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 21 June 2016. (Pages 1 - 12)
2. Apologies for absence.
3. Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.
4 **Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

5 **Right to address the meeting/order of business.**

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

6 **Woods Cottages, development off Swanley Close. Application ID: 160150.** (Pages 13 - 22)

7 **4 St James Road. Application ID: 160562.** (Pages 23 - 28)

8 **The Courtyard, Wharf Road. Application ID: 160428.** (Pages 29 - 34)

9 **Tennis in the Park. Application ID: 160570.** (Pages 35 - 46)

10 **Wood Winton, Silverdale Road. Application ID: 160226.** (Pages 47 - 54)

11 **Upperton United Reform Church, Upperton Road. Application ID: 160590.** (Pages 55 - 74)

12 **36 Beatty Road. Application ID: 160617 (PPP).** (Pages 75 - 80)

13 **Community Infrastructure Level - Financial Position (July 2016).** (Pages 81 - 86)

    Report of Senior Specialist Advisor Planning.

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

15 **Appeal Decisions.** (Pages 87 - 104)

    1) 93 Royal Parade.
    2) 6 Cambridge Road.
    3) 42-44 Meads Street.
    4) 1 Ballie Avenue.

**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](http://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
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Website at [www.eastbourne.gov.uk](http://www.eastbourne.gov.uk)

For general Council enquiries, please telephone (01323) 410000 or E-mail: [enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)
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Tuesday, 21 June 2016  
at 6.00 pm

Planning Committee

Present:-
Members:  Councillor Murray (Chairman)  Councillor Sabri (Deputy-Chairman)  Councillors Choudhury, Murdoch, Taylor, Di Cara (as substitute for Jenkins) and Dow (as substitute for Robinson)

12 Minutes of the meeting held on 17 May 2016.
The minutes of the meeting held on 17 May 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

13 Apologies for absence.
Councillors Jenkins, Miah and Robinson.

14 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.
There were none.

Canopy structure over external 'valeting area' attached to existing building, constructed of acoustic blocks (painted white) to South Eastern flank only with clear corrugated sheet plastic roof supported by wooden beams. Fluorescent lighting would be installed to the inside of the canopy structure. Also proposed is the addition of timber hit and miss privacy fencing along boundary to match height of existing acoustic fence – ST ANTHONYS.

Mrs Bowen addressed the committee stating that whilst she was in favour of the proposed structure she would prefer the privacy fence to be higher than the acoustic fence. In addition Mrs Bowen queried the operation times and requested the outside lighting be switched off after 6pm.

The committee was advