant.
**Proposed development:** The proposed development involves the conversion of three existing shop units along Seaside and Seaside Road to a flexible use comprising a café space, employment/training space, printworks and workshop/art space. This is being bought forward as part of the Housing and Economic Development Partnership’s proposals for a ‘creative hub’ within the Devonshire Ward, also incorporating activities within the Royal Hippodrome Theatre and Leaf Hall in close proximity to the three sites.

The creative hub proposal involves a managed group of creative arts venues providing workspaces, studio’s, workshops, galleries and cafes in Seaside and Seaside Road, Eastbourne. Of the five venues involved three are at present vacant shop units, that require planning permission for a change of use to accommodate the proposed facilities. At the time of the application, the proposed uses for the three venues are as follows:

- **1-5 Seaside.** This is a former kebab shop/hot food takeaway. The proposal for this unit involves the creation of flexible workshop space incorporating workshop hire, set building and installation construction, and visiting ‘artists in residence’ space for the Towner gallery.

- **67-69 Seaside.** This is a former retail unit with residential flats above it. The two storey retail and basement space is to be converted to a space for exhibitions and gallery hire, experimental shows, film based artwork and workshops. At ground floor level there is a proposed café area for Barista training to be delivered by the University of Brighton as part of its hospitality degree programme.

- **137-139 Seaside.** This is the former ‘cash converters’ retail unit. The proposal is to create five artists studios and two print room/makerspace areas which will include displays that are visible to passers by.

The proposals are being bought forward as part of the broader regeneration of the Devonshire Area and the applicant cites a number of comments received in support of the proposals which help to identify a demand for the proposed development. These include AND Arts, Chair of the Eastbourne Group of Artists, the Towner Gallery, the Royal Hippodrome Theatre, Leaf Hall and a number of individual artists, ceramicists and printmakers. In addition, the project will help fulfill a strategic role through working in partnership with a number of organisations to improve and enhance the cultural offer in Eastbourne.

**Consultations:**

**Internal:**
Scheme is supported by representatives from The Towner Gallery.

**Specialist Advisor (Planning Policy):** Applications supported in principle from a planning policy perspective. (160511, 160512, 160513)

**External:**
County Archaeologist – Considers that works would not affect below ground archaeology. (160512)

Highways ESCC- No response received
Neighbour Representations:
No objections received at the date of the report, and late representations received will be reported in the addendum.

Appraisal:

Land Use Issues

The sites do not fall within a designated shopping area as set out in the Core Strategy (adopted 2013). As such a change of use to other town centre uses as envisaged by this application will help direct new retail development to the existing local, district and neighbourhood shopping areas and as such would help achieve the objectives of policy D4 of the adopted Core Strategy.

Policy C3 of the adopted Core Strategy states that the neighbourhood vision for Seaside is to be promoted by delivering greater economic activity through the regeneration of commercial areas. Policy D3 of the Core Strategy deals with Tourism and Culture and states that the Council will support new entertainment, cultural and sporting facilities in Eastbourne.

It is considered that the use proposed by the development would meet the objectives set out above by contributing to the regeneration of the town centre area and providing new cultural facilities in Eastbourne. These cultural activities are considered to provide an additional stepping stone in the ‘Heritage Trail’ linking The Towner, Del La Warr Bexhill and The Jerwood Hastings and as such significant weight should be attributed to this issue in the assessment of the proposal.

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

In general the proposed uses would have a similar impact on residential amenity to the retail uses that they replaced. However, given the close proximity of the application sites to residential uses it is recommended that a condition is added to each decision that restricts any activities that create noise that may be audible outside the boundary of the site from 10pm to 8am daily. This is to ensure the provision of an acceptable environment for the residents of the upper floors of the buildings in question.

Design issues:

The proposal relates to the change of use and does not raise design issues.

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

The change of use will have a minor positive impact on the Town Centre and Seafront Conservation Area through the reuse of vacant retail units, creating economic activity that will help regenerate the wider conservation area.

Impacts on trees:
Impacts on highway network or access:

Whilst the proposed ‘creative hub’ will attract some additional vehicular movements, the town centre location of the sites mean that they are in an area of good public transport accessibility, and it is considered unlikely that the development will lead to additional parking demand on the surrounding highway network. Overall, the transportation impact of the proposed uses is considered to be broadly consistent with the impact of the existing lawful use of the premises in question, and the proposal is considered acceptable in highways terms.

Sustainable development implications:

Not relevant

Other matters:

None relevant

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:

Recommendation:

Conditions:

1. Development within 3 years
2. Development in accordance with the approved plans
3. You must not undertake any activities within the proposed development that would create noise that is audible outside the boundary of the site/property between the hours of 10pm and 8am daily.
   Reason: To safeguard the amenity of surrounding residents.

Summary of reasons for decision

Informatives

1. This decision notice hereby authorises a mixture of uses as described in the approved plan entitled ‘The Devonshire Collective: A creative hub cluster proposal for Eastbourne’. It is accepted that the uses can flux between all described in the application and across all the sites.
**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: 160475
Decision Due Date: 28 June 2016
Ward: Meads

Officer: Neil Holdsworth
Site visit date: Many
Type: Planning Permission

Site Notice(s) Expiry date: 29 May 2016
Neighbour Con Expiry: 29 May 2016
Press Notice(s): 31 May 2016

Over 8/13 week reason: Within date

Location: Devonshire Park, College Road, Eastbourne

Proposal: Demolition of the existing Fitness Centre adjacent to College Road (incorporating former bandstand). Erection of a Tennis Players Village Building (666m²), Plant Room, PV Panels and Associated Hard & Soft Landscaping Works.

Applicant: Mr Graham Cook

Recommendation: Approve conditionally

Executive Summary:

This application relates to the demolition of an existing fitness suite and changing rooms within the western cluster of buildings within the Devonshire Park complex, and its replacement with a new two storey timber clad building which will primarily provide new dual gender changing room facilities for tennis players during tournaments taking place within Devonshire Park.

The application is being brought forward as part of a co-ordinated programme of regeneration of the Devonshire Park Area, and following the resolution last year to grant permission for works comprising the construction of the Welcome building adjacent to the Congress Theatre, and works of adaptation and improvement to the listed buildings and their curtilage. Internally, the space has been designed to be adaptable, and outside of the tennis tournament season it is envisaged that it will be used by Eastbourne Borough Council as part of the conference and events offer within Devonshire Park.

Comments have been received from Historic England and the Eastbourne Society expressing concern about the contemporary timber cladding and the need to preserve the remaining heritage within the Park area. Overall and for the reasons set out in detail in this report it is considered that the contemporary timber clad structure has an acceptable relationship with the
buildings that surround it, the historic boundary of Devonshire Park, and the broader setting of the Congress Theatre, Winter Gardens and Devonshire Park Theatre. The application is therefore recommended for approval subject to the conditions set out in this report.

**Planning Status:**

The existing buildings on the site currently form part of the ancillary sports and fitness facilities within the Devonshire Park Complex.

**Relevant Planning Policies:**

**National Planning Policy Framework**
Achieving Sustainable Development
Presumption in favour of Sustainable Development (Para 14, Para 15)
Core Planning Principles (Para 17)
Delivering Sustainable Development (Para 19)
Ensuring vitality of Town Centres Para (Para 23)
Promoting Sustainable Development (Para 30, Para 32, Para 35, Para 36)
Requiring Good Design (Para 56, Para 57, Para 60, Para 61)
Promoting Healthy Communities (Para 69 Para 70, Para 73)
Conserving and Enhancing the Natural Environment (Para 111, Para 117)
Conserving and Enhancing the Historic Environment (Para 126, Para 131, Para 132, Para 134, Para 137)
Decision Taking (Para 186, Para 187)

**Eastbourne Core Strategy Local Plan Policies 2013**
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D3: Tourism and Culture
D7: Community, Sport and Health
D8: Sustainable Travel
D9: Natural Environment
D10: Historic Environment
D10A: Design
TC9: Development Quality
TC10 Building Frontage and Elevations
TC12 Servicing and Access
TC13: Public Realm Quality and Priorities
TC24: Potential Areas of Change Devonshire Park

**Town Centre Local Plan 2013**
TC9: Development Quality
TC11: Building Heights
TC13: Public Realm Quality and Priorities
Site Description:

The site comprises a group of buildings on the Western Fringe of Devonshire Park, adjacent to College Road which are referred to as the ‘western cluster’. They comprise 1980’s office buildings in use by Eastbourne Borough Council, alongside former squash Courts and storage facilities in use by the Towner Art Gallery. This application specifically relates to the demolition of a former squash court (now in use as changing room facilities) and a 1930’s building which envelops the original Devonshire park bandstand and its replacement with a larger modern building. There is an
existing access path running along the side of the building which facilitates public access into the Devonshire Park complex from College Road.

**Relevant Planning History:**

**Devonshire Park Regeneration**

150903, 150904 (LBC)

Demolition of Congress Suite, Devonshire Park Halls, first floor offices at front, catering lift, bistro and kitchen, and north east portico at rear of Winter Garden. Construct 3 storey conference (Welcome) building linked to Congress and Winter Garden with a service ramp to rear. Internal refurbishment repairs to the Congress and Devonshire Park Theatres. Internal refurbishment repairs to Winter Garden and remodelling of its front entrance to include reintroduction of a double pitched roof. Redecoration of tennis pavilion and creation of new show court. Provision of new public realm to south to include access to the Welcome Building with landscaping.

Committee resolved to grant planning permission subject to completion of S106 agreement, 24th November 2015.

**Western Cluster**

EB/1988/0849
Erection of a three-storey administrative building (for the Council's Tourism & Leisure Dept.) and new public W.C.s, and the conversion of 2 squash courts into changing rooms.
Approved under Regulation 4, with conditions.

EB/1979/0033
Extension to existing squash courts building to provide a third court.
Approved under Regulation 4.

EB/1978/0054
Extension to existing squash courts building to provide a third court.
Approved under Regulation 4, with conditions.
1978-03-07
Approved conditionally

**Proposed development:**

The proposal involves the erection of a 666 Sqm new two storey building with plant room, PV panels and associated landscaping works for use as a tennis player changing room and fitness facility during tennis tournaments,
and flexible space to be used by Eastbourne Borough Council and the Tennis club outside of the major tournament season.

**Consultations:**

**Internal:**

Specialist Advisor (Waste): No objection to proposed development

Specialist Advisor (Arboriculture): No objection to proposal following revisions to design of western maintenance path. Recommended conditions to ensure tree protection.

Specialist Advisor (Conservation): Proposal is acceptable subject to conditions relating to recording of the bandstand, materials of the replacement building the materials to be used in the landscaping.

**External:**

Historic England
Letter received 26\textsuperscript{th} May 2016. In summary;
- Historic England is supportive in principle of the provision of a new contemporary designed player’s village at Devonshire Park.
- Consider that the proposed cedar cladding is not contextual and should be reconsidered.
- Mitigation measures recommended to compensate for the loss of the bandstand and the historic lighting columns.
- Recommend that landscaping scheme incorporates measures to make the park more welcoming to public visitors.

Southern Water: No response received

County Archaeologist – Consultation response received dated 31\textsuperscript{st} May 2016 requesting standard condition requiring a written scheme of investigation relating to the development prior to the commencement of works.

Eastbourne Society: Letter received on 27\textsuperscript{th} May 2016. In summary;
- The Eastbourne Society support the provision of new facilities as part of the Devonshire Park Complex and accept that there is no alternative site within the park suitable for the tennis players village building.
- Support for the principle of the design of the new building: “its glazed front elevation presents a modernity in sympathy to the proposed welcome building”, but there is concern that the cedar cladding adds yet another variety to the line up of exterior cladding treatments.
- Recommend that the building is reduced in size to allow for a 2.2 metre wide path from College Road and the creation of an arched entrance to the College Road elevation.
- Recommend that an alternative material is considered for the cladding of the proposed building, as brick, profile metal cladding, or a completely naturalistic approach using Virginia Creeper to blend the building in with the natural vegetation behind.
- Recommend that the bandstand is salvaged to create a new pergola at the far end of the long walk on the Eastern side of the park.
- Recommend reinstatement of the miniature Grecian style temple within south-east corner of the site.
- Recommend the provision of interpretation boards outlining the historic value of the park to the town.
- Recommend the retention and relocation of the existing lampposts that were part of the original electric lighting of the park.
- Recommend that - in respect of College Road - an arched entrance feature is constructed to attract footfall to the site.

South East Water: No response received

Lead Local Flood Authority SUDS: The proposals are supported as they reduce the impermeable area on the site and utilise existing connections to the combined sewer on the site. Recommended condition that groundwater monitoring is undertaken prior to finalisation of the design of the soakaway.

**Neighbour and other Representations received:**

Letters of support received from

**Director of Major Events: Lawn Tennis Association.**
- States that the reintroduction of men’s event in 2017 after two years absence will significantly increase size of tournament and provide a platform for further growth.
- Existing facilities are inadequate for type of event. Proposed facilities will provide permanent, high quality dressing room for men and women, will also provide necessary support services for players.
- Overall LTA supports new player accommodation which will help move event forward in the eyes of players and governing bodies.

**Secretary of Seniors Tennis GB:**
- Comment that the provision of good facilities could assist in any case put forward to the ITF to grant an upgrade to the Men’s and Women’s 35’s Inter County Championships at Eastbourne.

**Chairman Devonshire Park Lawn Tennis Club:**
- Proposal will support tourism in town and will help ensure that the tournament remains in Eastbourne.
President & Chief Executive of Eastbourne District Chamber of Commerce  
(Separate letters with identical content:)  
- Tennis Tournaments generates an estimated 36,000 visitors per annum to Eastbourne spending over £9 million in local business.  
- 44% of visitors stay overnights (65,000 bed nights per annum)  
- Estimated media value for Eastbourne associated with Tournament at £14 million.  
- Existing tennis players facilities are inadequate and the proposal is a crucial component in successfully retaining an developing international tennis tournament.

No other representations have been received from local residents.

**Appraisal:**

The item was presented to the planning committee at pre application stage on 17th April 2016.

Following feedback from the committee, the applicant has provided more detail on the proposed uses of the site outside the main tournament season. Consideration has been given to the construction of a roof terrace/balcony area, unfortunately at this moment in time these changes are considered to be out of scope of this scheme.

The overall bulk and height of the scheme have not changed and the building remains clad in timber. Regarding the exact type of timber to be used in the cladding, the applicant suggests that this is a matter that can be left to condition. Further consideration to these issues is set out in this report.

**Principle of development:**

This application relates to the replacement of an existing changing room/players facility within the Devonshire Park complex with a new, larger building which will be used both within the tennis tournaments as modern dual gender changing rooms and as a flexible, adaptable space for other to be used for the remainder of the year. In land use terms the small increase in the footprint of the building would not result in a material loss of public amenity space.

As reflected in the letters of support from the Eastbourne Chamber of Commerce, the LTA and other specialists the existing changing rooms and players facilities are widely perceived as inadequate. By addressing this concern the proposed new facilities will therefore help secure the long term viability and competitiveness of the Devonshire Park complex as a major international tennis venue. As such, the development accords with the objectives of adopted national and local planning policies as set out in the NPPF, the Core Strategy (adopted 2013), and the saved policies of the local
plan (adopted 2007) relating principally to the promotion of sustainable economic development, tourism and the regeneration of Eastbourne Town Centre. This is a significant material consideration in favour of the proposed development and as such should be given significant weight in the assessment of this application.

Design issues

1. Loss of existing building

The existing building is not listed and the site does not fall within a conservation area. The structures are not regarded as falling within the curtilage of the listed buildings within the Devonshire Park Complex (The congress theatre and Devonshire Park Theatre), however they may be regarded as falling within their wider setting. The area falls within a designated area of high townscape value and is directly adjacent to the College Conservation Area, the boundary of which falls on College Road.

The consultation responses from Historic England and the Eastbourne Society draw attention to the historic importance of the original late 19th Century park bandstand designed by local Architect J.W Woolnough. This is currently incorporated in to the structure of the fitness centre in a 1930’s conversion, with some of its decorative features and pointed roof still partially visible. These conversion works are considered by all parties to have fundamentally compromised the integrity of the bandstand as a structure, although it has meant that some if its original architectural detail has been encapsulated into the retained fabric of the existing buildings.

The application site also comprises two historic decorative lampposts. These were originally part of a series of lampposts within Devonshire Park, however these are now the only two that remain. They are considered to have historic significance as they were part of the first set of electric lampposts on the south coast.

It is common ground amongst all the interested parties that retaining the bandstand and lampposts in situ is not possible if the other objectives of the project are to be achieved. In light of this, and in line with the heritage statement submitted in support of this application, the applicant has agreed to a condition requiring the recording of the structures and a demolition method statement. This will enable any salvageable parts of the structure to be retained for future reuse or reinterpretation within the wider Devonshire Park complex. This is as far as the matter can be taken within the context of the decision currently before the committee.

2. Design of replacement building

The proposed building is a contemporary structure clad in timber with large expanses of glazing which facing outwards to the park and also addresses
the boundary of College Road. The main entrance to the building is on its north face (in a similar position to the entrance to the existing building). Its sides are faced in slatted timber with a maintenance access path around the perimeter of the building. The building is conceived as a pavilion style structure which addresses Devonshire Park and will, particularly outside of the tournament season, be read as a landmark pavilion style building in views around the Devonshire Park complex.

To enable the completion of its construction prior to the 2017 tournament season the building is to be of modular construction. This imposes some design constraints on the construction process and the extent to which amendments can be accommodated. The individual modules are designed to be weathertight and will be craned in to place, with the timber cladding providing an aesthetic lightweight rain-screen to dress the external wall.

Materials

3rd party concern has been raised about the use of timber cladding for the building in question and for them it is considered inconsistent with the other materials used within the Devonshire Park Complex which are predominantly faced in stucco and render, and brick. The applicant justifies the use of timber as a distinctive material for a distinguished, landmark building. The use of timber is inspired by its wider park setting including the periphery of Holm Oak trees. The use of timber cladding is a common amongst similar buildings located within parks and public gardens.

The building is to be clad in natural timber with small gaps between the fitted joists which, following initial UV and anti-fungal treatments, will weather naturally and take on a silver appearance over time. The timber will be fixed on to the building on a sub-frame allowing natural ventilation to the timber and help ensure its longevity.

It is acknowledged that due to the choice of materials the timber building will contrast with the brick buildings that surround it. However, the surrounding buildings are functional and utilitarian in nature, have no historic value and are of little architectural interest. Given the modular construction of the proposed building any planning requirement for a brick appearance would result in the use of brick style cladding on this modular building, and significant details of the scheme would also need to be revisited. This would include the base and parapet details, window reveals and lintels and all associated fixing details. Such changes would be considered to compromise the overall architectural integrity of the proposal and its underlying design concept, which should be considered on its merits.

On balance it is considered that the use of timber cladding is an effective solution for a modular building of this nature, enabling the building to be distinguishable from those that surround it, and fitting in well within its parkland setting and reflecting the underlying design concept of a ‘pavilion in
the park’. As Historic England and the Eastbourne Society both note, the long term success and durability of the building will depend on the choice of timber cladding this is accepted by the applicant and it is anticipated that high quality timber that will weather appropriately and therefore reducing the requirement for ongoing maintenance. The precise choice of timber to be used in the construction of the building will be determined post this decision.

College Road Access

In terms of its immediate setting, the building follows the existing building line facing College Road and currently occupied by the extended bandstand structure. At present there is an existing access route through the side of the building from College Road to Devonshire Park. This access path is to be retained but reduced in width from the current 2.7 metres to 1.6 metres. The Eastbourne Society are concerned that this would be too narrow. Whilst it is agreed that the reduction in width is not ideal, it is considered that 1.6 metre depth is sufficient for its ongoing use as a public access point and would not result in any significant loss of permeability or legibility for the park as a whole. A condition has been recommended requiring additional detail to be submitted of the revised boundary wall detail to College Road, to ensure an acceptable relationship between the site and the adjoining conservation area.

Siting

Facing the park more broadly, the building is one metre further forward than the existing building. Whilst Historic England are concerned that this makes the building appear more dominant in views of the park from the south, it is considered in response that its position also helps to define the building in relationship with those that surround it. Whilst it is acknowledged that the building will be prominent in views around the park, this is not unusual or unexpected in a landmark building. It is not considered that the siting of the proposed building would lead to the loss of any important views within the park complex.

Overall it is considered that the proposal is acceptable on its own merits as a modern, contemporary building which is both functional and attractive. It responds well to the constraints imposed upon it by the tight construction timeline and modular construction which are essential if the benefits of the proposal are to be realised. The building has an acceptable relationship with the conservation area to the rear, and would not result in any significant harm to the setting of the Congress or Devonshire Park Theatres, and an acceptable amount of space is left between the building and those that surround it. For these reasons the proposal is considered acceptable in principle in design and conservation terms, and in accordance with the relevant national and local policies relating to conservation and design.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
The proposal is located within a complex of functional buildings relating to the tennis club. The slight increase in bulk and height beyond the existing building would not result in any material loss of amenity for the occupiers of the surrounding buildings.

**Impacts on trees:**

The proposed building is located in close proximity to a holm oak tree on the boundary of College Road. The building follows the established building line and as such it should not impact on the root protection area of this tree. Following advice from officers, the applicant has amended the design of the proposed maintenance path surrounding the western perimeter of the building to create a permeable surface that will not result in harm to this tree. Conditions as recommended by the Specialist Advisor (arboriculture) have been added to the decision.

**Impacts on highway network or access:**

The modernisation of the existing player facilities will not result in any adverse impact on the public highway through additional traffic movements. The site is located in close proximity to an existing area of established parking with separate access from two points along College Road. As such, the proposal is considered acceptable in transportation and highways terms.

**Planning obligations:**

Not relevant on this occasion

**Sustainable development implications:**

None relevant on this occasion

**Other matters:**

In terms of drainage the proposals reduce the impermeable area on the site and utilise existing connections to the combined sewer on the site. Following feedback from the County Councils Sustainable Urban Drainage team the applicant is undertaking groundwater monitoring to influence the proposed design of the soakaway.

**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 considered acceptable in land use, conservation, design, arboricultural, amenity and all other terms.

**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) You must implement this planning permission in accordance with the following plans approved as part of this planning permission:

   (TBC)

   Reason: For the avoidance of doubt.

3) The following details must be submitted to and approved by the local authority:

   - A) A demolition method statement shall be submitted to the Local Planning Authority demonstrating how the two existing heritage electric lampposts located on the site are to be dismantled and how the bandstand will be recorded prior to the clearance of the site in advance of redevelopment.

   You must not start work on any demolition of the site or existing buildings connected to the implementation of this planning permission until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

   B) A schedule of the salvaged material (from the bandstand) shall be forwarded to the Local Planning Authority as soon as is practicable following the demolition of the structure and no later than the first occupation of the building hereby approved.

   C) Any salvaged material shall be donated to the Eastbourne Society
for their potential re-use or reinterpretation elsewhere (either on or off site).

Reason: To ensure the conservation of these non-designated historic assets in line with the approved Heritage statement.

4) The following details must be submitted to and approved by the local authority:

- Samples of the proposed timber cladding.

You must not occupy any of the relevant parts of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

Reason: To ensure that the appearance of the development is satisfactory in terms of its impact on the area of high townscape value, the adjoining conservation area and listed buildings within the Devonshire Park Complex.

5) The following details must be submitted to and approved by the local authority:

- Detailed plans showing hard and soft landscaping surrounding the proposed building and its relationship with the surrounding area.

You must not occupy any of the relevant parts of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

Reason: To ensure that the appearance of the development is satisfactory in terms of its impact on the area of high townscape value, the adjoining conservation area and listed buildings within the Devonshire Park Complex.

6) The following details must be submitted to and approved by the local authority:

- Detailed drawings showing the boundary treatment adjacent to College Road.

You must not occupy any of the relevant parts of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.
Reason: To ensure that the appearance of the development is satisfactory in terms of its impact on the area of high townscape value, the adjoining conservation area and listed buildings within the Devonshire Park Complex.

7) Drainage – The applicant shall submit details of the foul and surface water disposal from the site. If soakaways are to be used then the applicant is required to provide evidence of their appropriateness in terms of function (given ground conditions/geology). You must not start work on any relevant parts of the development until we have approved what you have sent us. The details as approved shall be implemented at the site and retained as such thereafter.

Reason: In the interest of the prevention of localised flooding

8) The applicant shall implement the programme of archaeological works in accordance with the written scheme of archaeological investigation reference N.G.R TV 6104598442 by Christopher Greatores BA MCIFA, which has been approved in writing by the Local Planning Authority. A written record of the archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigations unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

9) The following details must be submitted to and approved by the local authority;

- details of the design of the retained wall design and building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site, insofar as they may affect tree number 1075 of the applicants arboricultural report.

You must not start work on any part of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

Reason: To ensure the protection of tree 1075 of the applicants arboricultural report, and in particular to avoid unnecessary damage to their root systems.
10) The following details must be submitted to and approved by the local authority;

- Detailed landscaping plans including 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. No services shall be dug or laid into the ground in the course of this development other than in accordance with the approved details. This shall ensure any proposed routes shall not be within the root protection area of tree 1075 of the applicants arboricultural report.

You must not start work on any part of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

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

11) 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. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

12) The following details must be submitted to and approved by the local authority;

- An Auditable Arboricultural site monitoring system shall be approved prior to any works on site and implemented for all works undertaken
within the Root Protection Areas of trees 1075 of the applicants arboricultural report.

You must not start work on any part of this development until we have approved what you have sent us. You must implement the planning permission in accordance with the details that we have approved under the terms of this condition.

Reason: To ensure the continuity of amenity afforded by existing trees.

Informatives:

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:

**Previously Refused Scheme**

A similar scheme was refused on 29th October 2015 by Planning Committee due to the size, height, bulk, footprint and orientation of the proposed building and its potential effect on the occupiers of the residential properties nearby.

**The Current Scheme**

The current scheme has been subject to pre-application advice and feedback from members following the presentation of this draft scheme at Planning Committee on 22nd March 2016. The applicant has taken action on comments received from officers and members on their draft scheme and this is reflected in the current scheme, which includes:

- Articulation and modulation to the front elevation of the building
- Reduction in size of overall footprint
- Aligning front elevation with East Dean Road
- Pulling building further away from closest properties on Longland Road by approx. 9-14m
- Pulling building further away from rear garden of 2 Downside Close by approx. 4.5m (although the corner of the building is now somewhat closer to the side elevation (no windows) of this dwellinghouse, by approx. 2m)
- Stepping height of different parts of the building (parts of proposed building closest to adjacent houses has been lowered by approx. 1.5m)
The height of the building has been designed to create a more consistent height across the structure, which has reduced the sprawl of the footprint and removed the two storey elements of the previous scheme. Nevertheless, there is no increase in height when compared to the previously approved three storey outline scheme (12th March 2014).

**Planning Status:**
- Source Protection Zone
- Predominantly residential area
- Vacant site previously - and historically - used for industrial purposes. Most recently a car mechanic business operated from there.
- Outline planning permission was granted on 12th March 2014 for a three storey 47 bed residential care home and full planning permission for a three storey 58 bed care home was refused on 29th October 2015, this is currently at appeal.

**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
D2: Economy
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
HO2: Predominantly Residential Area
HO7: Redevelopment
HO9: Conversions and changes of use
HO17: Supported and Special Needs Housing
HO20: Residential Amenity
Site Description:
The application site is located on the north side of East Dean Road, close to the junction with Longland Road approximately 30 metres to the north east. The site is bounded by residential properties to the west, north and east, and East Dean Road to the south. Access to the site is via a vehicular entrance from East Dean Road to the south east side of the site at the rear of no. 42 East Dean Road. It is occupied a collection of single and two storey buildings formerly in use as car repairs and body shop workshops and B8 warehouse storage incorporating an element of on-site retail and deliveries from the site. The site is now vacant.

The site is an irregular shape and occupies approximately 0.34 hectares in area. The major part is generally level, but is located on a plateau where the levels slope steeply downwards from south west to north east. To the west, the land slopes steeply upwards to a height of 6 – 7 metres above the existing site levels to the side boundaries of nos.2 Downside Close and no.50 East Dean Road. To the north east of the site, the land slopes steeply downwards to the rear of the 2 storey houses fronting Longland Road where the existing ground level is approximately level with the eaves of these houses. The site is also set well below the level of East Dean Road and the houses to the south side of East Dean Road.

The existing boundary treatment around the site comprises a high flint and brick wall to the east and a 1.5 metre high close boarded fence along the north east side where there is also a collection of 3 single storey storage buildings within an indented alcove to this boundary to the rear of nos. 5 and 7 Longland Road. A 1m high chain-link fence runs along the boundary with East Dean Road, largely covered in ivy and weeds.

As the site has industrial use and is mostly hard surfaced, the existing landscaping is principally around the edge. This comprises trees, ivy and weeds; whilst none is noteworthy in itself, there is some group and screening value, particularly to East Dean Road and Downside Close. Some natural screening is also offered by the street trees along East Dean Road.

Relevant Planning History:
150499
Demolition of existing buildings and erection of a three-storey 58 bed care home (use class C2).
Planning Permission – Refused, 29/10/2015. This application is currently at appeal.

131015
Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.
Outline (some reserved) - Approved conditionally, 12/03/2014

130397
Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.
Outline (some reserved) - Refused – 30/10/2015

100293
Installation of telecommunications equipment comprising a 12.5m high replica telegraph pole supporting 6 antennas (to be shared by Vodafone and O2), together with the provision of a radio equipment cabinet and ancillary development.
Prior Notification (telecoms)
Refused - 14/07/2010

EB/1972/0697
Demolition, additions and general improvements to the existing vehicle paint spraying and repair shop.
Granted, subject to conditions - 1972-09-07

EB/1966/0651
Erection of a six-storey block, comprising 10 one-bed room flats, and a linked three-storey block, containing 18 bed-sitting room flatlets, with garages under.
Granted, subject to conditions - 1966-12-15

**Proposed development:**
Full planning permission is now sought for a three storey 58 bedroom residential care home with 20 parking spaces. The proposed building departs from the form of the previous outline in terms of its footprint, which now is a clear ‘T’ shape with the bulk of the building somewhat reduced. The longest elevation – the bar of the ‘T’ – is to front running parallel with East Dean Road, with the vertical part of the ‘T’ extending northwards into the site. The site will be accessed via the existing access point from East Dean Road.

The height of the building has been designed to create a more consistent height across the structure, which has reduced the sprawl of the footprint and removed the two storey elements of the previous scheme. The northern wing, although still three storeys, stands at a height of approximately 10m and under this current scheme, is set back further from the residential...
properties to the west of the plot. The bulk of the southern block running along East Dean Road stands at approximately 11.7m in height.

Other alterations made to the scheme in response to comments include removal of windows originally proposed for the westernmost elevation and the relocation of the bulk of the building to be set back from the residential properties to the east of the site. In addition, the prominent elevations – especially the East Dean elevation, have been articulated and modulated to mitigate the impact of a long unbroken elevation and the resultant effect this could have on the character and appearance of the wider area.

The proposed building would be principally brick with areas of render and Portland stone (or similar) accents under a concrete tiled roof; the windows and doors would be a mixture of aluminium and UPVC, whilst the drive and parking areas would be tarmac and block paving. The application indicates that there would be low level bollard lighting to the car park and down lighters under the entrance canopy.

The number of staff to be employed is stated on the form to be 60.

**Consultations:**

*Internal:*

**Specialist Advisor (Arboriculture) –** Recommends conditions and enhanced landscaping

- Trees on the bank fronting East Dean Road would result in predominantly dark rooms on this part of the building. This will lead to requests to remove the trees to allow further light into these areas. As the trees are only valuable as a screen and would not be a tree line which meets the criteria for a tree preservation order, they could be removed as part of the development.
- If this application is to be approved, a condition is recommended regarding a landscaping proposal which will enhance the development rather than hide it, by means of retaining possibly some of the trees on the bank adjacent to East Dean Road and supplement those trees with a more suitable planting plan which allows for longevity without future conflict.

**Specialist Advisor (Economic Development) –** Regeneration supports this proposal and requests that a local labour agreement be included (if permission is granted)

- Review of the application for the above site identifies 60 jobs and 2869 gross new internal floor space, 1689 net additional gross internal floor space
- In line with the ‘Thresholds for Development’ (adopted 1st April 2013) the development qualifies for a local labour agreement.
- The estimated monitoring fee would be £11,587.50. This is based on a build length of 99 weeks and is calculated in accordance with the
formula on page 18 of the Local Employment and Training Technical Guidance Note, adopted 1 April 2013.

**Specialist Advisor (Environmental Health)** – recommends conditions relating to operational noise

**Specialist Advisor (Planning Policy)** – no objection to current scheme
- As long as the scheme complies in terms of residential amenity (Policy HO20) and car parking (Policy TR11), the scheme is acceptable in policy terms.
- In principle, the application is in accordance with the NPPF providing accommodation for current and future demographic and meet the needs of different groups within the community (such as older people) as well as bringing the site back into use.
- In addition, it is compliant with the Redevelopment Policy (HO7) and Supported and Special Needs Housing Policy (HO17) of the Eastbourne Borough Plan.

**External:**
**Environment Agency** - Consent could be granted if the recommended conditions are to be included to deal with measures to prevent ground contamination.

**County Archaeologist – Consultations** – no concerns or recommendations
- 19th century chalk quarry on the site will have destroyed any earlier remains
- It is not considered that there are likely to be any archaeological remains affected by the proposal

**Southern Water** – Conditions and Informatives recommended to control foul and surface water disposal in order to mitigate the risk of localised flooding and ground water contamination.

**Highways ESCC** – No major concerns regarding highway impact of proposed development, conditions recommended
- 15 parking spaces recommended for 58 bed care home, therefore 20 spaces (incl. 2 disabled bays) exceeds requirements and is considered acceptable (as long as spaces measure correctly), but is recommended to be controlled by condition
- 6 cycle spaces are appropriate, but further details will be required as to the nature of the cycle storage
- Analysis using TRICS resulted in fewer trips than report suggests, therefore less traffic will probably be created than suggested by applicant
- Access does not raise any concerns due to excess of 110m visibility splays in both directions, but it is noted that parked cars do limit this splay to the right, but does not result in significant issues
The site is reasonably well connected in transport terms, however a Travel Plan Statement for staff of care home to increase awareness of sustainable travel options is recommended for submission.

**Lead Local Flood Authority SUDS** – request that details of SUDs are agreed before the development commences.

**Neighbour Representations:**
189 consultation letters were sent out, a Site Notice was displayed and an advertisement appeared in a local newspaper (published 10\(^{th}\) May 2016).

17 objections have been received and 3 observations/general comments.

The objections received cover the following points:

**Residential amenity**
- Unacceptable overlooking
- Loss of privacy
- Unacceptable loss of light partly due to height of property
- Overlooks rear of properties in Longland Road and Downside Close
- Loss of sunlight to rear of properties in Longland Road
- Laundry flues etc. not shown in current scheme
- No refuse and recycling provision included within scheme

**Design**
- Overdevelopment of the site and inappropriate siting and layout of building
- Height of building would be taller than those in surrounding area and would dwarf nearby properties
- Scale and mass of building inappropriate
- 3 storeys would be intrusive and dominating
- Corporate and cold looking in terms of design and higher than other nearby properties, therefore would spoil the character of the area
- Out of character with the area

**Other matters**
- Parking provision on site is considered in adequate
- Site will encourage inappropriate use of the junction with the A259 due to U-turns
- Increased danger surrounding the junction with the A259 will be exacerbated by the proposed development
- Parking issues within East Dean Road
- Development would create an excess of traffic to the area
- Development would have a negative impact on traffic
- Applicant’s claim that staff would walk or cycle to work is unrealistic
- Development will increase on-road parking
- Concerns over safety of local residents with regards to contaminated land
- Unstable bank will erode and affect adjoin plots
• Concerns for flint wall and its stability
• Minor tweaks have not attended to principal concerns raised previously
• Some improvement on previous scheme

The observations received cover the following points:
• Building should be two storeys high, with a flat roof
• Materials should match properties in immediate area to maintain character
• If the care home is well staffed and supervised, there shouldn’t be overwhelming problems – if there are, residents will be moving out of the area
• If light is to be lost, there would be concerns
• Would like wall to rear of property (adjoining site) to remain, even if at a reduced height

Reports Received (as part of application):
Design and Access Statement
• Turning space available on site to allow vehicles to leave in a forward gear
• Pedestrian access via new 1.8m footpaths
• Local bus services pass the site
• Applicant states that current scheme "responds positively to its site, topography and immediate surroundings and dwellings with regards to purpose, scale, massing, aesthetics and materials"
• Where possible and appropriate existing soft landscaping would be retained and incorporated into the scheme.

Parking Provision
• Cycle racks will be provided for staff and visitors and will accommodate 6 cycles
• Car parking provided for 20 cars (including 2 disabled bays)
• Considered appropriate to meet the likely demand.

Biodiversity Survey
• None of the buildings on site were considered suitable for supporting roosting bats
• Tree lined embankment "identified as having potential habitat"
• It is not considered that development at the site would have an impact on the two SSSI located 2km away
• Buildings and hard standing have negligible ecological value
• Works that would affect nesting birds should be carried out outside of the nesting season

Land Contamination Assessment
• Site is located above a major aquifer and as such, is a highly permeable site and may be a sensitive receptor
- There “may be a potential source of contamination arising from the potentially contaminative past land uses which may have implications”

**Tree Survey and Arboricultural Implications**
- 26 trees identified for survey and categorised using BS5837:2012
- Provision should be made to protect embankments (tree roots within) if existing buildings are removed as the existing buildings support the embankments
- One Elm in garden of no. 42 Longland Road should be protected
- Retaining access negates need for groundworks and subsequent damage to tree roots
- Proposed scheme should not affect existing and/or retained trees on the site as long as protection measures set out in BS5837:2012 are followed

**Structural Survey of existing buildings**
- One building could be retained as it is
- Two buildings could be used with a reasonable degree of modernisation
- Four buildings could be re-used after extensive upgrading and refurbishment
- Four buildings would need to be reconstructed

**Appraisal:**

**Principle of development:**
The principle of the development in this case has been established by the previous outline approval, and therefore the loss of the former B1 uses needs no justification.

A residential care home is considered an appropriate use for the site and the adopted plan recognises a need for this type of use in the town and potentially within Old Town specifically.

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

**Overlooking and Privacy**
In response to the reason for refusal of the previous scheme and comments made later at the pre-submission stage for this scheme, various alterations have been carried out to reduce potential for overlooking and loss of privacy.

The most notable amendment was the pulling back of the east elevation (facing the rear of properties along Longland Road). The ground level at which these properties stand is significantly lower than the proposed (due mainly to the topography of the site). The way the building has been pulled away from these properties reduces the potential for overlooking, not only due to the distance (in places up to 14m), but also because the view from most of the windows on this elevation will look directly onto the roofs for the properties in Longland Road and the rear gardens will not easily be visible.
Furthermore, this elevation is to serve the principal access to the home as well as a formal garden in front, and as such is less likely to attract considerable dwell-time.

Due to concerns regarding potential for overlooking from windows along the west elevation (facing 2 Downside Close and 50 East Dean Road), the elevation closest to these properties will have no windows at all. The central wing of the ‘T’ is to have windows, however, these will subsequently be further away from the nearest adjacent properties than the previously submitted schemes. 2 Downside Close is the closest and the most potentially affected property on this side of the site. However, the side elevation facing the site appears not to have any upper level windows which could be looked into from the proposed building, the concern would primarily be privacy issues regarding the garden, which at the moment benefits from being at a higher ground level to the proposed as well as a high flint wall. Furthermore, the majority of the vegetation and trees on this side of the site are to be retained, which will provide natural screening between the properties, especially with regards to 50 East Dean Road.

The gardens are to be maintained by the operator of the care home and used by the residents. However, it is not considered that the use of the gardens will result in significant overlooking issues as the garden is more greatly overlooked than it overlooks. Further to this, if landscaping is to be controlled by condition, it is possible to implement a scheme which reduces this potential for overlooking further using the responsible placement of trees, planting and boundary treatments.

As such, it is considered that the overlooking and privacy issues have been adequately attended to in response to the previous reason for refusal. Therefore, this is not perceived as a constraint to granting permission.

**Potential Light Loss**

It is noted that any building on the site would have an impact on the dwellings along Longland Road, as is the case now, and the principle of this has been established by the previous approval. The proposed building, however, would be less bulky and has been pulled away from the boundary by a considerable amount (between approx. 9-14m).

Overall it is considered that the current proposal would have less of an impact than the previously approved scheme. Further to reducing overlooking issues, the pulling back of the east side of the development significantly reduces the potential for light loss to the properties along Longland Road and as such directly addresses part of the reason for refusal of the previous scheme.

**Other Amenity Concerns**
Issues such as boundary treatments, noise from ventilation, refuse/recycling provision and external lighting will need to be controlled by condition to take into account the potential impact on adjoining residents.

Design issues:
General appearance, height, scale and massing
The proposed scheme is to be three storeys in height as the previously approved outline permission for a 47 bed care home and the recently refused 58 bed care home scheme. However, the footprint has been reduced and the bulk of the building has been principally relocated to the East Dean Road elevation and the centre of the site, furthest from the adjacent properties on Longland Road, East Dean Road and Downside Close.

Furthermore, the bulky appearance of both the approved and refused schemes has been broken up using articulation and modulation to the front elevation and stepped roof levels. These elements contribute to making the development look less dominating and more in-keeping with the stepped and modulated character of the majority of the surrounding properties. In addition it should be noted that the existing site levels is significantly lower than East Dean Road itself, this further reduces the scale and bulk of the development when viewed from this viewpoint.

Layout
The core outline (footprint) of the building has been refined and narrowed to a ‘T’ shape. Furthermore, in response to earlier mentioned design concerns, the applicant has articulated and modulated the front elevation of the building as well as addressing the height, stepping it in places both for appearance sake (to break-up the mass) and to reduce the impact of potential light loss to nearby properties.

External Surfaces and Other Materials
The design of the proposed building is residential in character and would be similar to many modern blocks of flats, as such it would not stand out from its surroundings, being of brick and render under a pitched roof.

Notwithstanding this, there some concerns regarding the proposed roof material – as there were with the previously refused application - which is a large concrete tiled which is supposed to resemble slate (Marley Edgemere). Whilst some of the existing buildings are roofed in slate, they are natural slate which has aged accordingly. Most of the surrounding residential properties are red or orange clay, and because the roof would be such a prominent feature in the street-scene, due to the buildings length and the sloping nature of the site, it is considered that the roof should be finished in a small element red tile.

As a result, the materials to be used in the development will need to be controlled by pre-commencement condition in order to ensure that the new development harmonises within its setting.
Impacts on trees:
The trees on the site have previously been assessed to be not worthy of protection from Tree Preservation Orders. Furthermore, the Specialist Advisor (Arboriculture) has recommended the removal of some of the trees on the site to mitigate the need for later removal (due to reduced natural light received by proposed building). Furthermore, it is recognised that further landscaping provision would make a positive contribution to the site and development.

Subsequently, during the life of the application, an amended plan showing the trees to be removed has been submitted and conditions shall be recommended for the further development of trees within the site.

Furthermore, adequate tree protection will have to be used in order to protect retained trees and those which lie outside of the site, but will otherwise be affected by development (street trees and Elm in rear garden of no. 42 Longland Road.

Impacts on highway network or access:
The number of parking spaces on the site is considered to be adequate for the use proposed. The site is located on a well-served bus route linking the site to Eastbourne town centre as well as the coastal routes; the site is therefore located in a reasonably sustainable area in transport terms. The Highway Authority raises no issues with the use, the level of parking provided or concerns with regards to access. However, conditions have been recommended to control parking/access related issues.

Planning obligations:
Due to the nature and scale of the development, a local labour agreement or associated condition, would be required if the development receives approval. As such, this matter will be addressed at the decision notice stage.

Other matters:
Sustainable Drainage and Waste Water
To ensure compliance with Policy NE4 and NE14, the proposal must provide a sustainable drainage scheme in-line with the constraint of the site as one within a source protection zone. No scheme for sustainable drainage has been submitted as part of the application, however, this in itself is not considered a constraint to development as it can be controlled by condition(s). The Local Lead Flood Authority has confirmed the site should deliver a SUDs solution in order to mitigate localised flooding issues.

It is considered that the development may contribute to an increase of surface water run-off and Southern Water has advised that this water should only be discharged into the sewerage system as a last resort. Therefore, it is considered appropriate to attach conditions to any consent granted which will require a suitable sustainable drainage plan, which must include all of the
requested details of the LLFA. The Environment Agency and Southern Water also recommend similar conditions, should permission be granted.

**Source Protection Zone**
Development on the site is acceptable in principal; it is not considered that development will automatically affect the aquifer or release potential pollution into the aquifer which sits below the site. Nevertheless, the appendages of the application do not discuss in detail what mitigation measures will be taken during construction or what construction methods will be adopted to sufficiently protect this water source.

Given the former use it is likely that there may be contamination within the ground, a condition is recommended to deal with this risk.

**Ecology and Biodiversity**
During the life of the application, the applicant confirmed that the bankside adjacent to 2 Downside Close would be retained due to its ecological merit. Furthermore, following the removal of the trees to the East Dean Road elevation, the embankment would be retained and used potentially to positively contribute to the ecological merit of the site. It is also recommended in the submitted report that a badger survey is carried out in the weeks prior to the commencement of development and that works should not be carried out to trees during nesting season, therefore Informatives shall be attached to any permission granted.

These elements of the development are considered to compliment the scheme and ensure that something of environmental merit is retained on the site.

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

**Conclusion:**
It is considered that this revised scheme would have a minimal impact on the amenities of nearby residents, especially when considered against previous schemes.

The proposal would result in some loss of sunlight and a change in the dynamics of the area which would include some overlooking, but it is not considered that the development will provide opportunities to overlook property that is not currently overlooked. Furthermore, it is considered that the current scheme has adequately addressed the reasons for the previous refusal in the revised details – especially to concerns regarding the
residential amenity of surrounding residents. The development would not be significantly harmful to justify refusal of permission and indeed, an array of benefits likely to result from the development outweigh concerns raised as such, is recommended for conditional approval.

**Recommendation:**
Approve Conditionally

**Conditions:**

1) Time
2) Approved Drawings
3) Hours of demolition and construction
4) Local Labour
5) No bonfires
6) External plant or equipment to be erected on or within the building to include noise impact survey
7) Samples of materials (Not to include tiles shown on submitted drawings)
8) Kitchen extraction location
9) Drainage strategy detailing foul and surface water to include SUDs
10) Lighting strategy
11) Details of retained and proposed areas of environmental merit (retained embankment)
12) Boundary treatments and landscaping
13) Submission of details of retaining walls to the bank adjacent to 50 East Dean Road and 2 Downside Close
14) Remediation strategy to deal with the risks associated with contamination of the site
15) Verification report relating to remediation strategy for contaminated land
16) Contamination found during development
17) No infiltration of surface water drainage into the ground is permitted
18) Piling or any other foundation designs using penetrative methods shall not be permitted
19) Traffic Management Scheme for demolition and construction
20) Prior to occupation, turning space for vehicles in-line with drawing
21) Prior to occupation, parking areas must be provided in accordance with approved plans
22) Cycle parking areas
23) Vehicle wheel washing equipment
24) Travel Plan Statement, prior to commencement of development (for operational staff)
25) Protection of existing trees (off site in Longland Road and street trees)
26) Protection of retained trees (on site)
27) Detailed plans of services in relation to trees
28) No contaminated material to be deposited at the site

**Informatives:**
1. Formal application for connection to public sewerage system
2. Formal agreement with Southern Water regarding infrastructure
3. Badger survey
4. Nesting birds

**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 scheme would remove from the site commercial activity that for some is considered to be inappropriate in a residential area; it is against this background that a number of letters of support have been received.

The principle of residential development on this site is supported although the site has not been formally identified for development within the Council’s Strategic Housing Land Availability Assessment therefore is considered to be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

The design of the proposed development has been amended twice during the course of this application in an attempt to mitigate/overcome officers concerns with the relationship of the development to the site and surrounding area however the density of development has remained at 6 dwellings (as originally submitted). The current proposal is considered by virtue of the scale, density and layout of the properties into what is a cramped and relatively narrow plot is such that the resultant properties would be sited in close proximity of boundary walls of the site and also without suitable separation between the proposed dwellings themselves, this would result in a poor living environment for the future occupiers of these buildings.
The scale and density of development is also considered out of keeping with the character of the surrounding development. Officers have requested a reduction in the number of dwellings on the site, the agent has declined to consider this request.

Therefore it is recommended that the application is refused as the adverse impacts, namely the amenity of future residents, the impact on the character of the surrounding area and the potential for loss of, or deterioration of habitats for protected species, would outweigh the benefits of the development.

**Relevant Planning Policies:**
National Planning Policy Framework 2012
6. Delivering a wide choice of high quality homes
7. Requiring good design
11. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies
B2 Creating Sustainable Neighbourhoods
C6 Roselands and Bridgemere Neighbourhood Policy
D5 Housing
D10a Design

Eastbourne Borough Plan Saved Policies 2007
UHT1 Design of New Development
UHT4 Visual Amenity
HO1 Residential development within Existing Built-up Area
HO2 Predominantly Residential Areas
HO8 Redevelopment of Garage Courts
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking

**Site Description:**
The site refers to a garage court consisting of 32 garages, part of Fitzmaurice Yard/Fitzmaurice Mews which is accessed from an existing access from Fitzmaurice Avenue.

The site is surrounding by residential properties, with St Philips Avenue to the north/west and Fitzmaurice Avenue to the East. Fitzmaurice Yard to the south which shares the same access as the garage court mostly contains Offices and storage buildings which are single storey.

The majority of the garages are occupied in a variety of uses. The garages and stores are all single storey and abut the boundary walls of the site.

The site as outlined in the application highlights that the back wall of the existing garages forms the common boundary with the neighbouring
residential properties; in part this common boundary is approximately two storey in height.

**Relevant Planning History:**
The site has no planning history the following applications relate to the development of Fitzmaurice Yard directly to the south of the application site sharing the same access.

010624
Erection of three single-storey houses with car ports and parking spaces.
Outline (some reserved)
Approved conditionally
09/11/2001

010688
Erection of three two-storey two-bedroom houses (outline application).
Outline (some reserved)
Refused – That the proposed development by virtue of the two storey height, massing and close proximity to the site boundaries, would have a seriously adverse effect on the amenities of the occupiers of adjoining properties by reason of loss of outlook and privacy.
11/07 / 2001

020698
Erection of three single-storey houses with car ports and parking spaces (reserved matters application.
Reserved Matters of 010624
Approved unconditionally
07/05/2002

**Proposed development:**
The application proposed the demolition of the garages, and the erection of 6 dwelling houses with 12 parking spaces accessed from the existing driveway from Fitzmaurice Avenue.

The application originally proposed 4 no.4 bedroom houses (plots 1-4 terraced) and 2 no.3 bedroom houses (plots 5 & 6 semi-detached) over three storeys including large dormers to the rear. This has been reduced following negotiation with officers to 6 no.3 bed properties 2 stories in height, removing the rear dormers and also a reduction in the height of the proposed dwellings.

Plots 1-4 are proposed east to west, with plots 5 & 6 south-west to north-east at the northern end of the site. Private amenity space is proposed to the rear of each property.

Parking would be provided to the south of the site, with the properties accessed by a path adjacent to the eastern boundary of the site.
Consultations:

Strategy and Commissioning (Planning Policy)
The application is supported in principle. The application results in the net gain of 6 dwellings, through redevelopment of a garage court and stores (brownfield land).

The site is located in the Roselands and Bridgemere neighbourhood. The type of residential development proposed is considered appropriate for its neighbourhood location and conforms to the Council’s Strategic Housing Market Assessment. The case officer will determine the specific impact of the development on residential amenity and its impact on the local character of the neighbourhood.

The development would not be liable to an affordable housing contribution, but will be liable to make a Community Infrastructure Levy payment if the application is approved.

The site is located in an area of ‘stress’ for surface water flooding, and as such Sustainable Urban Drainage techniques should be promoted on the site.

The application contributes positively to the Council’s spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in ensuring the housing target for the neighbourhood is delivered over the plan period. The development would conform with the Roselands & Bridgemere Neighbourhood Policy (Policy C6 of the Core Strategy) by ‘delivering housing through making more efficient use of land’ and, subject to no harm to residential amenity, should be considered sustainable development.

Specialist Advisor – CIL
The development would be liable to a CIL charge, the necessary forms have been submitted with the application.

East Sussex County Council – Highways
The proposed development seeks to demolish to the existing 32 garages and erect 6 dwellings with associated parking. The proposed development is to be served from an existing access that was originally constructed to serve the 32 garages and therefore, in traffic generation terms, I do not object to the application in principle.

Whilst I consider that the loss of 32 garages to be significant, it is evident that these garages are not associated with any of the surrounding residential properties, therefore it is unlikely that this development will increase the demand for parking on Fitzmaurice Avenue.
The 16 parking spaces provided within the site for the proposal are in accordance with the ESCC Parking Demand Tool. It is indicated that 12 unallocated spaces will be provided for the residents with an additional 4 spaces provided for Fitzmaurice Yard. It is likely the 4 spaces serving Fitzmaurice Yard will only be occupied during working hours; leaving these spaces free for residential visitors during evenings and weekends. The 2 long-term covered and secure cycle storage spaces should also be provided per dwelling. Each parking space should measure 2.5m x 5m in order to make the spaces easier to use and be provided with 6m circulation space. Parking spaces in a parallel arrangement should be 2.5 x 5.5m. It is noted that the spaces shown are smaller than the recommended dimensions; however, I do not wish to object as I feel that the recommended size spaces can be accommodated.

The internal layout is acceptable in principle; It is noted that the current access to the site narrows to 4.46m however this is wide enough to cater for a two way flow of traffic and would therefore be acceptable in its current form to serve the proposed development, however, tracking drawings should be provided at detail stage to show that larger vehicles (emergency/refuse) are able to access the site from Fitzmaurice Avenue and also turn within the site. The speed hump as shown on the submitted plan (Drawing No. 255300-04) is considered as a potential noise nuisance for adjoining properties and has little reducing merit in this instance.

A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. This would need to be secured through a condition of any planning permission.

**Neighbour Representations:**

Objections received from;
- Flat 14 Sussex Court
- 72 St Philips Avenue
- 78 St Philips Avenue
- 6 Fitzmaurice Avenue
- 13 Fitzmaurice Avenue

Covering the following points;
- Impact on privacy, overlooking to Sussex Court
- Impact on overshadowing garden of Sussex Court
- Design
- Density of development
- Proximity to boundary, pitch of roofs
- Access for Fire Brigade
- Access for waste collection truck
- Impact of noise/light pollution caused by traffic flow.
- Parking, 12 spaces unlikely to be sufficient
- Lowering the height of the boundary walls
- Location of the bin store
- Loss of light to rear gardens
- Potential for newts and slow worms on the site

**Additional comments of support in principle from:**
2 Fitzmaurice Avenue – Support the proposal
3 Fitzmaurice Avenue – support the proposal
5 Fitzmaurice Avenue – not opposed to residential development in principle but objects to the density proposed on basis of impact on parking/traffic generation.
9 Fitzmaurice Avenue – redevelopment could have a positive impact on residents however concerns over scale of development, proximity to boundary and overlooking.
10 Fitzmaurice Avenue – Support the proposal in principle however concerns over height of buildings and level of parking provision.
11 Fitzmaurice Avenue – no objection in principle however concerns over height of buildings, proximity to boundary and therefore impacts on privacy, overlooking and overshadowing.
12 Fitzmaurice Avenue – Support the proposal
14 Fitzmaurice Avenue – no objection to two storey but three storey too high due to overlooking impacts and out of scale with existing properties.
Flat 8 Sussex Court – no objection in principle but three storeys too high
Mark Bishop Plumbing and Heating, Fitzmaurice Yard – support the application as the garages are noisy and have many vehicles coming and going, houses will enhance the area and make it more peaceful.

**Comments received following first revision:**
10 Fitzmaurice Avenue revisions do not overcome previous objections.
11 Fitzmaurice Avenue object to the revisions to the application. Lowering the height marginally to plots 1-4 does not overcome objections. Revised plans still represent over development. Plots 5&6 would be higher than 1-4

**Comments received following second revision:**
8 Fitzmaurice Avenue – Support the proposal, will allow more parking and less nuisance to the area. The revised drawings will look good for the area.
9 Fitzmaurice Avenue – achieved a good outcome for plots 1-4.
11 Fitzmaurice Avenue – welcomes revisions to plots 1-4, queries regarding ground levels for plots 5&6 and height of boundary walls.

**Appraisal:**

**Principle of development:**
The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs.
However whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

The site has not been formally identified for development within the Council’s Strategic Housing Land Availability Assessment therefore is considered to be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

Policy HO8, Redevelopment of Garage Courts, states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting and scale, and that there would be no significant harm to residential amenity.

It is also noted that the current use of the site for commercial purposes causes issues for neighbouring properties through noise and disturbance. Therefore the proposal to redevelop the site for housing is considered acceptable in principle providing the development provided a good standard of accommodation for future occupiers and did not cause significant harm to surrounding residential properties through overlooking or an overbearing relationship.

**General impacts upon the site and surrounding area.**
The site is surround by residential properties. The existing garages abut the boundary walls with these properties. When the garages have been removed buttressing is proposed to maintain the existing walls.

The design of the proposed properties has been revised to provide gable ends to front and rear reducing significantly the proposed overall height of the buildings and therefore the bulk visible to surrounding residential properties.

The plans state that the wall to Sussex Gardens will be reduced to 2.2m in height but otherwise maintained as is existing to reduce overlooking, specifically to Fitzmaurice Avenue properties given the close proximity of the proposed dwellings to the rear garden boundaries.

**Impact on Fitzmaurice Avenue**
Given the angle of the terrace plots 1-4 these are between 3 and 5m set back from the existing eastern boundary. The existing properties of Fitzmaurice Avenue are approximately 18m from this boundary giving a separation distance (front to rear) of between 21 and 24m.

Given the existing wall is to be retained this would effectively block overlooking from the windows in the front elevation towards the existing
buildings it is not considered that there would be significant impacts on the privacy or amenity of occupiers of these properties.

Plot 6 which is proposed side on to properties of Fitzmaurice Avenue have two windows at first floor level in the side elevation, however these serve the stairwell and a small window is secondary to the rear bedroom therefore these are both proposed to be obscurely glazed removing issues of overlooking.

The amendments to the design of the properties, removing the additional bedroom in the roof space, and creating gable ended front elevations has significantly reduced the height of the proposed properties. The height of the boundary wall to be retained blocks most of the visual appearance of the dwellings with only the roof visible to Fitzmaurice Avenue. Therefore it is considered that the amended design has overcome the concern in relation to the over bearing relationship given the close proximity of the dwellings to the boundary.

Therefore the impact on properties of Fitzmaurice is considered acceptable.

Impact on Sussex Court;
The proposed terrace plots 1-4 would be set back from the boundary with Sussex Court by between 5 and 8m. Giving a separation distance (rear to rear) of approximately 21m.

The boundary wall is proposed to be lowered to 2.2 to Sussex Court which has a higher ground level approximately 1.5m above the proposed dwellings. To keep the existing boundary wall would be considered overbearing on the proposed properties given the relatively short gardens proposed. In terms of overlooking/privacy, the two windows in the rear elevation serve bedrooms with one angled and high level to minimise overlooking. Therefore the overlooking impacts towards Sussex Court and their communal gardens is considered acceptable given the distances involved.

It is not considered that the proposed dwellings given the height and distance from the boundary would be overbearing on or detrimental to the amenities of residents of Sussex Court to warrant the refusal of the application on this ground.

Impact on St Philips Avenue;
Any impacts in terms of amenity would be limited to properties of St Philips Avenue given the properties are proposed to the northern end of the site. Parking is proposed to the southern end of the site with the height of the boundary wall maintained.

Impact on amenity of future occupiers:
The size of the dwellings is considered acceptable as they exceed the national space standards as set out below. Each property also has an acceptably sized rear garden.

<table>
<thead>
<tr>
<th>Plots</th>
<th>Number of bedrooms/bed spaces</th>
<th>Floorspace</th>
<th>National recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>3 bed, 4 person</td>
<td>88m²</td>
<td>84m²</td>
</tr>
<tr>
<td>5 &amp; 6</td>
<td>3 bed, 4 person</td>
<td>89m²</td>
<td>84m²</td>
</tr>
</tbody>
</table>

In terms of the overall amenity for future occupiers, the front elevations of plots 1-4 are particularly close to what is a substantial wall. The design has been altered to provide angled windows to the front elevations which will slightly improve the outlook and light. To the rear the height of the boundary wall going towards the north of the site, is also substantial given the difference in ground level with Sussex Court and as St Philips Avenue is on a slope. The rear wall given the small rear gardens would at points be overbearing.

The plots are laid out such that 5 and 6 would be between approximately 25-30m from the parking area and bin store and whilst this is not ideal it is not considered sufficient to form a reason from refusal in and of itself. Where the plot narrows the path would be only 1m in width in front of plot 4. There is also only a distance of 6m between the side elevation of plot 4 and the front of plots 5 & 6 however it is noted there are no windows in the side elevation of plot 4 this is a cramped and overbearing relationship.

On balance, it is considered that by virtue of the narrowness of the site, the proposed layout is cramped and for the above reasons would result in a poor standard of amenity for future occupiers of the site given the proposal of 3 bed family dwelling houses.

**Design issues:**
The design of the proposal has been amended twice during the course of the application to attempt to overcome objections.

The design under determination consists of Plots 1-4 being terraced, two storey dwellings with gable end to front/rear 5.8m to eaves and 7.3m in total height. Windows at ground and first floor on the front elevation and to one bedroom at first floor on the rear elevation are angled to minimise overlooking and also to provide more outlook to the side given the close proximity to the boundary at the front (east).

Plots 5 & 6 are a pair of semi-detached dwellings facing south at the northern end of the site. These are also gable ended and the same height as plots 1-4. These properties have a projecting first floor on the front elevation and step in towards the rear.
The surrounding properties are predominantly two storey pairs of semi-detached properties, with Sussex Court higher at 3 storeys. The height now reduced is considered more acceptable given the context of the surrounding buildings.

In terms of materials the dwellings are proposed facing brickwork at ground floor level with cladding at first floor level, of off white and blue. These materials are considered acceptable given the context of the site.

Overall on balance the visual appearance of the dwellings is considered acceptable, however the density of the development is considered out of keeping with the character and pattern of the surrounding residential development contrary to Policy D10a of the Core Strategy Local Plan which states that development will be expected to ensure that the layout and design contributes to local distinctiveness and a sense of place and that it is appropriate and sympathetic to its setting in terms of scale, and density.

**Impacts on highway network or access:**
As outlined in their consultation response ESCC Highways are in support of the scheme.

Therefore it is not considered the proposed development would have severe impacts on the highway network to justify refusing the application on this ground.

**Planning obligations:**
The proposed development would be liable to a CIL charge the necessary forms have been submitted with the application.

**Other matters:**
The site is located in an area of ‘stress’ for surface water flooding, and as such Sustainable Urban Drainage techniques should be promoted on the site. No information has been provided with the application in relation to a proposed SUDs scheme however this could be controlled by condition if permission was to be granted.

**Waste Collection**
Given the layout of the properties a communal bin store is proposed adjacent to the car parking area, for the collection of waste. It would be considered unreasonable for waste collectors to walk to collect bins from outside properties especially plots 5 & 6. However a communal bin store is less than ideal for residents, plots 5 & 6 could elect to store their bins to the front of their properties presenting them to the communal bin store on collection day. The access road would need to be made to adoptable standard to allow access by a refuse truck.

**Fire Access**
Objections have been made to the application on the grounds that a fire engine would not be able to access the site in case of emergency. East Sussex Fire and Rescue have been verbally consulted as part of the application and agreed that the access and turning head, provided they met building regulations would allow sufficient access for a fire engine. They also confirmed that the 40m distance from where the engine would need to park, to the farthest property could be met as required under building regulations.

Ecology
Neighbours have commented on the likelihood of the site providing habitat for newts and that slow worms are prevalent in the rear gardens of properties of Fitzmaurice Avenue which are protected species. A statement from an Ecological Consultant has been submitted in support of the application stating that the site is unlikely to support reptile species given the building and hard standing provide little/no potential for feeding and sheltering opportunities for reptiles.

The applicant has instructed the consultant to undertake an Extended Habitat Survey, should this be submitted and confirm the initial findings as above the reason for refusal on the grounds of potential impact on protected species may be overcome.

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:
Whilst the principle of residential development of the site is supported the scale of the proposed development is considered to result in a cramped over development detrimental to the amenity of future occupiers of the dwellings. Whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

Whilst the amendments to the scheme have overcome concerns in relation to the impact on the amenity of the surrounding residential properties in terms of overlooking and an overbearing relationship, the scale of development is considered unacceptable for what is a relatively narrow plot.

The density of the development is also considered out of keeping with the character and pattern of the surrounding residential development which is characterised by pairs of semi-detached properties with medium to large rear gardens.
No Ecology Statement or Survey has been submitted in support of the application either confirming the presence or absence of protected species. Given the development has the potential to impact of protected species through loss or deterioration of habitats the development is contrary to Policy.

**Recommendation:**
Refuse planning permission for the following reasons;

1. The proposal by virtue of the size of the plot and the scale of development (6 dwellings) results in a cramped over development of the site that is out of character with the prevailing pattern of development as well as resulting in a poor living environment detrimental to the amenity of future occupiers of the dwellings contrary to policies B2 & D10A of the Core Strategy Local Plan 2013.
2. No Ecology Statement or Survey has been submitted with the application confirming either the presence or absence of protected species. Given the development has the potential to impact on protected species through loss or deterioration of potential habitats the development is contrary to section 11 of National Planning Policy Framework 2012.

**Informatives:**
1. Drawing numbers.
2. Suds
3. Highway to adoptable standards
4. Fixed shut obscure windows

**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**.
1.0 Introduction

1.1 This document was reported to Planning Committee and Conservation Area Advisory Committee in 2015 with the resolution for July’s Planning Committee outline below:-

RESOLVED: 1) That the committee authorise public consultation on the draft Good Practice for the Selection of Local Heritage Assets (Buildings of Local Interest and Areas of High Townscape Value)

2) That on completion of the public consultation exercise the results shall be reported to Planning Committee prior to the referring the document onto Cabinet for adoption. 3) That the update of the Guidance for Designation and Review of Conservation Areas and Conservation Areas in Eastbourne Companion Document, to include The National Planning Policy Framework [NPPF] which superseded Planning Policy Statement 5 (PPS 5) in 2012 be noted.

2.0 Background

2.2 The public consultation has now been concluded with 5 representations being received. These are reported in the table of
responses document appended to this report.

2.3 As a result of the responses received officer have concluded that there only needs to be typographical changes to the document.

3.0 **Recommendation:-**

1. Delegate to the Senior Specialist Advisor (Planning) to implement where necessary typographical changes to the document.

2. Endorse the adoption of the document for use in assessing local heritage assets.
### Table of Responses to Eastbourne’s Guidance Document:

**Good Practice Guidance for the Selection of Local Heritage Assets** *(Buildings of Local Interest and Areas of High Townscape Value)*

<table>
<thead>
<tr>
<th>Rep ID</th>
<th>Respondent</th>
<th>Section/Paragraph</th>
<th>Summary of Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3rd Party Respondent</td>
<td>All</td>
<td>Highlighting typographical errors in the content of the report</td>
<td>Comments noted. Where necessary changes will be made.</td>
</tr>
<tr>
<td>2</td>
<td>3rd Party Respondent</td>
<td>All</td>
<td>Eastbourne is a town full of heritage - all aspects need to be retained and explained by the Council to residents and visitors. The selection of assets is critical and include Princes Park, one of the best venues in the world for model yacht racing formed in the 1920’s and will see sailors from all over Europe coming together to compete in the RG65 National Championships later this year. Meads, Old Town and the Crumbles all have a story to tell and the Council need to work with schools, hotels and holiday companies to get the stories across. Many visitors we see in the town want to know more about the history and it is vital we find ways of communicating this to them.</td>
<td>Comments noted. Comments focus on the wider social history of the area; this will be an integral part of any assessment and value attributed to a local heritage asset. No change to be made</td>
</tr>
<tr>
<td>3</td>
<td>Eastbourne Hospitality Association</td>
<td>All</td>
<td>Raises issues of clarity of the published information relating to heritage assets. Raises questions around the value attributed to heritage assets that are identified on the Local List of buildings of interest. Too much reliance on subjective opinion and the use of best Practice. Document is unclear of the implications of listing a property in terms of its economic value. Questions the inclusiveness of Conservation Advisory Committee given its current membership and as a result cannot be regarded as representing the whole community.</td>
<td>Comments noted. Officers comments that the document follows the national best practice guidance for such documents. In this regard no changes are recommended to the content of the document. As a result of the response the Council will undertake a review of Locally Listed Heritage Assets that are either hotels/guesthouses or located on the Seafront. This review will be undertaken within the Conservation Area Appraisal regime.</td>
</tr>
<tr>
<td>Rep ID</td>
<td>Respondent</td>
<td>Section/Paragraph</td>
<td>Summary of Comment</td>
<td>Officer Response</td>
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<td>Request that a review of all buildings on the list to inform of their current value/standing.</td>
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<td>Questions whether there is a hierarchy of Local Plan Policies and that some policies are more robustly used and there needs to be a more balanced assessment of competing issues and Local Plan Policies. For example should UHT18 being used as the sole policy to assess Local Heritage Assets.</td>
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<td></td>
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<td></td>
<td>Acknowledges that ‘Historic Value’ is well defined but the document has many less clear and ambiguous sections.</td>
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<tr>
<td></td>
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<td></td>
<td>The Document fails to deal with competing developments issues; for example solar panels on seafront buildings may be resisted if the property is local listed.</td>
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<tr>
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<td></td>
<td>The document needs to be reflective of existing business and a strong reliance on our Victorian past may not support the growing needs of the growing town.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Highways England</td>
<td>All</td>
<td>No specific comments to the content of the document</td>
<td>Noted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No change to the document</td>
</tr>
<tr>
<td>5</td>
<td>Heritage England</td>
<td>All</td>
<td>Support the purpose and the content of the document. it is appropriate that local planning authorities prepare guidance for the protection of their local heritage that may not be statutorily designated but nevertheless make a positive contribution to the character and distinctiveness of the local area. We agree that the criteria to be used to identify local assets of significance are robust and appropriate.</td>
<td>Noted</td>
</tr>
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<td>6</td>
<td>3rd Party Respondent</td>
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<td>It is important to maintain Local Heritage Assets to keep the character of Eastbourne, the old alongside the modern. Eastbourne Old Town is lovely and neglected. Tiny roads are crammed full of cars, parking is a nightmare and double yellow lines everywhere, well that is just a money spinner. It is also critical to look at other effects that impinge on the general look of Eastbourne, such as over signage on roads, way too many signs which make no difference to drivers and their driving, giving little benefit to anyone. There are lovely old cinemas in Eastbourne town centre, most of which have lost their looks. It would</td>
<td>Comments Noted.</td>
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<td>be great if these could be revived to their former glory as they are interesting buildings.</td>
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<td></td>
<td>Sadly, too much of Eastbourne just looks a mess! The Prudential flats look great and hopefully will remain as they are.</td>
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GOOD PRACTICE GUIDANCE FOR THE SELECTION OF LOCAL HERITAGE ASSETS (BUILDINGS OF LOCAL INTEREST AND AREAS OF HIGH TOWNSCAPE VALUE)

This information is available in other formats including large print and other languages on request from Eastbourne Borough Council.
## Contents

**Prologue** ................................................................................................................................. 1

**Background** ................................................................................................................................. 2

**Introduction** ................................................................................................................................. 3

**Protection of Local Heritage Assets** .......................................................................................... 4

- Buildings of Local Interest ............................................................................................................. 4
- Areas of High Townscape Value .................................................................................................... 4
  - *Extensions* ................................................................................................................................. 5
  - *Roofs* ........................................................................................................................................ 5
  - *Windows and Doors* .................................................................................................................... 5
  - *Front Boundary Walls and Car Parking* ...................................................................................... 5
  - *Satellite Dishes* ........................................................................................................................... 6
  - *Refuge Storage* ............................................................................................................................ 6

**Local Heritage Assets and Conservation Areas** ........................................................................ 7

**Purpose of the Local Heritage Register** ..................................................................................... 8

**Development of the Selection Criteria** ...................................................................................... 9

**Selection Criteria** ......................................................................................................................... 12

- *Special Interest* ............................................................................................................................ 13
- *Age, Rarity* .................................................................................................................................... 13
- *Integrity* ......................................................................................................................................... 15
- *Group Value* .................................................................................................................................. 15
- *Representative* .............................................................................................................................. 15
- *Historic Association* ...................................................................................................................... 16
- *Aesthetic Merit* .............................................................................................................................. 16
- *Association* .................................................................................................................................... 17
Heritage Values ........................................................................................................................................ 19

Aesthetic Merit ........................................................................................................................................ 19

Historic Value .......................................................................................................................................... 19

Evidential Value ......................................................................................................................................... 20

Communal Value ...................................................................................................................................... 20

Archaeological Sites ................................................................................................................................. 21

Recommendations for Local Heritage Assets ......................................................................................... 21

Bibliography .............................................................................................................................................. 22

Nominate a Local Heritage Asset ............................................................................................................. 24
Prologue

This document aims to set out the level of protection afforded to local heritage assets, the purpose of the Local Heritage List and identifies the criteria local communities can use to select; local heritage assets such as buildings, areas, spaces and places that matter to them. Assets that build a sense of identity and distinctiveness, values that are taken into account when changes to them are considered.
Background

Local Authorities have been identifying heritage assets of local interest since the 1970’s; however despite the lists of identified heritage assets produced by those individual authorities the selection criteria adopted by each, lacked national continuity. In that the majority of historic lists of local assets, have been prepared with limited community involvement and the absence of formal criteria. This document does not intent to change Eastbourne’s current list of buildings of local interest or areas of high townscape value, but sets out good practice guidance and criteria for the selection and management of heritage assets of local interest.

For clarification a local heritage asset, for the purpose of this document, is defined as a Building of Local Interest and Area of High Townscape Value.

“Heritage assets not designated under statutory regimes, but recognised by the Local Planning Authority [LPA] as having heritage significance, do merit consideration in planning matters; with the LPA taking a balanced judgement having regard to the scale of any harm or loss to the significance of the heritage asset.”

Introduction

The historic environment is central to England’s cultural, social, economic and environmental values. Which provide a sense of identity through history, place and quality of life, an invaluable asset that should be sustained for present and future generations.

The National Planning Policy Framework [NPPF] provides protection through the planning system for heritage assets of national importance in England. At local level the planning authority should consider the ‘effect of an application on the significance of a non-designated heritage asset in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

In this respect, the identification of local assets through set criteria, allows the local community and local planning authority to work in partnership to decide what in their area they would like recognised as local heritage assets, worthy of some protection through the planning system.

Set criteria also provides, clarity about the assets identified significance and location for future developers. Therefore allowing considered decisions to be made about those parts of the historic environment the community genuinely values.

This document aims to set out the level of protection afforded to local heritage assets, the purpose of the list and identifies the criteria local communities can use to select; assets such as buildings, areas, spaces and places that matter to them. Assets that build a sense of identity and distinctiveness, values that are taken into account when changes to them are proposed.

2. National Planning Policy Framework NPPF para.135
Protection of Local Heritage Assets

Heritage assets identified as being of local interest are not subject to further protection through the planning system. Therefore additional consents over and above those required for planning permission will not be a requirement. However the conservation and contribution of local heritage assets will be a material consideration in planning decisions, which directly affect the significance of the identified asset or its setting.

To safeguard those heritage assets identified as being of local interest the Council, will take into account Policy UH 18 of the Borough Plan, when considering planning applications for the alteration and extension of buildings of local interest. In addition Policy UHT 16 of the Borough Plan, when considering development within Areas of High Townscape Value.

Buildings of Local Interest

Policy UHT 18: Buildings of Local Interest in the Borough Plan recognises this and states:
“Proposals which would adversely affect the character or appearance of buildings of local interest will not be permitted. Should planning permission be granted for a major alteration, the consent will be subject to a condition to provide and opportunity for the building to be inspected and recorded” 3

Areas of High Townscape Value

Policy UHT 16: Protection of Areas of High Townscape Value is the primary policy contained in the Borough Plan and states:

“Proposals within Areas of High Townscape Value will be required to generally preserve the character and appearance of the area. Development shall:

a) Use materials which respect and compliment the predominant traditional materials of the location;
b) Not allow the loss of traditional materials and features;
c) Retain amenity spaces where they form part of an established character of the area; and
d) Retain, wherever possible, the existing trees and other important landscape features. In exceptional cases where any such loss is allowed, compensatory provision will be required in terms of quality and quantity. 3

3. Eastbourne Borough Plan - Chapter 5 Urban Heritage and Townscape
In addition the Eastbourne Townscape Guide provides an expansion of the policies found in the Urban Heritage and Townscape Chapter of the Eastbourne Borough Plan. As Supplementary Planning Guidance [SPG], Eastbourne Townscape Guide expands the primary policies, when considering planning applications for the alteration and extension of local heritage assets, namely;

**Extensions**

*Guideline E4:* Extensions to buildings of local interest and buildings in areas of high townscape value will be expected to be appropriate scale, harmony and rhythm with the host building.

**Roofs**

*Guideline R8:* In areas of high townscape value and on buildings of local interest, the Council will normally:

(a) expect changes to the roof covering to be in a material that reflects the colour, texture and unit size of the original covering or predominant covering in the street/ terrace;
(b) expect the retention of prominent chimney stacks with their pots and;
(c) allow the use of alternative materials for fascias, soffits, gutters and pipework.

**Windows and Doors**

*Guideline WD3:* In areas of high townscape value and buildings of local interest, the Council will normally:-

a) expect the retention of the original doors and windows where these are in the majority on visible elevations of the individual building or the terrace if the premises forms part of a terrace;
b) allow in cases other than a) above and on hidden elevations, or those not generally seen from public areas, the use of alternative materials for windows and doors in a matching style to the originals.
Front Boundary Walls and Car Parking

Guideline FWCP3: Council will normally expect applications for creating a vehicular access to the front of a property that is on the local list or in an area of high townscape value, to take into account the quality of the building and area.

Satellite Dishes

Guideline SD3: On buildings of local interest and buildings within areas of high townscape value, the Council expects satellite dishes to be sited on hidden elevations or within the rear garden area.

Refuge Storage

Guideline RS2: In all historic areas including buildings of local interest and buildings within areas of high townscape value the Council expects permanent refuse storage areas to be normally located to the rear of the property.

The level of consideration a local heritage asset receives through the planning process is however reliant on a sound basis for its selection. Therefore the use of nationally recognised selection criteria, adapted to reflect local character, will go towards conserving and enhancing the identified significance of the asset. However this does not imply; that a heritage asset that has not been included on the local heritage list is of no heritage value, simply that the building or area has not yet been identified or does not currently meet the selection criteria.

If a local heritage asset is of such merit that its significance, through the normal planning process, will inevitably be undermined. The Council may consider the removal of permitted development rights through an Article 4 Direction (in conjunction with the selection process).

Willingdon Village Pump House
(An existing locally listed building)

Built in 1880, the walls are decorated with sheep’s knuckle bones
Local Heritage Assets and Conservation Areas

Assets of local interest (local heritage assets) do not have to be in a Conservation Area to be considered of merit. The assessment, however, of existing conservation areas, does provide a useful starting point, through the identification of unlisted buildings and areas, which make a positive contribution to the historic and architectural character and appearance of the identified area. Although those identified unlisted buildings and areas, would need to meet the selection criteria before being considered to be local heritage assets.4

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Purpose of the Local Heritage Register

The purpose of the Local Heritage Register is to set out the Boroughs objectives and criteria for the management of our local heritage assets. While these buildings may not meet national criteria for listing they undoubtedly add to the richness of the Boroughs built environment which encapsulates the special identity and social history of Eastbourne.

The objective of Eastbourne’s Local Heritage Register is as follows:

- To raise awareness of the Borough’s buildings and areas that make a positive contribution to local distinctiveness and quality of life.

- To promote further research and recording of the Boroughs historic environment including; important buildings, areas, associated architects, occupiers and local events which have contributed to our culture.

- To inform residents, customers, developers, owners, Council officers and Members about buildings and areas within the Borough that are desirable to retain and protect.

- To provide guidance and specialist advice to owners to help protect the character and setting of the buildings and areas.

- To aid the Council in its decision making when discussing proposals and determining planning applications.

*General view looking west of the houses on York Road, at the junction with Cannon Road an identified Area of High Townscape Value*
Development of the Selection Criteria

There is increasing recognition that locally many areas and buildings, both individually and collectively, add a rich diversity to a local sense of identity as;

"People may value a place (building or area) for many reasons beyond utility or personal association; for its distinctive architecture (Aesthetic Value) or landscape, the story it can tell about its past (Evidential Value), its connection with notable people or events (Historic Value), its landform, flora and fauna, because they find it beautiful or inspiring (Artistic Value), or for its role as a focus of a community (Communal Value). These are examples of cultural and natural heritage values in the historic environment that people want to enjoy and sustain for the benefit of present and future generations...."6

The criteria for the assessment of the significance of a local heritage, has therefore taken into account all the inter-related values, identified above, that contribute to its Architectural and Historic interest. In addition, criteria for the assessment of interest, has also taken into account the general principles used for national designations namely; Age and Rarity, Integrity, Group Value (Aesthetic Merits), Representativeness (Selectivity). 4

The table below briefly defines heritage values and special interest at national level, the principles of which will form the adopted criteria for the selection of heritage assets at a local level.

<table>
<thead>
<tr>
<th>Heritage Value and Special Interest</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetic Value&lt;br&gt;‘derives from the ways in which people draw sensory and intellectual stimulation from a place’</td>
<td>A building, structure, site and setting Architecture styles, date(s) of construction, materials, key notable characteristics. What is its particular townscape value; aesthetic value can be fortuitous or designed. Unusual or rare features will give a building, or area, a higher level of significance.</td>
</tr>
<tr>
<td>Historic Value&lt;br&gt;‘derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative’</td>
<td>Illustrative: how the development, form and appearance of a building or area illustrates or tells the story of its history. Associative: with a notable family, persons, event or movement gives historical value a particular resonance. Many buildings and landscape area associated with the development of other aspects of cultural heritage, such as literature, art, music or film.</td>
</tr>
<tr>
<td>Evidential Value&lt;br&gt;‘derives from the potential a building or area to yield evidence about past human activity.’ This would probably but not exclusively apply to areas of archaeological importance.</td>
<td>Usually associated with older assets, however all buildings and areas encapsulate information about their historic development and chronology. The value of which is proportionate to their age and interpretation of the past and rarity.</td>
</tr>
<tr>
<td>Communal Value&lt;br&gt;‘derives from the meaning of a place for the people who relate to it, or for whom it figures in their collective experience and memory.’</td>
<td>The importance of an area for society or a particular group in society, such as a war memorial, church, school and or public buildings.</td>
</tr>
<tr>
<td>Age and Rarity</td>
<td>The older a building or area is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The relevance of age and rarity will vary according to the particular type of building and area.</td>
</tr>
<tr>
<td>Integrity</td>
<td>To have a degree of integrity a building or area should retain a sense of completeness, either as an individual or as part of a larger group.</td>
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<tr>
<td>Group Value</td>
<td>Where buildings are part of an important architectural or historic group or are a fine example of planning (squares, terraces etc.)</td>
</tr>
<tr>
<td>Representativeness</td>
<td>Represents a particular historical type, regional type, style, architect or innovative technology.</td>
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</table>
To assist with identifying what constitutes Eastbourne’s local distinctiveness; an overarching statement of Eastbourne’s local historic character, can be found in the accompanying Conservation Areas In Eastbourne, Companion Document, which succinctly identifies local characteristics, comparable to defining the heritage ‘values’ and ‘special interest’ when preparing the local heritage asset criteria.
Selection Criteria

The diagram below demonstrates the relationship between Heritage Values and Special Interest. In order for a local heritage asset to be considered for inclusion on the Local Heritage Register, it must have at least one element of special interest and one element of heritage value.

<table>
<thead>
<tr>
<th>Special Interest</th>
<th>Heritage Value</th>
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<tbody>
<tr>
<td>Age and Rarity</td>
<td>Aesthetic Value</td>
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<tr>
<td>Integrity</td>
<td>Historic Value</td>
</tr>
<tr>
<td>Group Value</td>
<td>Illustrative / Associative</td>
</tr>
<tr>
<td>Representativeness</td>
<td>Evidential Value</td>
</tr>
<tr>
<td>Historic Association</td>
<td>Archaeological Interest</td>
</tr>
<tr>
<td>Aesthetic Merit</td>
<td>Communal Value</td>
</tr>
<tr>
<td>Artistic Innovation and Virtuosity</td>
<td></td>
</tr>
<tr>
<td>Association</td>
<td>Technology Innovation or Technique</td>
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</tbody>
</table>
If a building or area is identified to have some form of special interest, it will then be judged against its historic value. Sections 7.3 and 7.4 set out the selection criteria used to identify heritage assets of local interest.

**Special Interest**

**Age, Rarity**

The age of an asset is an important criterion as the age range can take into account distinctive local characteristics. The older a building or area the fewer examples of its kind are likely to have survived and so the more likely it is to have historic importance.

For a building to be considered to be included on the register it must meet one or more of the following criteria in the Age and Rarity categories;

- **Pre-1840**: all buildings where the style, form and construction of the building are easily identifiable and potentially restorable.

- **1840 - 1880**: all buildings that are largely complete and of good architectural or historic interest.

- **1880 – 1940**: only buildings that are substantially complete and unaltered and of very good architectural or historic interest that are largely unaffected by alterations and extensions.

- **Post 1940**: only buildings that are wholly complete and of the highest level of architectural or historic interest that is unaffected by inappropriate alterations and extensions.

- Is the area particularly old, does it allow for the interpretation about the history of the area which is distinctive to Eastbourne.

- Does the area contribute to a date significant to Eastbourne’s urban development.

- Is the urban development of the area significant to an important person or event in Eastbourne’s history.
• Is the area a rare surviving example of evolved or conscious urban design that contributes to the history of Eastbourne and its urban development.

• Is the area an early example of town planning

• Does the area open up significance views of Eastbourne

• Does the area consist of urban landscape features which are distinct to Eastbourne’s urban development

Besides the age and rarity there are other criteria for selection; a building may have architectural interest, for example it may display particularly impressive craftsmanship or distinctive architectural style. It might demonstrate technological innovation or excellence. It may have a close documented historic association with significant people or events in history or it might have scenic, artistic or group value. An historic building may have limited architectural interest but remain structurally sound and be adaptable for new uses.
**Integrity**

To have a degree of integrity, the building or area should retain a sense of completeness, either as an individual building, plan form or landscape feature as part of a larger group. The building or area may also represent a single phase of development, or encompass several phases, as can be found with most residential or institutional buildings or associated areas.

**Group Value**

- Terraces, enclosing buildings (surrounding squares), uniformed rows etc
- Early local examples of deliberate town planning
- Groups which as a whole have a unified architectural and historic value to the local area.

1 – 45 Enys Road, Buildings of Local Interest representing Group Value

**Representative**

A local heritage asset may not necessarily be rare; it could be representative of a particular historical or architectural trend. It may also be part of a legacy of a particular individual, architect, and architectural movement, programme of works, company or group in the past. The special interest found in representativeness is closely linked to a building or areas historic association.

Henry Curreys 1872 Development Plan of Eastbourne (west) Representative of a particular period of development some of is identified as Areas of High Townscape Value
Historic Association

- Well authenticated historical association with a notable person(s) or event
- Figures or events of national interest with direct association
- Figures or events of local interest with a prolonged and direct association
- The contribution made by the individual or event to the local scene
- The importance of the building in relation to the work / influence of the person or event in question
- A key association with a notable figure or event, particularly if the figure or event influenced local or national events during the association with the building in question

Aesthetic Merit

A local heritage asset may evoke positive feelings of worth by reason of its architectural, design or artistic quality for in its form and layout. This may be through a conscious design or evolved through incremental growth over time, features that make a positive contribution to the streetscene and wider area.

10 Bolton Road a Building of Local Interest
The aesthetic merit of a building or group of buildings is judged according to the following criteria:

**Artistic, Innovation or Virtuosity**

- Early local examples of a particular architectural style
- Use of quality materials and workmanship
- The work of a notable local architect (same determination factors as for Historic Association).
- Architectural merit as recognised by local or national awards or publications

**Association**

Evidence may suggest a local heritage asset is associated with a particular person or historic event. This could include a landowner, royal event, charity, religious group or other group in the past. Examples may include sites previously inhabited, designed or constructed by a well-known or locally important individual or group. If an association cannot be proved some sites may be valued for associations based on local tradition rather than historic fact.

**Technological Innovation or Technique**

- Early local examples of a particular type of building or early local use of a new material or building technique (eg C19th concrete)
- Use of quality materials and workmanship

*Use of local materials*
Social Importance

The development of an area is often influenced by an individual building, which may play an integral part in the shape of the area, or in the local social scene. Such buildings may include churches, schools, village and town halls, chapels, public houses, memorials, places of employment and workhouses, which formed a focal point or key social role in the history of the area.

- Pubs, churches, factories, cinemas, banks etc
- Buildings that are a focal point or social and visual interest.
- Form a landmark, from within or from outside an area.
- Of good general architectural or historic interest
- Townscape value; a building which adds to a group, street or space
- Groups which as a whole have a unified architectural and historic value which the local area.

Willingdon Village Pump House a building of local interest of social importance

If a building or area is identified as having special interest this would then be measured against its heritage values.
Heritage Values

Sections 7.4.1 to 7.4.4 explore the different types of heritage values at local level. In order for an asset to be of significance it must have heritage value.

Aesthetic Merit

‘The ability to provide sensory and intellectual stimulation from a place’, as a result of its composition (form, proportion, massing, silhouette, views, vista and circulation), use of materials or craftsmanship. It may be consciously designed or have evolved over time to give an overall attractive appearance and make a positive contribution to the character and appearance of the streetscene or wider area.

A heritage asset with aesthetic value will usually be in a good state of repair or in a state that could be easily restored.

Historic Value

‘The way in which the present can be connected by a place [building or area] to people, events and aspects of life in the past, it tends to be illustrative or associative.’

Illustrative value assists with the interpretation of a building or areas past, through making connections with, and providing insight into, past communities and their activities through a shared experience of a place.\x

Often described in relation to design, technology, structural system, planform, veteran trees, street furniture etc.

Associative value with a notable person, event or movement gives historic value a particular meaning. Associative value also identifies places closely connected with the works of people who have made important discoveries.

A heritage asset with historic value will usually depend on sound identification and direct experience of fabric or landscape that has survived from the past.
**Evidential Value**

‘The potential for a place [building or area] to yield significant evidence, usually from physical remains about past human activity.’

Usually associated with archaeology and older assets, all buildings and areas encapsulate information about their historic development and chronology, the value of which is proportionate to their interpretation of the past against existing evidence available of that period.

A heritage asset with evidential value will usually depend on the age of the asset and its ability to provide evidence of the past through interpretation.

**Communal Value**

‘The meaning of a place [building or area] for people who relate to it – a collective experience or memory’.

Communal value tends to be closely linked to aesthetic and historic values, which reflect the meaning of a place for those who have a emotional link. The most obvious examples are commemorative memorials or places of worship (spiritual value).

A heritage asset with communal value will usually depend on the perceived survival of the fabric or character of place.
Archaeological Sites

A large number of areas of archaeological interest are already identified on East Sussex Historic Environment Record (HER). In addition any new sites that may come forward through development works, local studies, metal detecting etc, should be reported to the HER as being of archaeological interest for further investigation and notification.

Recommendations for Local Heritage Assets

Recommendations of local heritage assets are welcomed from Councillors, local amenity societies, residents and other interested parties. To nominate a local heritage asset, complete the selection criteria against the identified asset and submit to the council for full consideration. Remember the more information provided in relation to the identified special interest and heritage value, the more an informed decision can be made on its validity.

When a building or area is identified and meets the selection criteria the owners of the selected building, will be notified and comments sought from the owner of the building.

Following which the identified building or area will be presented to The Conservation Area Advisory Group for ratification and Planning Committee for final approval.
Bibliography


Eastbourne Borough Plan 2001-2011; adopted (September 2007)

Eastbourne Townscape Guide Supplementary Planning Guidance; adopted (July 2004)


The National Planning Policy Framework, March 2012, DCLG

Planning Practice Guidance, March 2014, DCLG

Note: As from April 2015 English Heritage, provide the same heritage services under the name of Historic England.
Nominate a Local Heritage Asset

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Location</td>
<td></td>
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</table>

**NB: Please provide a photograph and a map showing its location**

**Identification of the Local Heritage Asset [please tick]**

| A building or group of buildings |  |
| A monument or site (an area of archaeological remains or a structure other than a building i.e. statue, bridge etc) |  |
| An area or place (area, street, park, garden or natural space) |  |
| A landscape (an area defined by visual features or character i.e. open space, field system, suburb, village etc) |  |

**What are the assets ‘special interest’ [please tick]**

| Age .... Is it particularly old or of a date significant to Eastbourne’s urban development |  |
| Rarity ...Is it unusual in the area or a rare survival of a once common feature |  |
| Integrity ...Is it largely complete or in original condition |  |
| Group Value...Is it part of a group that has close historic, aesthetic or communal association |  |
| Historic Association [Representative]...does it have well documented association with a persons, event, episode of local history |  |
| Aesthetic Merit...is it a good example of architectural style, a particular use or work of a local architect |  |
| Associative ...is it a good example of an innovative technique or use of materials |  |
| Eastbourne’s identity...Is it important to the identity or character of Eastbourne or a particular part of the Borough |  |
| Other...Is there another way you think it has special interest or historic value that contributes to the unique character and appearance of Eastbourne |  |

**Why is it locally valued [please tick]**

| Aesthetic : Does it make an important contribution to the positive look of the area either by conscious design or has it evolved over time providing a sense of identity |  |
| Historic: Illustrative:- Does it illustrate an aspect of the area’s past that makes and important contribution to its identity or character |  |
| Associative:- Does the building or area connect us to people and events that shaped the character or identity of the area |  |
| Evidential: It the building or area an important resource for understanding and learning about the area’s history |  |
| Communal: Is the building or area important to the identity, cohesion, spiritual life or memory of all or part of the community |  |
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COMMITTEE: PLANNING

DATE: 21 June 2016

SUBJECT: Tourist Accommodation Retention Policy Review

REPORT OF: Senior Head of Regeneration, Planning and Assets

Ward(s): All

Purpose: To provide background and context to the issue of Tourist Accommodation retention, identify potential areas of change

Contact: Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy)
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations:

1. Planning Committee are asked for their views on:

   - What part of the existing TAA should constitute the Primary Zone?
   - What criteria should loss of tourist accommodation in the Primary Zone be assessed on?

2. Planning Committee are asked for their views on:

   - What part of the existing TAA should constitute the Secondary Zone?
   - How much flexibility should be given to applications for change of use on the Secondary Zone?
   - What should be included in the criteria to assess the loss of tourist accommodation in the Secondary Zone?
   - Should additional flexibility be allowed on applications on lifestyle businesses, or where there is a proposal for partial conversion with an agreement to invest in the remaining accommodation?
1.0 Introduction

1.1 Eastbourne is one of the largest providers of tourist accommodation in the South East outside London, and has the 16th highest supply of hotel rooms in the country. It is important that a seaside resort like Eastbourne has the right quality and quantity of tourist accommodation because it is important to the local economy.

1.2 Then current policy has been applied for development management purposes since the adoption of the local plan in 2003 and it is therefore considered that given the changing holiday and general economic market in the intervening years that a review of the effectiveness of this policy is undertaken.

1.3 The purpose of this report is to provide background and context to the issue, and identify where there may be the need for further discussions.

2.0 Background

2.1 The existing policies on tourist accommodation are contained within the Eastbourne Borough Plan 2001-2011, adopted in 2003, and a Supplementary Planning Guidance (SPG), adopted in 2004, which sets out how the Borough Plan policies should be interpreted.

2.2 There is a belief amongst the local hotel industry that the current policy is overly restrictive, inflexible and does not reflect the current market trends.

2.3 Evidence gathered during the preparation of the Seafront Local Plan confirmed that there is an issue with the current planning policy relating to the retention of tourist accommodation in that it is creating an oversupply of accommodation that it part may be contributing a lowering of standards in order to be able to compete in a congested market place.

2.4 At the Local Plan Steering Group meeting on 5 April 2016, a report was presented that outlined the different options for reviewing the tourist accommodation retention policies. It was agreed that the recommended approach of producing a new Supplementary Planning Document (SPD) to provide a new interpretation of existing policies should be taken forward.

3.0 Existing Situation

3.1 Eastbourne has a significant stock of tourist accommodation, including 46 hotels, 60 guesthouses and 144 self-catering units, amounting to approximately 3,500 bedrooms. Over 90% of Eastbourne’s hotels and guesthouses/B&Bs are located within the area along the seafront defined as the Tourist Accommodation Area (Appendix 1).

3.2 The majority of the rooms (81%) are located within hotels. Although there is
one 5-star and two 4-star hotels in Eastbourne, the majority of supply is concentrated towards the three-star, two-star and budget categories of the market. In addition, dedicated coaching hotels account for 20% of the total hotel room supply.

3.3 In terms of Guesthouses/B&Bs, there is a good supply of 4-star guest accommodation, and 46.3% of the total supply of Guesthouses/B&Bs are graded three-star and above.

3.4 A survey of accommodation providers in the Tourist Accommodation Study (2015) indicated that the annual average occupancy for all serviced accommodation in 2014 was 54%, with average occupancy rates ranging from a high of c.80% in August, to a low of c.15% in January. However, anecdotal evidence suggests that some of the dedicated coaching hotels run at 90% occupancy for most of the year.

3.5 The average number of nights that an establishment was fully occupied was 30 nights in the year, which would usually occur during the high season and when major events such as the AEGON International Tennis and Airbourne take place.

3.6 Across all establishments, the annual average achieved room rate was £61 per night, ranging from an average low of £54 in the low season to an average high of £71 in the high season. However, some individual establishments do have significantly higher room rates.

3.7 Under-occupancy and low room rates, especially in the low season, could mean that some accommodation providers choose to accept non tourist residents in order for their businesses to survive. There are examples of this happening in Eastbourne.

3.8 In terms of property transactions, the Guesthouse/B&B sector has remained very active over recent years, with a number being sold to buyers with no prior hospitality sector specific experience looking for a lifestyle change. It is interesting to note that Guesthouses/B&Bs that have had a change in ownership have generally seen an increase in occupancy over the last five years, possibly due to improvements made by new owners.

3.9 However, the larger independent hotels have not been so popular on the market, probably due to intense competition at the lower end of the market and competition from dedicated coaching hotels that dominate the coaching market. It is difficult for smaller independent coaching hotels to convert their product to one that appeals to individual visitors booking directly, and therefore there is significant interest in such properties for residential conversion.
4.0 Existing Policy

4.1 The existing policy on the retention of Tourist Accommodation comes from the saved policies from the Eastbourne Borough Plan 2001-2011 (adopted 2003).

4.2 Policy TO1 defines an area along the Seafront as being the Tourist Accommodation Area. The policy states that within this area, applications for proposals that are incompatible with tourist accommodation use should be refused.

4.3 Policy TO2: Retention of Tourist Accommodation identifies that within the Tourist Accommodation Area, applications for the redevelopment or change of use of tourist accommodation to any other use will be refused. The policy does provide exceptional circumstances for when permission will be granted for other uses, but this is dependent on the applicant demonstrating that the continuing use of land as tourist accommodation is not viable. The policy sets out the factors that will be taken into account in the determination of viability. The wording of the policy is provided in Appendix 2.

4.4 The Assessment of Financial Viability of Tourist Accommodation SPG was adopted in 2004. This provides information on how Policy TO2 is interpreted and what information is required in order to satisfy the policy.

4.5 It is intended that the Assessment of Financial Viability of Tourist Accommodation SPG will be replaced by a new Supplementary Planning Document (SPD) that will provide an updated interpretation of Policy TO2.

5.0 Evidence

5.1 A Tourist Accommodation Study was completed by consultants Acorn Tourism Consulting Ltd in 2015. The Tourist Accommodation Study reviews the current tourism market and the tourist accommodation provision in Eastbourne, analyses tourist accommodation performance through interviews and surveys with accommodation providers, and reviews the planning policy framework to make recommendations for how tourist accommodation should be addressed in the future.

5.2 The Tourist Accommodation Study considers that there is an oversupply of lower quality accommodation, particularly that which previously catered for the coaching market. This oversupply means that average occupancy levels fall as the lower quality accommodation reduce their prices to attract custom, which in turn means other providers need to reconsider their pricing. This ultimately drives down the average room rate and occupancy levels, particularly during the low season, and means that owners are unable to continue to invest in the maintenance and upkeep of the property resulting in a downward spiral of poorer quality stock.
5.3 This has implications on how visitors perceive Eastbourne in terms of the quality of their visit and the likelihood of them returning or providing recommendations, and also on how investors perceive Eastbourne. This restricts the ability of the town to diversify the tourist accommodation offer attract a broader range of visitors to Eastbourne thereby enhancing the destination’s overall competitiveness.

5.4 The conclusion of the Tourist Accommodation Study is that there is a need to rebalance and diversify the supply of tourist accommodation with future emphasis on quality rather than quantity. This will allow Eastbourne’s tourist accommodation to develop more organically and in turn appeal to and attract new markets.

5.5 A rebalancing of the supply requires the adoption of a more flexible approach to managing the tourist accommodation supply, particularly within the Tourist Accommodation Area where properties are located in streets away the seafront. It is recommended that the main focus should be on gradually reducing poor quality stock in these locations that will not be fit-for-purpose in the medium to long term, which in turn should help stimulate investment in better quality accommodation appealing to a broader range of visitors.

6.0 Issues

6.1 It is clear from the evidence that the current policy needs to be reviewed; however there are a number of issues that need to be considered through this review.

6.2 It is essential that Eastbourne has suitable retention policies to ensure that the town retains an appropriate amount of tourist accommodation to attract increased numbers of visitors, but also that the quality of the tourist accommodation remains high and that the policy is not too restrictive so as to allow poor quality accommodation to exit the market where there is no viable future for it.

6.3 An oversupply of poor quality accommodation in less prominent positions

6.3.1 The Tourist Accommodation Study identifies that Eastbourne has a large concentration of smaller independent two and three-star hotels, and those located away from the seafront are likely to be less appealing to visitors. Consequently, some of the smaller independent hotels are finding it harder to compete.

6.3.2 An oversupply of stock that is no longer responding to market needs represents a risk in terms of diluting the overall market occupancy and achieved average room rate, as price becomes the only differentiator. Poor trading conditions acts as a barrier to investment and upkeep of existing
properties and development and investment in new provision.

6.3.3 The Tourist Accommodation Study identifies that the main challenge is to find a long-term solution to properties with between 10 and 50 rooms that are too large for a lifestyle business, but at the same time too small to operate efficiently as a mainstream commercial hotel.

6.4 The loss of substantial amounts of tourist accommodation could weaken the town’s ability to retain its status as a tourism destination

6.4.1 It is essential to ensure that that there are sufficient bed spaces to continue to attract an increasing number of visitors, and that Eastbourne retains a critical mass of accommodation to maintain the town’s reputation as a tourist destination. Staying visitors spend much more in the local economy than day visitors and this helps to support other tourism related businesses.

6.4.2 It is crucial that the accommodation stock remains fit for purpose and meets the requirements of current and future visitors to the area in terms of quality, type and quantity.

6.4.3 In addition, the availability of sites for hotel development is very limited, and there is pressure from competing higher value uses, particularly residential. As such, hotel sites relinquished to other uses are unlikely to be replaced by new hotel development.

6.5 The protection of character of the Seafront

6.5.1 The hotels fronting the seafront from the Western Lawns all the way down to the Redoubt gives the seafront a locally significant character that makes a particular contribution to the town as a destination.

6.5.2 The importance of well-maintained hotel façades is crucial to the character and appearance of the seafront. It is undesirable to allow the character of the seafront to be further eroded by allowing the buildings along the seafront frontage to convert from hotels to residential. It is therefore essential that this area has strong policy protection.

6.6 Policies need to be well defined, economically realistic policies and can be applied consistently

6.6.1 There is concern that the current SPG is too restrictive and does not provide a clear basis upon which applications can be determined consistently.

6.6.2 In order for policies to be effective, they need to be easily understood and applied consistently, which means that the requirements need to be set out clearly in terms of the information that is required in order to determine an application.
6.6.3 However, policies also need to allow for an element of sensitivity as to how they are implemented in order to reflect changing circumstances. It is important that planning policy does not seek to attempt to perpetuate outdated forms of tourist accommodation for which there is no longer a market.

6.6.4 It is also important that there is regular monitoring of changes in occupancy levels and room rates in order to understand how successful the policy is. This would also create a robust evidence base against which to compare the performance of an individual accommodation establishment.

6.8 Removal of ‘hope’ value to encourage owners to run their businesses effectively

6.8.1 The increasing demands for housing puts pressure on lower value uses to convert, meaning that a hotel could be worth significantly more than its business value if it becomes available for residential development. This could tempt some hotel owners to seek to sell for residential conversion instead of selling the hotel as an on-going concern. This does not necessarily mean that such hotels are no longer commercially viable or would not find buyers if they were put onto the market as tourist accommodation.

6.8.2 Providing a strong policy that provides certainty in terms of what would or would not be permitted will remove unrealistic expectations and provide encouragement to operators to make a success of their businesses. It will also ensure the premises are marketed at more realistic prices that would allow the purchase of an on-going concern if there is interest from the market.

Lifestyle Businesses

A ‘lifestyle business’ is business set up and run by its founders primarily with the aim of sustaining a particular level of income and no more. In relation to Tourist Accommodation, the business is likely to be their home as well.

It is recognised that commercial viability arguments are more difficult for ‘lifestyle businesses’ as such businesses are often a blend of home plus income. It may be appropriate that owners of ‘lifestyle businesses’ could be provided with some additional flexibility over the use of such premises, especially when personal circumstances might change.

6.10 Houses in Multiple Occupancy

6.10.1 The provision of Houses in Multiple Occupancy (HMOs) is a significant threat to the attractiveness of the seafront. The presence of HMOs in the prime tourist areas may not portray a positive image of the destination, and may
adversely impact the visitor experience.

6.10.2 Some tourist accommodation may undergo an ‘unofficial’ conversion to an HMO where accommodation providers accept non tourist residents in order to maintain an income that the tourist accommodation is not providing. This activity may not necessarily require planning permission, although it is not straight-forward.

6.10.3 There is also a perceived risk that removing hotels from the protection offered by the tourist accommodation retention policy would mean that establishments could apply for planning permission for an HMO without significant changes being required to the building.

7.0 **Basis for new policy interpretation**

7.1 At this stage it is not possible for a new policy to be created, although the SPD can provide a new interpretation on what is required in order to meet the existing policy. As such, the existing Tourist Accommodation Area (TAA) designated will need to be retained and evidence will still need to be submitted with a planning application for the loss of tourist accommodation in order to demonstrate non-viability.

7.2 However the SPD may set new criteria on what evidence is required in order to meet the expectations of the policy, or it may be more flexible with that certain proposals in certain situations.

7.3 One of the key recommendations of the Tourist Accommodation Study is that the boundaries of the TAA be amended. As the new SPD will need to be consistent with policy, it will not be possible to change the TAA. However in order to address this issue the SPD could apply criteria differently within different parts of the TAA, which suggests that primary and secondary zones within the TAA could be identified.

7.4 **Primary Zone**

7.4.1 Within the Primary Zone, the criteria should remain strong with significant evidence required in order to demonstrate that the continuing use of land as tourist accommodation is not viable.

7.4.2 It is considered that the criteria required to demonstrate non-viability in the Primary Area should be similar to those that are in the existing SPG. However, there may be scope to provide clearer requirements on what needs to be submitted with an application in order for decisions to be made on a consistent basis.
7.4.3 Planning Committee are asked for their views on:
- What part of the existing TAA should constitute the Primary Zone?
- What criteria should loss of tourist accommodation in the Primary Zone be assessed on?

7.5 Secondary Zone

7.5.1 Within the Secondary Zone, the criteria should not be as onerous as in the Primary Area in order to provide more flexibility for accommodation to exit the market and reduce the oversupply, but only where there is no market interest in the hotel use continuing. This suggests that a lower level of evidence should be required with a planning application for change of use or conversion.

7.5.2 In addition to the viability criteria, it may appropriate for losses in the Secondary Zones to be allowed in certain circumstances, as described below.

7.5.3 Proposals for conversion of a ‘lifestyle business’ into a Single Private Dwelling could be afforded additional flexibility where the establishment in the Secondary Zone is under a certain size.

7.5.4 Proposals for the partial conversion of serviced accommodation to residential could be permitted where there is an agreement to invest in the remaining tourist accommodation. The advantage is that it guarantees continuity of supply and, although this could be with fewer bed spaces, the compensation is the improvement in quality of what remains. This would only be appropriate on larger establishments in the Secondary Area where separate entrances could be created.

7.5.5 The principle of partial conversion of serviced accommodation to non-serviced accommodation (holiday flats) could also be permitted where there is a clear link in terms of the ownership and management of the hotel and holiday flats.

7.5.6 Planning Committee are asked for their views on:
- What part of the existing TAA should constitute the Secondary Zone?
- How much flexibility should be given to applications for change of use on the Secondary Zone?
- What should be included in the criteria to assess the loss of tourist accommodation in the Secondary Zone?
- Should additional flexibility be allowed on applications on lifestyle businesses, or where there is a proposal for partial conversion with an agreement to invest in the remaining accommodation?
7.6 **HMOs**

7.6.1 Borough Plan Policy HO14: Houses in Multiple Occupation states that HMOs will not be permitted in the tourist accommodation area defined by Policy TO1. Retaining the Tourist Accommodation Area as it currently is means that this policy would still apply, and even where tourist accommodation in the Secondary area meets the tests to allow conversion, a conversion to a HMO would still be contrary to policy and would be resisted.

**8.0 Next Steps**

8.1 Feedback from Planning Committee and discussions with the Eastbourne Hospitality Association will assist in the development of the policy review.

8.2 The SPD will then be drafted and presented to Planning Committee for comments on 30 August, before being presented to Cabinet for authority to publish for consultation. Consultation is anticipated to take place between 16 September and 28 October.

8.3 Following consultation, the comments will be reviewed to allow a final version to be presented to Planning Committee and Cabinet, before adoption at the Full Council meeting on 22 February 2017.

**Background Papers:**

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027 (EBC, 2013)
- Tourist Accommodation Study (Acorn Tourism Consulting Ltd, 2015)
- National Planning Policy Framework (DCLG, 2012)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.
Appendix 1

Tourist Accommodation Area
Appendix 2

Extract from the Eastbourne Borough Plan relating to Tourist Accommodation Retention Policies

Accommodation

11.5 Eastbourne is one of the largest providers of tourist accommodation in the South East, outside London. Since 1976 planning policy has actively sought to retain accommodation in the main tourist areas and it is clear that this has played a part in maintaining an adequate stock of serviced accommodation and in promoting the development of un-serviced accommodation which has increased by 25% since 1990.

11.6 Since 1990 the numbers of hotels and guest houses has declined, with a loss of almost 1000 rooms and over 2000 bed spaces. The greatest decline being in the number of small size establishments. However there has been a significant improvement in the quality of the remaining establishments, with 83% of serviced accommodation now providing en-suite facilities.

11.7 Maintaining the stock of serviced establishments is vital if Eastbourne is to seek to capitalise further on the increasing trend toward short-break holidays, especially for older couples with grown-up families. This stock is also important in the market for conference and business related tourism. It is, therefore, important to continue with the policy of retaining holiday accommodation in the areas of the Town where visitors expect to find such accommodation. In itself it would appear that the loss of one property providing serviced accommodation does not materially affect the stock of such accommodation available. However it is the cumulative effect of allowing a number of establishments to disappear that is of concern and which could, if uncontrolled, significantly affect Eastbourne’s role as a major resort.

11.8 It is recognised that in exceptional circumstances the continued use as holiday accommodation may not be appropriate. In particular the Council accepts that tourist accommodation may no longer be financially viable, but it is important that objective criteria are available to enable proper consideration of such proposals in order to ensure that viable tourist accommodation establishments are retained. In addressing these criteria the Council would wish to see a full exploration of a property’s suitability for modernisation or for conversion into un-serviced accommodation, as there continues to be a demand for high quality self-catering accommodation.

11.9 The Council recognises that operating costs must be met if the use of the land as tourist accommodation is to be viable. When considering profitability, it is recognised that for many small hotels and guesthouses the integration of a family home and the convenience and independence of working from home
have a value that pushes the market price above the pure business value of the premises. This makes a commercial return on investment targets inappropriate as a measure of viability. The policy acknowledges the reality of this sector of the business. Accordingly factor g) in Policy TO2 is only appropriate if the investment has the sole objective of generating a competitive commercial return. For smaller hotels and guesthouses, where the operator’s private use represents at least 10% of the building (defined in terms of the proportion of the total habitable floor area, excluding hallways and landings), due consideration will be given to the value of non-financial factors in assessing whether the use as tourist accommodation is viable. Further explanation of the assessment of the viability of tourist accommodation will be set-out in Supplementary Planning Guidance.

11.10 An area for tourist accommodation is designated, and shown on the Proposals Map, which reflects the area of greatest demand for tourist accommodation. It includes most of the Town’s larger hotels, as well as smaller less expensive establishments. It is important to recognise that this area is essentially a business area, with property values reflecting the tourist accommodation use, and it is appropriate that the needs of tourists should prevail in considering other developments within this area. This means that the different lifestyles, and special requirements, of tourists should be recognised in deciding whether a proposed development is compatible with the tourist accommodation use of the area. These requirements might include, for example, the important aspects highlighted in the 1998 Eastbourne Tourism Study of “a place that is clean and tidy”, “an elegant seafront” and “a safe place to walk around at night”. Day-time commercial uses may, therefore, be incompatible because tourists may feel vulnerable to crime when walking past such establishments at night. Whilst businesses open 24 hours a day may also be incompatible because of night-time noise and potential nuisance.

Policy TO1: Tourist Accommodation Area
Within the tourist accommodation area, shown on the Proposals Map, planning permission will be refused for proposals which are incompatible with the tourist accommodation use.

In considering proposals for development within this area regard will be made to the different lifestyles and special requirements of tourists. This consideration will include the following:

- the effect on residential and visual amenity (see Policies HO20 and UHT4);
- the likely hours of operation;
- c) safety and security implications.

Policy TO2: Retention of Tourist Accommodation
Within the tourist accommodation area identified on the Proposals Map planning
permission will not be granted for the redevelopment or change of use of tourist accommodation to any other use. In this Policy “tourist accommodation” means serviced tourist accommodation (Class C1 use) and un-serviced tourist accommodation.

Only in exceptional circumstances will planning permission be granted for any other use. This means that the applicant must demonstrate that the continuing use of land as tourist accommodation is not viable.

In determining viability the following factors will be taken into account:

a) the location of the premises;
b) the physical condition and cost of repair of the premises;
c) the potential for refurbishment, including the cost of works;
d) the potential for conversion to other tourist uses, including the cost of works;
e) the market valuation of the property reflecting the above factors;
f) whether the direct costs of running the business can be covered; and
g) whether a commercial rate of return on investment can be achieved.

However, factor g) above will be excluded from the viability analysis in all instances where the operator has private accommodation on the premises comprising at least 10% of the building (defined in terms of the proportion of the total habitable floor area, excluding hallways and landings).

**Note:** Supplementary Planning Guidance will be prepared giving further details assessment of viability of tourist accommodation.
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COMMITTEE: PLANNING

DATE: 21 June 2016

SUBJECT: Guidance Document on the maintenance, repair and replacement of windows in heritage assets.

REPORT OF: Senior Specialist Advisor (Planning)

Ward(s): All

Purpose: To provide a summary of the current policies and guidance available to assess the replacement of windows through the planning process.

To seek Members views on the draft window guidance document which amalgamates current national guidance available on windows and identifies the relevant national and local policies and supplementary guidance referred to as part of the planning process when assessing the replacement or renewal of windows.

Contact: Leigh Palmer Senior Specialist Advisor (Planning)
Tel no: (01323) 415215
E-mail: leigh.palmer@eastbourne.gov.uk

Recommendations:

1. Delegate to the Senior Specialist Advisor (Planning) to implement where necessary typographical changes to the document.

2. Delegate to the Senior Specialist Advisor (Planning) to produce an executive summary document to accompany the document in the next round of consultation.

3. Delegate to the Senior Specialist Advisor (Planning) to create a draft Planning Policy Document to provide greater clarity in the assessment of planning application for replacement windows.

4. Refer to Cabinet the guidance document and supplementary information for them to endorse a 6 week consultation period.
1.0 Introduction

1.1 It has become apparent in determining applications for the replacement of windows through the planning process that EBC has little supporting guidance available to officers, planning agents, business owners and home owners relating to the maintenance, repair, replace and aesthetic value associated with traditional windows.

1.2 As a response this document has been produced in an attempt to amalgamate the relevant national and local policies and supplementary guidance referred to as part of the planning process when assessing the replacement or renewal of windows.

1.3 This document has been reported to the Local Plan Steering Group and also Conservation Area Advisory Committee prior to reporting to Planning Committee, a copy of the Conservation Area Advisory Group report and also the guidance document itself is appended to this document for information.

1.4 The guidance document is being reported to Planning Committee unaltered by/via its earlier reporting to Local Plan Steering Group and Conservation Area Advisory Committee with the view that we should receive a pool of responses against a common document.

2.0 Background

2.2 This document has been produced to provide owners, agents, applicants and other interested parties with an insight into the heritage values attached to the significance of traditional windows, as they would be assessed by EBC through the planning process. In addition, advice on good practice is offered for the maintenance and repair of traditional windows including their wholesale replacement.

2.4 The Conservation Area Advisory Committee resolved at their meeting of May 2016 the following recommendation:-

‘...The Group praised the quality of the document and expressed their thanks to the Specialist Advisor (Conservation). It was suggested that the document add examples of plastic window applications that had been previously approved in Conservation Areas. It was also recommended that in addition to the document, a shorter version, highlighting the key points of interest should be produced for ease of reference...’

3.0 Recommendation:-

1. Delegate to the Senior Specialist Advisor (Planning) to implement where necessary typographical changes to the document.

2. Delegate to the Senior Specialist Advisor (Planning) to produce an executive summary document to accompany the document.

3. Delegate to the Senior Specialist Advisor (Planning) to create a draft Planning Policy Document to provide greater clarity in the assessment of planning application for replacement windows.

4. Refer to Cabinet the guidance document and supplementary information for them to endorse a 6 week consultation period.
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CAAG Report

To: Conservation Area Advisory Group

From: Sarah Leete-Groves (Specialist Advisor (Conservation))

Date: Tuesday 24 May 2016            Sensitivity: Normal

Subject: Windows: A guide to their maintenance, repair and replacement

Purpose of Report:
- To provide a summary of the current policies and guidance available to assess the replacement of windows through the planning process.
- To seek Members views on the draft window guidance document which; amalgamates current national guidance, available on windows and identifies the relevant national and local policies and supplementary guidance, referred to as part of the planning process when assessing the replacement or renewal of windows.

Recommendations and requirements of CAAG:
- That Members provide their comments on the report

1.0 Introduction

1.1 It has become apparent in determining applications for the replacement of windows through the planning process that EBC has little guidance available relating to the maintenance, repair, replace and aesthetic value associated with traditional windows.

1.2 This is further emphasised through the number of planning applications received for the replacement of traditional timber windows with uPVC units and their unauthorised replacement, which suggests that there is a lack of awareness of the merits associated with traditional windows. A case in point being a recent enforcement decision against the unauthorised replacement windows to Eastbeach Hotel, a seafront hotel identified as being a building of local interest sited in a conservation area.
2.0 **Background**

2.1 Following discussions between Councillors and the Eastbourne Hospitality Association, it was decided that a review of the approach in respect of UPVC windows in Conservation Areas should be undertaken.

2.2 This document has been produced to provide owners, agents, applicants and other interested parties with an insight into the heritage values attached to the significance of traditional windows, as they would be assessed by EBC, through the planning process. In addition, advice on good practice is offered for the maintenance and repair of traditional windows including their wholesale replacement.

3.0 **Existing Policy**

3.1 It is important to note that EBC does not have a dedicated planning policy which relates specifically to the renewal or replacement of windows. However, replacement windows that require approval through the planning process are considered in accordance with the relevant policies and adopted guidance.

3.2 Existing national policy comes from the National Planning Policy Framework [NPPF] Section 12, which highlights the need for both the applicant and local planning authority to identify the significance of the heritage asset subject to alteration, with weight given to the harm of the identified significance through the proposed alteration.

3.3 A key element of significance is design, which is assessed on a local level through Policy D10a: Design, found within the Core Strategy Local Plan 2013, which seeks to achieve a high quality environment where new development makes a positive contribution to the appearance of our townscape and urban heritage.

3.4 The assessment of urban heritage is found in Core Strategy Policy D10 Historic Environment. This policy supports the protection and enhancement of all significant heritage assets, where practicable. There is a presumption in favour of protection of all heritage assets from inappropriate change, including both designated (Listed Buildings, Conservation Areas) and non-designated assets (Buildings of Local Interest and Areas of High Townscape Value).

3.5 In addition, Policies UHT15, UHT16, UHT17 and UHT18, found within the Eastbourne Borough Plan 2001-2011 (adopted 2003, saved 2007) further define the value EBC attaches to both designated and non-designated assets through development management policies.
In support of the identified Borough Plan Policies, the adopted Eastbourne Townscape Guide (2004) Guidelines WD1, WD2 and WD3 specifically relate to replacement windows. This Supplementary Planning Guidance has been tested through the development management and appeal process.

4.0 Contents of Draft Guidance

4.1 In general the draft window guidance document is an amalgamation of national guidance available on the maintenance, repair, replacement and significance of traditional windows. In addition the document highlights the importance of design and highlights both national and local policies including supplementary planning guidance, which are to be considered as part of the planning process when assessing replacement windows in listed buildings, conservation areas, buildings of local interest and areas of high townscape value.

4.2 To assist with determining what constitutes the maintenance, repair or replacement of windows through the planning process, a window assessment flowchart of frequently asked questions and a planning process flowchart for replacement windows, has been included within the document.

4.3 As a starting point the document highlights the merits associated with a regular maintenance program of cleaning and painting. An approach which will extend the life of a window, besides being more cost effective than installing new windows.

4.4 Where repair is required to overcome decay in the frame; the document advised where feasible, the window should be repaired in situ, retaining, as much fabric as possible, which in turn goes towards conserving the visual character and appearance of the building and the contribution it makes, to the immediate and wider area.

4.5 In considering the replacement of traditional windows, the document identifies and highlights what constitutes the key components (detailing) of a window that make it significant. Key components that contribute to the buildings original design intent which makes a historic and or architectural contribution to the significance of the building and or area.

4.6 In addition the document, offers further advice, on internally fitted secondary glazing units which can be an effective measure, to reduce noise and heat loss.

5.0 Next Steps

5.1 Following consideration and comments from Conservation Area Advisory Group [CAAG], the draft windows guidance will be presented to Planning
Committee on 26 July for their comments.

5.2 A review of the Tourist Accommodation Retention policy is being undertaken at the same time as the Windows Guidance, and both documents will be presented to Planning Committee on 26 July for their comments. Following this, both reports will go to Cabinet on 16 September for authority to publish for a six week consultation period. Following the consultation period, the result of the consultation and any proposed amendments will be presented to Local Plan Steering Group and Planning Committee before going to Cabinet and Full Council for adoption in February 2017.

6.0 Conclusion

6.1 Whilst there is not a planning policy that specifically relates to the replacement of windows, the existing policies and supplementary planning guidelines have been successfully tried and tested at appeal, demonstrating EBC existing policies in relation to design and heritage are adequate when dealing with the renewal or replacement windows through the planning process.

6.2 There is no absolute answer to whether UPVC windows are acceptable in Conservation Areas and each case will be judged on its merits, but it is anticipated that the draft guidance will provide a clearer understanding on the assessment of windows through the development management process and address issues of inconsistency.
Windows

A guide to their maintenance, repair and replacement
Windows

A guide to their maintenance, repair and replacement

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Available to view on-line at:
www.eastbourne.gov.uk/ the by following the planning policy link to Conservation.
Introduction

One of the biggest threats to the aesthetic value of a building or area is the inappropriate change or replacement of its traditional windows. Whilst this threat is attributed to different sources, the most common is the introduction of plastic windows (uPVC).

In response to the ad-hoc erosion of the aesthetic merits attached to the character of the built environment, through the introduction of inappropriate windows, this guidance has been produced to provide owners, agents, applicants and other interested parties with an insight into the heritage values attached to the significance of traditional windows as they would be assessed by the Local Planning Authority, through the planning process.

In addition, more practical advice on good practice is offered for the maintenance and repair of traditional windows including their wholesale replacement.

To assist with determining what constitutes the maintenance, repair or replacement of windows through the planning process, a window assessment flowchart of frequently asked questions and a planning process flowchart for replacement windows, has been included.
FREQUENTLY ASKED QUESTIONS

I need to replace my existing windows

WHY

They are looking untidy

NO

The timber is rotten

NO

They are draughty and let in outside noise

YES

Due to the design and construction techniques of timber and metal windows, they are relatively easy to maintain through a regular maintenance programme.

For further advice See Section 1

Would I need Planning Permission or Listed Building Consent to maintain my windows?

See Note 4

See Section 5

NO

The timber is rotten

YES

Due to the design and construction techniques of timber and metal windows, they are relatively easy to repair and their wholesale replacement is not always necessary.

For further advice See Section 2

Would I need Planning Permission or Listed Building Consent to repair my windows?

See Note 4

See Section 5

NO

They are draughty and let in outside noise

YES

Replacing single glazed traditional windows to achieve better thermal efficiency, is not always the most appropriate way forward.

There are other methods of upgrading thermal efficiency.

For further advice See Section 3 and 4

Would I need Planning Permission or Listed Building Consent to replace my windows?

Please see Flow Chart B

Is Planning and or Listed Building Consent required

YES

Note 4
Planning Permission or Listed Building Consent is not normally required for the maintenance / repair of windows. However it is important to remember, that for a listed buildings, repairs should be carried out in situ and all products used are on a like for like basis.

National and Local Planning Policy and Guidance See Section 4

The significance of any heritage asset is assessed against its heritage values and the contribution these make to the historic and architectural character and appearance of the building, its immediate and wider area, in conjunction with National and Local Planning Policy and Guidance, including that contained in this document.

For the assessment of Significance See Section 5
The planning process flowchart (B)

For Replacement Windows

Do I need planning permission to replace my windows?

Is my building a single dwelling house?

YES

For residential buildings in multiple-occupation (houses or flats), part residential / part commercial buildings and other non-residential buildings. Planning Approval is required

NO

If in doubt contact the local planning authority for confirmation.

Is my building?

A listed building (Grades I, II* or II)

See Note 1

Within a Conservation Area (is it subject to an Article 4 Direction)

See Note 2

A local heritage asset (building of local interest or located in an area of high townscape value)

See Note 3

Note 1

Listed building consent would almost always be required for the wholesale replacement of windows

Note 2

Planning permission would not normally be required for the wholesale replacement of windows to a single dwelling house within a Conservation Area. Unless the Conservation Area is subject to an Article 4 Direction and the permitted development rights have been removed.

Note 3

If the building is identified as a local Heritage asset, this would not necessarily attract the requirement for planning permission. However if planning permission is required, the identified significance attached to the local heritage asset will be taken into account through the planning decision process.

If in doubt please contact the local planning authority for confirmation.

NOTE

The significance of any heritage asset is assessed against its heritage values and the contribution these make to the historic and architectural character and appearance of the building, its immediate and wider area, in conjunction with National and Local Planning Policy and Guidance, including that contained in this document.
Windows in context...

In Eastbourne the vast majority of windows that contribute to the historic and architectural character and appearance of the Borough, comprise of two opening types: hinged casements and sliding sashes. Those that don’t open are known as fixed lights. All of which are traditionally constructed in either metal (in the form of wrought iron, cast iron, steel or aluminium) or timber.

Regardless of the use of material or mechanism for opening, aesthetically the proportions, detailing and glazing pattern of windows are imperative to the integrity of the building’s significance.

Hinged casement and fixed lights

Left: Top hung hinged casements with centrally located fixed lights
Right: Side hung hinged casements with centrally located fixed lights

Sliding sash windows

Traditionally formed timber sliding sash windows
Maintenance of windows

Section 1
Section 1: Maintenance of Windows

Timber Windows
Timber sash and casement windows are of a simple design and construction method, making them relatively easy to maintain.

Neglecting to carry out regular maintenance to timber frame windows, as part of a maintenance program, is an all too common problem which eventually leads to the need for repair and in some cases wholesale replacement.

Therefore, a regular maintenance programme of cleaning and painting to protect against weathering, particularly in exposed areas, will extend the life of a window, besides being more cost effective than installing new windows.

Typical problems which may be encountered when assessing timber windows, that would be considered as general maintenance may include:

- Cracked and flaking paintwork: the outside of the windows should be repainted at regular intervals.
- Sticking windows: usually the result of a build-up of paint which needs to be removed.
- Failed putty and broken glass panes: these are relatively easy to replace.
- Broken cords: re-cord - the cords and sash weights are available at most hardware outlets.
- Timber decay, particularly to the bottom rail: and more significant repairs should be carried out by any competent joiner / carpenter familiar with traditional techniques.

Metal Windows
Prior to undertaking an assessment on the condition of a metal window it is important to understand the type of metal used for the window (iron, steel, bronze or aluminium) as this will determine the maintenance approach taken.
However, typical problems which may be encountered when assessing metal windows, that would be considered as general maintenance may include;

- Cracked or loose pointing between the frame and the wall opening, encourages water ingress and gradual erosion - remove any cracked or loose pointing and repoint in a like for like (identical) material.

- Corrosion of the metal frames (signs of rusting) - rub down and treat with appropriate primer before repainting.

- Excessive build-up of paint, failed hinges or fittings - remove excessive paint and replace failed or missing ironmongery.

The advice offered within this document on the maintenance of timber and metal windows, is not exclusive, merely a starting point. There is a good selection of technical advice available from reputable sources, some of which can be found at:


Section 2

Repair of windows
Section 2: Repair of Windows

Timber Windows

The most common cause of decay in timber windows is through moisture penetration, which can easily be managed by regular inspection, painting and piecemeal repairs as part of a programmed maintenance routine.

However, where decay is detected in the frame, it is imperative to identify and address the cause, prior to carrying out repairs. Where feasible the window should be repaired in situ, by removing the affected area and splicing in new timber sections, as this allows for the retention of as much fabric as possible, conserving the visual character and appearance of the building and the contribution it makes to the immediate and wider area.

When approaching the repair of timber windows, it is important to use timber that matches that of the original; otherwise newly introduced poor quality timber will always be more vulnerable to decay, resulting in a short-term solution. Appointing a skilled craftsman would ensure the repair works are carried out to a standard acceptable to the long term repair of the window, in accordance with good conservation practice.

Example of traditional joinery repair

Decayed timber frame and cill  Frame and cill routed to expose sound timber

New timber spliced into the frame and made good ready for decoration

A traditional repair in situ

Left: Fig 4 a traditional timber repair
Right: Fig 5 technical example of traditional joiner repair
Metal Windows

The repair of metal windows will always depend on the type of metal used as part of the initial method of production. The metal and production process will in turn, determine the level of galvanization used, if any.

It’s important to remember, with metal windows, the visual appearance of rust is more often than not, looks more detrimental to the structural integrity of the window than it actually is. In this respect, there are specialists in the repair of metal and seeking their advice is essential prior to considering repair and or wholesale replacement.

Fig 6 Example of metal repair

Before

After

The advice offered within this document on the repair of timber and metal windows, is not exclusive, merely a starting point. There is a good selection of technical advice available from reputable sources, some of which can be found at:


Section 3: Replacement Windows

Replacement of traditional windows should only be undertaken if the windows are beyond economic repair.

When replacing a window that makes a historic and or architectural contribution to the significance of the building and or area, all the key components (detailing) of the existing window should be replicated in an accurate way, to ensure the integrity of the building’s original intent is retained.

**Detailing**

Flat arch
Outer lining
Sash stile
Meeting rail
Glazing bar
Bottom rail
Cill

**Note:** the above window, due to its age would not have had window horns. However these are a key component of later timber sash windows, located below the meeting rail, as an extension to the sash stile and these should be replicated, if appropriate, in any replacement proposal.

Where old glass remains, this should be removed carefully and re-used, as should ironmongery be overhauled and reused.

In the case of sliding sash windows, substitutes for pulleys and weights, such as counterbalancing springs, inevitably have an adverse impact on the overall appearance of the window, as the spring loaded mechanism results in a smaller rebate, contrary to the larger, mostly decoratively moulded rebate found in a traditional constructed sash window.
**Material**

One of the biggest threats to the character and appearance of a conservation area, area of high townscape value, listed building or building of local interest, is the use of uPVC as a replacement for timber sash or casement windows. Whilst the uPVC plastic window industry has made significant progress in recent years to improve the external appearance of plastic windows, they remain instantly recognizable as their proportion and detailing cannot match that of historic joinery.

The integrity of a uPVC window is based on factory made components, designed for rigidity, thermal performance and ease of production. Their design and detailing make them look different to traditional windows, as manufacturers are unable, due to limited strength of the material and additional weight of the double glazed units, to replicate sections or ‘glazing bars’, and as a result these are more often than not introduced as a token to the traditional glazing bar as a thin strip of plastic inserted within the sandwich of the glass or applied on the outer surface.

In addition to the inappropriate detailing and size of the sash stile, meeting and bottom rails and glazing bars, the misguided introduction of different designs to that of the original, disrupts the window hierarchy and in turn the integrity of the building and its character.

---

**Fig 8: Example of traditional timber (left) vs uPVC windows (right)**

Note: The uPVC windows to the right have not replicated the horns, characteristic features of a traditional sash window for the age of the property. Another key feature that detracts from the inherent character of the building is the opening mechanism of a uPVC which is more reflective of a top hung casement in comparison to the aesthetic merit of a sliding sash.

**NOTE:** It is important to remember when a window is replaced, the new window would need to comply with Building Regulations. In the case of listed buildings any replacement should be discussed with the Specialist Advisor (Conservation) prior to carrying out any work.
Examples of the visual harm to the character and appearance of the built environment, through the introduction of plastic uPVC windows.

**Left:** Plastic (uPVC) replacement windows. Demonstrating the associated harm on the visual integrity of the building, through the loss of the key characteristics found in traditional construction techniques. Additionally due to the manufacturing process, to achieve ease of production, the opening mechanism is achieved through a top opening casement, contrary to the integrity of sliding sash windows and potentially disruptive to the interpretation of the aesthetic merits associated with the buildings original design intent and its contribution to character and appearance of the immediate and wider area.

**Right:** Sliding sash window, typical for the age of the property. Demonstrating characteristic traditional construction techniques through the use of material (timber), presence of horns, narrow sash stiles and vertical glazing bars which provide an insight into the social hierarchy of the room through the use of small panes of glass on account of cost.
Thermal Upgrading

Section 4
Section 4: Thermal Upgrading

Replacing single glazed windows to achieve comfort and reduce heating costs, is one of the biggest threats to the historic and architectural character and appearance of the built environment.

How can thermal properties of single glazed windows be upgraded

**Draught proofing**

Draught-proofing is a cost effective solution to reducing draughts and improving thermal efficiency and noise insulation of traditional or existing windows, whilst retaining the character and appearance of the existing windows.

Introducing a draught or weather strip to existing windows will not only provide insulation, but as an inconspicuous introduction, will go towards retaining the integrity of the window and its contribution to the architectural character and appearance of the building, its immediate and wider setting.

Fig 9 - Examples of joinery repair
Secondary glazing

Internally fitted secondary glazing units can be an effective measure to reduce noise and heat loss. However this approach, if not carefully designed, can be harmful to the visual appearance of the window.

If purposely designed to respect the existing window, secondary glazed units can be relatively unobtrusive, provided they do not damage existing features such as shutters or window surrounds.

Simple measures such as heavy curtains, blinds or existing shutters where appropriate can improve the thermal properties of windows with little or no intervention of significance.

Research into the behaviour of traditional windows

Historic England and Historic Scotland commissioned research, primarily focusing on thermal behaviour of traditional windows.

Results of the research and further information in relation to thermal upgrading of traditional windows can be found in Historic England (2015) Traditional Windows Their Care, Repair and Upgrading, an extremely informative document that can be downloaded for free from the Historic England website.
Section 5: Planning Legislation

It is important to note that Eastbourne Borough Council does not have a dedicated planning policy which relates specifically to the renewal or replacement of windows.

However replacement windows which require approval by the Local Planning Authority, through the development management process (planning), would be considered in accordance with;

- Section 12 of The National Planning Policy Framework [NPPF] and associated Guidance,
- Policy D10 of The Core Strategy Local Plan 2013; and
- The Eastbourne Townscape Guide, 2004 (Supplementary Planning Guidance)
- Significance see Section 6

In addition the design of any replacement window will be considered against its design in accordance with;

- Policy D10a of The Core Strategy Local Plan 2013
Policy D10a of the Core Strategy Local Plan 2013, which seeks to achieve a high quality environment where new development makes a positive contribution to the appearance of our townscape and urban heritage.

**Part: D10A: Design**

In order to achieve a high quality environment new development makes a positive contribution to the appearance of our townscape and urban heritage. Design and layout should take account of context, i.e. neighbouring buildings as well as the surrounding area. New development can be modern or based on historic forms but must respect, preserve or enhance local character. It is vital that design goes beyond the focus of the individual development and also takes account of sense of place, safety and security. Eastbourne’s built environment should be of an exemplary standard. It will be protected and enhanced and development will be expected to:

1. seek exemplary standards of design and architecture that respects Eastbourne’s unique characteristics;

2. apply national and regional policies in respect of design, landscape townscape and historic heritage;

3. ensure that the layout and design of development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features;

4. ensure that new development makes a positive contribution to the overall appearance of the area including the use of good quality materials, reusing existing materials where appropriate, and seeking to achieve a high standard of finish;

5. promote local understanding of good innovative and imaginative design; and

6. ensure new development is accessible to all and designed to minimise crime and anti-social behaviour without diminishing the high quality of the overall appearance.
It is important to remember that BOTH the local planning authority and applicant have a duty under the NPPF to understand the level of significance a heritage asset yields.

**Applicants**

**National Planning Policy Framework 128:**

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**Local Planning Authority**

**National Planning Policy Framework 129:**

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
Listed Buildings

Buildings are listed for their special architectural or historic character and interest. All listed buildings are protected under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the listing covers both the interior and the exterior of the building in conjunction with any structure within its garden or plot (curtilage) dating from before 1 July 1948. Listed building consent is required for any work to the building which affects its character or special interest, and it is a criminal offence to alter a listed building without listed building consent.

An application for listed building consent is required when:

- the windows are to be replaced with a new style of window,
- there is a change to the materials used for the frames,
- there is a change in the type of glazing e.g. single glazing to double glazing,
- it is proposed to re-glaze, involving the loss of original or old glass.

National Policies

National Planning Policy Framework 132:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
National Planning Policy Framework 133:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

National Planning Policy Framework 134:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Policies

The Core Strategy Local Plan 2013

Part: D10 Historic Environment:

All significant heritage assets will be protected and enhanced, where practicable:

There is a presumption in favour of protection of all heritage assets from inappropriate change, including both designated (Listed Buildings, Conservation Areas) and non-designated assets (Buildings of Local
Listed buildings will be protected from demolition, and from proposed additions and alterations that would adversely affect their character, appearance and/or fabric. Development should not adversely affect the setting of listed buildings.


Policy UHT17: Protection of Listed Buildings and their Settings

Planning permission 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.

Planning permission will be granted for works affecting the setting of a listed building only where the development would not harm the character or appearance of the setting of the building.

The Eastbourne Townscape Guide, 2004 (Supplementary Planning Guidance)

Guideline WD1:

On listed buildings the Council will normally expect the retention of the original windows and doors or if missing, their re-introduction in the appropriate design and materials for the age of the building.
Conservation Areas

In conservation areas, planning permission is not normally required for the replacement of windows if the property is a single house (i.e. not flats or commercial property) however permission is required if your property is listed or in The Park Close Conservation Area, where the Council has issued an Article 4 Direction.

National Policies

National Planning Policy Framework 137:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Local Policies

The Core Strategy Local Plan 2013

Part: D10 Historic Environment:

All significant heritage assets will be protected and enhanced, where practicable:

There is a presumption in favour of protection of 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 Value).

Development within Conservation Areas will be permitted if:

1. it preserves or enhances the character, setting and appearance of the area;

2. it does not involve the loss of important features which contribute to the character of the building itself or wider area;
3. its form, bulk, scale, height, massing, materials and function of the development are appropriate to the development site and surrounding buildings, spaces and views;

4. it does not involve all or the partial demolition of a building or feature which positively contributes to the character of the area, unless it can be demonstrated to be wholly beyond repair, incapable of beneficial use or is inappropriate to the character of the area.


Policy UHT15: Protection of Conservation Areas

Planning applications in a conservation area, or affecting the setting of a conservation area, will be required to preserve or enhance the character or appearance of the area.

The Eastbourne Townscape Guide, 2004 (Supplementary Planning Guidance)

Guideline WD2:

In conservation areas, the Council will normally:

a) expect historic buildings to retain the original design and material of their windows and doors;

b) allow the use of alternative materials to an appropriate design on hidden elevations and new buildings.

Homeowners living in conservation areas who would not require planning permission for replacement of their windows are still encouraged to follow the advice given in this guidance note in terms of the maintenance and repair of their windows.
Local Heritage Assets (Buildings of Local Interest & Areas of High Townscape Value)

As well as the statutory listed buildings, the Council believes there are other buildings of local interest and areas of high townscape value that contribute to the townscape of Eastbourne. These buildings of local interest do not have the statutory protection of listed buildings but nevertheless they should be retained and ideally enhanced. Many of them stand in conservation areas so they cannot be demolished without consent. However many lie outside this protection and the Council will encourage owners to recognise the important contribution their building makes to the street scene.

National Policies

National Planning Policy Framework 135:

The effect of an application on the significance of a non-designated (building of local interest) heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Policies

The Core Strategy Local Plan 2013

Part: D10 Historic Environment:

All significant heritage assets will be protected and enhanced, where practicable:

There is a presumption in favour of protection of 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 Value).

- Areas of High Townscape Value and Buildings of Local Interest will be conserved and enhanced through the application of the guidelines contained in the approved Eastbourne Townscape Guide and the use of Article 4 Directions.

Policy UHT18: Buildings of Local Interest

Proposals which would adversely affect the character or appearance of buildings of local interest will not be permitted. Should planning permission be granted for a major alteration, the consent will be subject to a condition to provide an opportunity for the building to be inspected and recorded.

Policy UHT16: Protection of Areas of High Townscape Value

Proposals within Areas of High Townscape Value will be required to generally preserve the character and appearance of the area. Development shall:

a) use materials which respect and complement the predominant traditional materials of the location;

b) not allow the loss of traditional materials and features;

c) retain amenity spaces where they form part of the established character of the area; and

d) retain, wherever possible, the existing trees and other important landscape features. In exceptional cases where any such loss is allowed, compensatory provision will be required in terms of quality and quantity.
The Eastbourne Townscape Guide, 2004 (Supplementary Planning Guidance)

Guideline WD3: In areas of high townscape value and buildings of local interest, the Council will normally:-

a) expect the retention of the original doors and windows where these are in the majority on visible elevations of the individual building or the terrace if the premises forms part of a terrace;

b) allow in cases other than a) above and on hidden elevations, or those not generally seen from public areas, the use of alternative materials for windows and doors in a matching style to the originals.

Building Regulations

Replacement windows must be upgraded to current Building Regulations thermal standards as part of the government’s commitment to reducing overall CO2 emissions in buildings. However, Building Regulations Guidance documents recognize the importance of maintaining the special character of buildings that are either listed or in conservation areas, and advise close consultation between conservation officers and building control officers. It is often possible to provide alternative energy conservation measures within such buildings that do not have such a negative impact on the character of the building. If a building is listed, remember that listed building consent is required for any work which affects the character and special interest of the building.

The building control service for Eastbourne formed a partnership with Wealden District Council in 2011, to provide a shared service throughout both Authorities, known as East Sussex Building Control Partnership, based at the Council Offices in Hailsham.

Contact details

Telephone: 01892 602005; Email: Building.control@wealden.gov.uk
Address: Planning and Building Control, Wealden District Council, Council Offices, Vicarage Lane, Hailsham, BN27 2AX
Significance
Section 6: Significance

Overview

Heritage assets (listed buildings, conservation areas, buildings of local interest and areas of high townscape value) will inevitably be affected by physical change. Therefore identifying their heritage value through an assessment of their significance is necessary to understand the potential impact (positive or negative) any proposed changes may have on their interpretation for this and future generations.

Therefore surviving historic windows associated with all buildings that make a positive contribution to conservation areas, are irreplaceable and should be conserved through repair as much as possible.

In assessing the significance of a traditional window as a whole, its constituent parts should be considered against its heritage values, using the framework defined by Historic England’s Conservation Principles (2008).

The heritage value against which significance is measured has the following headings;

- **Evidential Value**

- **Historic Value**

- **Architectural Value and**

- **Communal Value**

The sum of these interrelated values equates to the overall significance of the windows and as such the contribution it makes to the historic, architectural character and appearance of the building and surrounding area.
**Heritage Values**

The following table demonstrates how the identified heritage values are interpreted through a window assessment.

<table>
<thead>
<tr>
<th>Heritage Value</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidential value</td>
<td>Evidential value reflects the potential of a building or its fabric to yield information about the past, rarity adds to evidential value.</td>
</tr>
<tr>
<td></td>
<td>Window: where the fabric of a window is ‘old’ this would yield high evidential value, in addition; if early 19th century sash windows were in an 18th century dwelling this would hold considerable evidential value, as part of the building evolution.</td>
</tr>
<tr>
<td>Historic value</td>
<td>In varying degrees, most historic windows will be of historic value demonstrating; materials, technology, craftsmanship and architectural taste of the period from which they date.</td>
</tr>
<tr>
<td>Aesthetic value</td>
<td>As the eyes of the building, windows form an integral part of a buildings visual character and contribute to its design and interest.</td>
</tr>
<tr>
<td>Communal value</td>
<td>Communal value may be more relevant in public buildings or places of worship than a domestic situation.</td>
</tr>
</tbody>
</table>
### Evidential Value
- Age: rarity
- Depth of reveal
- Original to the building or part of a later phase of development but high in evidential value in its own right.
- Thickness and profile of the glazing bar
- Age of the glass

### Aesthetic Value
- Integral part of the buildings original design intent
- Reflectiveness of the glass
- Existence of horns
- Window hierarchy within the built form
- Materials - type
- Thickness and profile of the glazing bar
- Proportion

### Historic Value
- Materials - type
- Technology – form of construction
- Craftsmanship – quality, glass
- Architectural taste of the period

### Communal Value
- Communal value may be more relevant in public buildings or places of worship than a domestic situation

The identified values are interlinked, the sum of which identifies the value of the windows significance in context of the building and surrounding area.

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*The heritage value of a traditional window and the contribution it makes to the building as a whole is invaluable when deciding a way forward when in need of repair or replacement.*
A brief history

Appendix 1
Appendix 1

A brief history of windows

A brief history on the historic development of windows, has been included, as it forms the platform from which the understanding of the historic value attached to windows contributes to the overall significance of the heritage asset (listed building, conservation area, building of local interest and area of high townscape value), including its relationship with the evolution of the immediate and wider area.

In simple terms the vast majority of windows comprise of two opening types; hinged casements and sliding sashes (vertical and horizontal). Those that don’t open are known as fixed lights. All types were constructed in either metal (in the form of wrought iron, cast iron, steel or aluminium) or timber.

Regardless of their use of material or mechanism for opening, aesthetically the proportions, detailing and glazing pattern of traditional windows are imperative to the integrity of the building’s significance.

Fig. 12

Traditional timber sash windows (left) and top hung casements in conjunction with fixed lights below (right)

Meads Street, Meads
Date Unknown
Window Openings

Due to the rarity and expense of glass for domestic use in the medieval period, the vast majority of window openings were unglazed.

In timber framed buildings, windows formed part of the structural frame, as simple openings. Where windows were wider in form, these were sub-divided, with plain or moulded mullions, of two or more ‘lights’ (openings), while taller openings included horizontal transoms as a form of sub-division.

Means of security was achieved with the introduction of a wooden or iron bar, whilst privacy and the exclusion of draughts, achieved by the introduction of hinged or horizontal internal sliding shutters. In addition, these openings were often covered with an oiled cloth nailed to the structural frame, this however restricted natural light and views.

Until the 16th century glazing in window openings remained exclusively for the wealthy, following which hinged casement, leaded lights set in metal, became a recognizable domestic feature and subsequently grew into an important, architectural feature defining the status of the owner.

As the introduction of glazing within window openings became more affordable as a common domestic feature, the proportion associated with the early 17th century timber frame, allowed for the introduction of larger windows, externally fixed (pegged) to the structural frame. However by the end of the 17th century traditionally formed casement and sash windows, fixed within the window openings were becoming more ‘fashionable’ in response to the production of larger panes of glass and their affordability.

The positioning of the window within the opening (reveal) has changed significantly, where the whole of the window frame including the sash box was initially placed on the outer face of the wall, resulting in a wider timber surround. This approach soon changed as a result of The Great Fire of London, where the 1709 London Building Act required, the box sashes to be set back ‘four inches’ from the face of the building, to assist with the reduction of the spread of fire.

Subsequently, The London Building Act of 1774, required the sash boxes (housing the weights) to be positioned behind the masonry, a stipulation that
resulted, in the glazed area of the window, being more prominent within the elevation.

An improvement in the production of glass and the introduction of glazing bars; transformed the appearance of the building and as such interpretation of our cities, towns and villages.
Glazing

The production of glass has been influential to the social and aesthetic evolution of the built form, contributing to the appearance of the built environment.

Whilst glass has been produced in sheets and used since the 12th century (Broad Glass), it was only from the late 16th century that glass became significant in the appearance of domestic windows, in the form of leaded lights (broad glass was cut into small sections, usually diamond shaped fixed together with lead strips known as cames).

By the mid-18th century, the introduction of excise duty on glass by weight, favoured the crown-glass process, as this allowed for thinner panes of glass to be produced, albeit of a limited size, however its weight allowed for larger sashes.

By the 17th and 18th Centuries, crown glass-making was the most widely used technique for glass production, when the supply of glass became widespread.

A globe is formed at the end of a blowpipe

The globe is opened out at one end to form a bowl

The bowl is reheated and spun quickly, centrigual force has caused to the bowl to form a flat disc

The flat disc is placed flat on a bed of sand and the ‘rod’ broken off leaving the bulls eye

Fig. 14 The production of crown glass in the late 18th century
After the removal of excise duties in the mid-19th century and the improved production of glass, cylinder glass provided the opportunity to produce larger panes although of poorer appearance than plate or crown glass, allowed for better views out of the building.

Produced by ‘swinging a freshly blown glass bubble so that it elongated by centrifugal force, both ends of the cylinder were cut off to form a tube which was then split down one side from end to end and opened out to form a flat, square sheet.’

Whilst glass-making technology made swift progress in the 19th and early 20th centuries, it was only in 1959, when Pilkington invented the ‘float glass process’ ‘by which a strip of molten glass was drawn from a furnace over a bed of molten tin’ that a perfect surface of glass was achieved, supplied cheaply in a wide range of sizes and thicknesses.
Glazing bars

Initially the production of glass defined the location, scale, use of material and design of the glazing bar. However as glass became more available and affordable glazing bar patterns and profiles started to define the social status of the windows in the context of the building and its setting.

Given the size and weight of glass, early glazing bars were numerous and thick, the internal pattern of the bar was moulded, to reduce glare and deflect light, whilst the outside was rebated to take the glass pane, held in place with putty, a technique which continues to be used today.

As the production of glass evolved, so did the glazing bar, which gradually reduced in size reaching a point in the late 18th century and early 19th century to a width of 13mm, the type of material used to produce them, was critical to their strength, to accommodate the increase in glass panes.

As the production of glass improved to larger and cheaper panes, and glazing bars reduced in size and number, so did the appearance of the window. Windows started to define style as opposed to necessity through the limitations of glass production or costs.

In the early 19th century, with the introduction of large sheets of cheaper glass, it became fashionable to reduce the number of glazing bars in the lower sash, to allow for views. However in the 1820’s and 30’s the top sashes remained multi-paned resulting in the introduction of window ‘horns’ to

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Fig 15. Historic glazing bar profiles
accommodate the additional weight of the upper sash. And by the late 19th century with the support of elegantly styled horns, sash windows saw the introduction of large panes of sheet glass, to both the upper and lower sashes frames.

However by the end of the 19th century small panes returned to the upper sashes, to some degree in reaction to the Queen Anne revival, heavily influenced by the Arts & Crafts Movement. This led to multi-pane upper sash frames with thick glazing bars and larger panes of glazing to the bottom sash frame, the positioning of the window frame was also influenced by fashion, in that the window was once again placed on the façade of the building with the boxes showing, these were often mixed with casement windows within the same façade. The interpretation of the window as part of the building is therefore a conscious design feature important to the character of the building.

<table>
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<th>Modern glazing bar profiles</th>
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<tr>
<td><strong>Profile</strong></td>
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<tr>
<td>Typical Victorian 'Lamb’s tongue'</td>
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<tr>
<td>Typical modern double-glazing (reproduction)</td>
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The development of the appearance of the casement window, followed that of the sash windows, with small panes being replaced with larger panes and smaller glazing bars. Besides which the design of the timber casement remained unchanged throughout the 18th and 19th centuries.

Opening lights were normally hinged at the side, separation between the lights within the same window was provided by a timber mullion. Where lights were fixed (non-opening) these each had their own casements and rarely directly glazed into the frame. Original casements never overlapped, finishing flush with the frame resulting in a more refined appearance, unlike modern ‘stormproof’ windows, which are more bulky in appearance.

Whilst leaded lights and metal casements were used throughout the 17th and 18th centuries these were predominantly for church buildings, remaining rare in domestic architecture, until the Georgian and Gothic revival which saw them become fashionable again. Metal casements and leaded lights marked the Tudor and Jacobean revival in suburban housing in the late 19th and early 20th century, whilst small paned timber casements together with sash windows marked the Queen Anne revival from the 1860’s, with the timber casement continuing its popularity until present day.

After the First World War, the use of metal for casements was transformed by F W Crittall, the ‘hot rolled steel sections’ form the basis of the classic 1920’s and 30’s metal window, we identify with today as a ‘crittall’. The metal window was adopted by the modern movement and their strength, cost effectiveness, fire-resistance and slim profile, made them very competitive in buildings that were designed for fresh air and light.

The evolution of steel windows saw the introduction of galvanized frames in the mid-20th century, which later saw the introduction of aluminium, also used for curtain walling.

**Window Features**

Window features are integral to providing clues to the history of the building and the social status of past occupants and as such, an important part of the window when assessing the contribution that windows make to the significance of buildings and their setting.

The window features briefly discussed as part of this document are not exclusive, but include shutters and ironmongery as common and recognisable window accessories or features.
**Shutters**

Evidence of the use of shutters for draft prevention, privacy and security can be found as early as in medieval timber frame buildings. Subsequent to which their use, albeit in conjunction with glazing, continued and is a key feature of Georgian windows.

In the 17th century their form of construction became more sophisticated, the culmination of which made a contribution to the aesthetic quality of the building and status of the owner.

![Example of a Georgian internal bi-folding timber shutter](image)

**Ironmongery**

Ironmongery in the form of H-shaped hinges can be found as supports for leaded casement windows in early timber frame buildings.

However the arrival of the sash window in the 17th century, encouraged the need for a range of ironmongery which later became diverse, in the form of pulleys, lead weights, shutter hinges, knobs and fasteners.

While brass or hardwood was widely used for Georgian and Victorian sash window pulleys, the improvement of casting techniques introduced cast-iron pulleys and sophisticated axle pulleys. That said, when considering dating
techniques based on material evidence, the 19th century brass continued to be used for hinges and fittings in less sophisticated buildings.

Towards the later part of the 19th century, a diverse selection of ironmongery was available for use in the revival period (Stuart and Georgian) and became popular with the Arts & Crafts Movement. However by the mid-20th century aluminum fittings became popular, although today ironmongery has revived itself through the interest in old homes.
Appendix 2

Glossary

ASTRAGAL - A moulded wooden glazing bar.

BAY WINDOW - A projecting window beginning on the ground floor and sometimes embracing several storeys; usually square or canted.

BOW WINDOW - A curved bay window.

BOX, BOX FRAME - The outer (hollow) casing of a timber sash box - sash window, which houses the counterbalancing weights, enabling the sashes to move up and down with ease. Early examples were carved out of solid wood, but later made up from separate components.

BULL’S-EYE GLASS - The central remnant of a crown glass disc; originally used only in the least important windows.

CANTED BAY - A bay window where the sides, instead of being square, are usually at an angle of 45° or 60° to the wall, but which can be as low as 15° (then referred to as a shallow bay).

CASEMENT WINDOW - A window with the sash, or light hinged at the side so as to open outwards or inwards. A top-hung casement has the hinges at the top and opens outwards.

CILL, SILL - The lowest horizontal member of a timber window; also the projecting stone member on which the window sits.

CROWN GLASS - Glass formed by the now obsolete method of spinning molten glass into a disc on the end of a blowpipe; the disc was cooled and then cut into rectangular panes.

CYLINDER GLASS - Sheet formed by blowing an elongated cylinder from molten glass, which is then cut along its length and laid flat, to cool, before being sub-divided into smaller sheets.

DOUBLE GLAZING - Glazing in which two layers of glass are separated by an air space for the purpose of increasing sound-insulation and reducing heat loss. See also sealed unit.

DOUBLE-HUNG - A sash window in which both sashes or sash window - lights are capable of moving up, or down, and are counterbalanced by weights concealed within a sash box.

EDGE SEAL - A plastic material used around the outer edges of a sealed unit, usually incorporating a desiccant to absorb moisture.

FENESTRATION - The arrangement of windows in a facade; also refers to the size and proportion of the windows, and sometimes to the subdivision within a window.

FLOAT GLASS - Glass sheets made by floating molten glass on a surface of molten metal, thereby producing a smooth relatively flat surface which does not need polishing.
FRAME - See sash.

GEORGIAN - A development of the style prevalent in the reign of Queen Anne, and covering the period 1714 (George I) to 1830 (death of George IV), a span of 115 years.

GLAZING BAR - The solid wooden framing piece made to receive panes of glass.

HORNS - A downward extension of the timber side members of the top sash of a 19th century window, initially rounded off, later elaborately shaped.

IRONMONGERY - Internal fittings, not always of iron, such as pulleys, catches, handles and finger pulls.

JAMB - The side of an opening in a wall, for a door or window; or that part of a frame which sits against the side of an opening.

LIGHT - A metal or timber frame with glass panes or quarries which may be fixed or openable.

LINTEL - A beam over an opening in a wall supporting masonry above.

MARGIN LIGHTS - Narrow panes of glass at the edges of a SASH.

MEETING RAILS - The top member of the bottom sash, and the bottom member of the top sash, together.

MULLION - A fixed vertical post or other upright dividing a window into two or more lights.

ORIEL - A projecting window which, unlike a bay, is supported off the face of the building (often by brackets) not off the ground.

PANE - A sheet of glass cut to fit into a light or sash, held in position by astragals or glazing bars.

PARTING BEAD - A narrow vertical strip of wood at the centre of the pulley stile of a sash box, which keeps the top and bottom sashes apart, and allows them to slide past each other; removable for maintenance of the upper sash.

PLATE GLASS - Glass of better quality than sheet. POLISHED PLATE - Glass which has been cast flat, then ground and polished and therefore has two smooth faces.

PULLEY - The grooved wheel over which the sash cord passes.

uPVC - Poly vinyl chloride; a type of plastic used extensively for making new and replacement windows.

QUEEN ANNE - Queen Anne’s reign (1702-14) saw the development of the earlier forms and styles of building from the times of Charles 11 and William and Mary (‘late Stuart’). The term was adopted (not entirely accurately) by the exponents of the ‘Queen Anne Revival’, to describe a combination of asymmetry, informal planning, and detailing taken from English and Flemish domestic buildings of the 17th and 18th centuries (known at the time as ‘Free Classicism’).

REAMY - Used to describe glass with wavy imperfections. See also seed.

REBATE - A rectangular shaped recess cut into the edge of a piece of timber.
REGENCY - Strictly speaking, the period (1811-1820) during which the future George IV took over from his father the 'mad' George III and acted as Regent (i.e. reigning in the place of the King). Generally, in architecture, the term is taken to mean the period from the 1790s to about 1840. It is therefore synonymous with 'late Georgian', and embraces the reign of William IV and the first few years of Queen Victoria's reign.

REPLACEMENT - The act of substituting a new thing for an old thing, frequently without due consideration.

REVEAL - The sides of a door or window opening which are at 90° to the face of the wall in which the opening sits.

SASH - A frame of timber containing glass panes or a single glass pane, originally from the French word chassis (meaning frame). Sometimes confusingly, in older documents, having the same meaning as casement.

SASH BAR - See glazing bar, astragal. SASH BOX - See box.

SASH CORD - A rope, cord, or line fixed to the side of a frame or sash, which passes over a pulley into the box fame and is attached at its other end to a sash weight, made of lead or cast iron.

SASH LINE - See sash cord.

SASH WEIGHT - A piece of lead or iron which counterbalances the sliding sash window, by means of sash cords and pulleys.

SASH WINDOW - A type of timber window in which two frames or sashes slide vertically over each other. Horizontally sliding sash windows also exist, (see Yorkshire lights).

SEALED UNIT - double glazing in which air is withdrawn from the space between two sheets of glass to form a vacuum, and the edges sealed.

SECONDARY GLAZING - A system of sliding or removable inner windows, usually of lightweight construction, intended to increase thermal and acoustic insulation.

SEED - Small air bubbles or other material imperfections found in old glass. See also reamy.

SEGMENTAL HEADED - As opposed to a flat or semi-circular arch or elliptical arch, a curved arch which is formed out of a small segment of a circle. A window in such an arch should normally follow the same curve, but in replacement work the window is often made with a flat head, and the remaining space filled solid.

SHEET GLASS - Ordinary window glass, not of such uniform thickness as float or plate glass.

SINGLE-HUNG - A sash window of which only one sash, usually the bottom one, slides vertically.

SLIDING SASH - A window which slides, usually vertically but sometimes horizontally, within an outer frame.

SOFFIT - The visible underside of a projecting surface, beam or lintel.
SPIRAL BALANCE - A spring-operated substitute for cords, pulleys, and weights in a double-hung sash window, introduced in the 1930's.

STAFF BEAD - A moulded timber member on the inside of a sash box, which keeps the bottom sash from falling out, and is removable for maintenance of the sashes.

STILE - A vertical side piece; that part of a sash box against which the sashes move up or down.

TRANSOM - A fixed horizontal bar of wood or stone across the opening of a window, dividing a window into two or more lights.

WEIGHT - See sash weight.

YORKSHIRE LIGHTS - Horizontally sliding window frames, sashes, or lights; usually in a pair, one fixed and one moving, but sometimes in threes (the central panel normally being fixed).
Reference


Policies


Eastbourne Borough Council, 2013, The Core Strategy Local Plan


### Illustrations

<table>
<thead>
<tr>
<th>Fig</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Timber leaded light - The Park Close Conservation Area</td>
</tr>
<tr>
<td>2</td>
<td>Traditional timber sash - Upperton Conservation Area</td>
</tr>
<tr>
<td>3</td>
<td>Maintenance metal window <a href="https://www.homebuilding.co.uk/2014/11/05/repairing-windows-2/">https://www.homebuilding.co.uk/2014/11/05/repairing-windows-2/</a></td>
</tr>
<tr>
<td>4</td>
<td>Timber repair <a href="https://www.homebuilding.co.uk/2014/11/05/repairing-windows-2/">https://www.homebuilding.co.uk/2014/11/05/repairing-windows-2/</a></td>
</tr>
<tr>
<td>5</td>
<td>Examples of traditional joinery repair Historic England (2015) <em>Traditional Windows Their Care, Repair and Upgrading</em></td>
</tr>
<tr>
<td>6</td>
<td>Metal repair <a href="http://www.tecglass.co.uk/crittall-windows.html">http://www.tecglass.co.uk/crittall-windows.html</a></td>
</tr>
<tr>
<td>7</td>
<td>Window reveals <a href="http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg">http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg</a></td>
</tr>
<tr>
<td>10</td>
<td>Drawing of secondary glazing unit (dormer windows at All Saints, Meads) Planning Ref: No 150230</td>
</tr>
<tr>
<td>11</td>
<td>Window reveals <a href="http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg">http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg</a></td>
</tr>
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<td>Traditional timber sash windows (left) and top hung casements in conjunction with fixed lights below (right) - Meads Street, Meads - Date Unknown</td>
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<td>Window reveals <a href="http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg">http://www.theheritagedirectory.co.uk/uploads/articlepix/sash%20window%20history.jpg</a></td>
</tr>
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<td>Horizontal sliding shutter - Bayleaf Farmhouse at the Weald and Downland Open Air Museum <a href="http://wien2025.info/?p=139">http://wien2025.info/?p=139</a></td>
</tr>
<tr>
<td>17</td>
<td>Historic glazing bar profiles (By courtesy of The Brooking Collection)</td>
</tr>
<tr>
<td>18</td>
<td>Modern glazing bar profiles - <a href="http://www.sashwindowrepair.co.uk/Sash_Window_History/sash_window_history.htm">http://www.sashwindowrepair.co.uk/Sash_Window_History/sash_window_history.htm</a></td>
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Contact Historic England

South East
Eastgate Court 195-205 High Street, Guildford GU1 3EH
Tel: 01483-252000
Email: southeast@HistoricEngland.org.uk

Amenity societies

Eastbourne Civic Society, 2 Carlisle Road, Eastbourne
Georgian Group  www.georgiangroup.org.uk
Society for the Protection of Ancient Building www.spab.org.uk
Victorian Society  www.victoriansociety.org.uk
Twentieth Century Society  www.c20society.org.uk
Appeal Decision

Site visit made on 20 May 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2016

Appeal Ref: APP/T1410/D/16/3145286
24 Sevenoaks Road, Langney, Eastbourne BN23 7LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stephen Foord against the decision of Eastbourne Borough Council.
- The application, Ref. PC/151142, dated 9 October 2015, was refused by notice dated 9 December 2015.
- The development proposed is to erect a fence around the boundary of the property: 4 x 6ft close board; 1 x 6ft gate; 1 x 5ft close board; 9 x 4ft post & rail.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The fencing has already been erected and the application is therefore for retrospective permission.

Main Issue

3. The main issue is the effect of the fencing on the character and appearance of the area.

Reasons

4. I saw on my visit that with its location on the corner of Sevenoaks Road and Reynolds Road and opposite a large area of open space the appeal property is in a prominent position.

5. The pattern of development in this area is one of relatively high density and this is achieved by the inclusion of a large number of terraced houses with compact rear gardens. The appeal property is the end house in one such terraced block located to the south east of the Sevenoaks Road / Reynolds Road junction. There is a terrace of similar houses to the north west of the junction, again in Sevenoaks Road.

6. Despite the high density, the area has a spacious ambience. A crucial factor in this is the open plan layout, whereby the front gardens of the houses have no fences or walls enclosing them, but with shrubs and bushes within the curtilages to avoid any perception of the lawns and communal grass areas being too barren.
7. As a corner property facing the large open space to the south, the openness to
the front and side of No. 24 is particularly important. This is because it allows a
seamless transition between this extensive grassed visual amenity area and the
open front gardens in Reynolds Road. When combined with the open grassed
area to the flank of No. 26, the end of terrace house opposite, the area would
provide a pleasingly open and spacious entrance to Reynolds Road had it not
been enclosed by the fencing. Moreover, if I were to allow the appeal and the
fencing remained in situ the Council would have no reasonable basis for
resisting an application for the enclosure of the area to the side of No. 26.

8. I have carefully considered the grounds of appeal and note the appellant’s
reference to, and photographs of, other forms of enclosure in the area. I have
not been supplied with the details of the Council’s response to these, if any, but
in any event they tend to reinforce my view that as a general rule enclosures in
the form of fences are harmful to the character and appearance of an area
where the defining characteristic is an open plan layout. Shrubs and low hedges
are more acceptable visually, but again it is an issue of ensuring that they are
of a form and size that does not harm the openness of the area. This is a matter
for enforcement by the Council or landowners with the benefit of any restrictive
covenants.

9. I sympathise with the argument that the appellant’s children cannot play safely
on some of the privately owned areas of the dwelling’s garden because in
practical terms they are open to the public realm. However, this is a matter that
needs to be considered when purchasing a property, and in order to maintain
the environmental quality of the area it cannot in my view be allowed to be the
deciding factor in cases such as these.

10. As regards liability for accidents, I consider it very unlikely that open grassed
areas and the planting of shrubs on private land would be regarded by the
courts as a hazard or as a reasonable basis for a claim for negligence against
any owner or occupier. Even if I am wrong on this point it is not a matter that
can be given more weight than the main issue. In respect of vehicles parking on
the pavement and causing an obstruction, this is an issue that should be taken
up with the Council’s highway department.

11. Finally, as regards a compromise, this is not within my remit in determining the
appeal and the matter should be taken up with a local councillor or Council
officers.

12. Overall, I conclude that the enclosure of the garden by fencing has an
unacceptably harmful effect on the character and appearance of the area. This
is in conflict with Saved Policies UHT1 & UHT4 in the 2007 Addendum to the
Eastbourne Borough Local Plan (2001-2011) 2003 and Policy D10A of the
Eastbourne Core Strategy Local Plan 2013.

13. The appeal is therefore dismissed.

Martin Andrews
INSPECTOR
Appeal Decision

Site visit made on 20 May 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2016

Appeal Ref: APP/T1410/D/16/3142583
46 Hardy Drive, Eastbourne, East Sussex BN23 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Kirk against the decision of Eastbourne Borough Council.
- The application, Ref. PC/150883, dated 23 August 2015, was refused by notice dated 30 October 2015.
- The development proposed is the extension of the side boundary wall.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a difference between the application form and the appeal form as to the appellant’s name. I have adopted the normal practice in appeals of using the name on the application form.

Main Issues

3. The main issues are (i) the effect of the extended wall on the character and appearance of the Royal Sovereign View street scene; (ii) the effect on the pedestrian and highway safety of Royal Sovereign View, and (iii) the effect on the living conditions for the occupiers of No. 2 Royal Sovereign View as regards outlook.

Reasons

4. On the first issue, the view from Hardy Drive into Royal Sovereign View is in part enhanced by its largely open plan layout at the front of the properties. There is a line of sight across both the area to be enclosed and the front garden of No. 2 Royal Sovereign View towards the flats beyond. I consider that the set-back position of the flank boundary wall of the rear garden of the appellant’s property makes an important contribution to the openness and spacious character of this part of the street scene.

5. If the appeal were to succeed, the wall’s position on the back of the footpath would close down that pleasing aspect and reduce the visual amenity value of the two trees, albeit I accept that these are not protected and could be felled. Nonetheless, the re-alignment of the wall would be a jarring feature in the street scene when seen not only in the approach from Hardy Drive but also for pedestrians and drivers travelling round the bend in the opposite direction. I
appreciate that the area to be enclosed is fairly small but this is more than offset by its prominence in the street scene.

6. In respect of the second issue, as a result of the re-positioned wall the driver of a car exiting from the driveway of No. 2 Royal Sovereign View, particularly in reverse gear, would have a much more restricted northward view of pedestrians and vehicles already on the highway. By the same token those drivers and pedestrians would be unable to see the car until it was almost on the point of crossing the footpath. The fairly modest number of vehicles and relatively low speeds would reduce the risk of an accident, but the fact remains that the appeal proposal would almost certainly lead to some reduction in highway safety.

7. Finally as regards the third issue, it is clear from the officers’ report that the omission from the Notice of Refusal of a reason relating to the effect on the loss of outlook to the north from the front garden of No. 2 Royal Sovereign View is a typographical error. However this is mentioned in the objections received by the Council as a result of public consultation on the application and I consider that it is a further disadvantage of the proposal.

8. Overall, I consider that there would be harmful effects on the character and appearance of the street scene; highway safety, and the outlook for the occupiers of No. 2 Royal Sovereign View. This would result in a conflict with the saved Policies UHT1, UHT4 & HO20 of the Eastbourne Borough Local Plan (2001-2011) 2003 and Policies B2 & D10A of the Eastbourne Core Strategy 2013, as well as Government policy in the National Planning Policy Framework 2012.

9. In reaching this conclusion I have taken account of the grounds of appeal and fully appreciate the reasons for the proposed enclosure of the land, including the current difficulty of keeping the area clean and tidy. I also note that the deeds permit the erection of a wall, which in itself would be constructed of good quality materials and not unattractive. Also, as I have mentioned in paragraph 5 above the strip of land to be enclosed is a small area. However these factors do not in my judgement outweigh the harm that I have identified on the main issues.

10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR
Appeal Decision

Site visit made on 26 April 2016

by Alex Hutson  MATP CMLI MArborA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2016

Appeal Ref: APP/T1410/W/15/3140942
51 Upperton Lane, Eastbourne, Sussex BN21 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Helen Elizabeth Dupre-Dupre Properties Limited against the decision of Eastbourne Borough Council.
- The application Ref PC/150694, dated 26 June 2015, was refused by notice dated 30 October 2015.
- The development proposed is “Demolition of existing building and flint boundary wall. Rebuilding of flint wall and erection of a two storey dwellinghouse with parking space.”

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the description of the proposed development from the Council’s decision notice. It adequately and simply describes the proposed development instead of the longer and more detailed description given on the application form.

3. The Appellant has submitted a number of revised plans as part of the appeal. These plans show considerably different fenestration details to those plans submitted to and considered by the Council as part of the original planning application. Having regard to the ‘Wheatcroft Principles’ it would be unreasonable for me to accept these revised plans given that it may deprive the consultees of the original proposal the opportunity to provide representations on these plans. In addition, the Council has not provided an assessment of the merits or otherwise of these plans and I therefore cannot be certain that they have seen them and have had an adequate opportunity to comment on them.

4. Furthermore, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal. My determination of this appeal is therefore based on the plans submitted with the original application.
Main Issues

5. The main issues are whether the proposal would preserve or enhance the character or appearance of the Upperton Conservation Area; and the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Conservation area

6. The appeal property is located within the Upperton Conservation Area (UCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

7. In addition, Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

8. The appeal property, located on the eastern side of Upperton Lane, is a single storey building that has a current lawful use as a residential dwelling. The eastern side of Upperton Lane is predominantly characterised by single storey buildings, often garages, that appear considerably subordinate to the larger four storey terraced dwellings along Upperton Gardens that they back on to. Whilst of no particular architectural merit, the low height of the buildings along the eastern side of Upperton Lane, including the appeal property, allows views up and down the lane to the rear elevations of the larger terraced dwellings and provides a spatial quality to the area. The low height of these buildings and the views and spatial qualities afforded as a result, positively contribute to the character and appearance of the UCA.

9. The proposal would introduce a two storey dwelling with a flat roof onto the appeal site that would be set back from the frontage of Upperton Lane. A flint boundary wall would be incorporated along the frontage in combination with a sliding gate to allow access to a parking space.

10. The scale, bulk and massing of the proposal would appear considerably at odds with the scale, bulk and massing of other buildings along the eastern side of Upperton Lane and would not share a similar level of subordination to the terraced dwellings along Upperton Gardens that these other buildings display. The additional height would also reduce views towards the rear of the terraced buildings along Upperton Gardens and would erode the spatial qualities of the area. This would result in a cramped, visually dominant and intrusive form of development that would fail to preserve the character or appearance of the UCA, notwithstanding the current lawful use of the appeal property.

11. I acknowledge that there is a two storey building at the adjacent property, 49 Upperton Lane, currently in use as an office. However, this is the only example of a two storey building along this side of Upperton Lane and was given planning consent prior to the designation of the UCA. In addition, whilst this building does not conform to the general characteristics of the area, it incorporates a hipped roof that assists with reducing its overall scale, bulk and
massing in contrast to the proposal. For these reasons, I do not consider that the presence of this building justifies a planning consent for the proposal at hand.

12. I acknowledge that the incorporation of a flint boundary wall along the frontage of the appeal site may be a positive feature that would provide some benefits to the streetscape. However, this benefit of the proposal does not outweigh the harm that I have found to the character and appearance of the UCA as a result of the overall uncharacteristic scale, bulk and massing of the proposal.

13. Whilst I have found harm to the character and appearance of the UCA, in the context of the UCA as a whole, given its considerable size, I consider the harm arising to the significance of the designated heritage asset would be less than substantial.

14. As required by paragraph 134 of the Framework, I must therefore consider whether there are any public benefits that outweigh the less than substantial harm identified above. With respect to this, I have not been presented with any compelling evidence from the Appellant to this effect. However, I acknowledge that the Appellant highlights the benefits of an additional housing unit with regard to increasing the housing supply in the Borough, in light of the alleged inability of the Council to meet a five year supply of housing land. With an eye to the policies of the Framework as a whole, I accept that such a contribution to housing supply may be, in the context of paragraph 134 of the Framework, a public benefit. However, even if I were to accept that the Council cannot demonstrate a five year supply of housing land, such a contribution would be, in the wider scheme of things modest, and clearly would not be sufficient in my view to outweigh the harm I have identified in respect of the designated heritage asset.

15. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the UCA contrary to the requirements of s72(1) of the Act and that the harm identified to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the Framework.

16. The proposed dwelling would also be contrary to saved Policies UHT1- Design of New Development, UHT4- Visual Amenity, UHT15- Protection of Conservation Areas, of the Eastbourne Borough Plan 2001-2011 adopted 2007 (Borough Plan); and Policies B2- Creating Sustainable Neighbourhoods, C2- Upperton Neighbourhood Policy, D1- Sustainable Development, D10- Historic Environment and D10A- Design, of the Eastbourne Core Strategy Local Plan 2013 (Core Strategy). These policies require, amongst other things, development to harmonise with the character and appearance of the area, to be appropriate in scale and form and setting, to respect local distinctiveness, to enhance the built environment and to preserve or enhance the character or appearance of conservation areas. These policies are consistent with the broad aims and principles of the Framework, that seek planning to ensure high quality design, to take account of the different roles and character of different areas and to conserve heritage assets in a manner appropriate to their significance.
Living conditions

17. The proposed dwelling would be approximately 3 metres from the rear boundary of the rear garden of 51 Upperton Gardens. I observed that this garden is relatively modest in length. The existing low height of the appeal property is likely to maintain a good sense of space and openness for the users of this modest sized garden. Furthermore, the existing low height of the appeal property is likely to maintain a good sense of space and openness for the occupiers of the lower level flats at 51 Upperton Gardens when looking across the garden from within habitable rooms that have rear facing windows.

18. The substantial increase in height of the proposal, combined with its close proximity to the rear boundary of 51 Upperton Gardens, would considerably erode the existing sense of space and openness of the rear garden of 51 Upperton Gardens and would result in a considerable sense of enclosure to this garden. In addition, the substantial increase in height of the proposal would be likely to substantially detract from the existing open outlook obtained from the rear facing windows of any habitable rooms within the lower level flats in 51 Upperton Gardens. This would result in significant harm to the outlook of the occupiers of the lower level flats within 51 Upperton Gardens and the users of the rear garden of this property. This would substantially reduce the occupiers of these flats enjoyment of their homes and garden.

19. Turning to matters of privacy, any future occupiers of the proposed dwelling would obtain clear views, from a short distance, from the proposed first floor, rear bedroom, rear facing windows into the rear garden of 51 Upperton Gardens and the rear windows of flats within 51 Upperton Gardens. These windows would likely also afford clear views into the rear gardens and windows associated with 49 and 53 Upperton Gardens, given their orientation and close proximity. The proposal would therefore result in a substantial loss of privacy for the occupiers of these dwellings that would considerably reduce the enjoyment of their homes and gardens.

20. The Council makes reference to a suggestion by the Appellant to obscure glaze the proposed first floor, rear bedroom, rear facing windows to reduce the level of overlooking. I have not been able to locate any reference to this within the Appellant’s evidence. However, the submitted plans do indicate the intention for obscure glazing to the proposed first floor, front bedroom, front facing windows. Nevertheless, if the obscure glazing of the proposed first floor, rear bedroom, rear facing windows is intended, I would have considerable reservations had I been minded to allow the appeal, given that the submitted floor plans do not indicate a side window in the rear bedroom, or indeed the front bedroom, and therefore appear to be inconsistent with the proposed elevations plans that do show side windows in these bedrooms.

21. I could not therefore be confident, based on the evidence before me, that the obscuring of these windows would not result in a level of harm to the living conditions of any future occupiers in respect of outlook, given these significant inconsistencies. In addition, any proposed first floor side windows would have a close and direct relationship with windows in the rooflope of 49 Upperton Lane, that could reasonably have a detrimental effect on the privacy of users of this building, notwithstanding its current use. These matters lend weight to my decision to dismiss the appeal.
22. I therefore conclude that the proposal would result in harm to the outlook and privacy of the occupiers of neighbouring properties, contrary to saved Policy HO20- Residential Amenity, of the Borough Plan; and Policy B2, of the Core Strategy. These policies require, amongst other things, development to protect the residential amenity of existing and future occupants, including in respect of privacy and outlook. These policies are consistent with the broad aims and principles of the Framework that seek planning to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

23. I acknowledge that the proposal would occupy previously developed land within a wider residential context and would occupy a location with a good level of access to public transport and local shops, services and facilities. However the harm I have found to the character and appearance of the UCA and to the living conditions of the occupiers of neighbouring properties would significantly and demonstrably outweigh these benefits.

Conclusion

24. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR
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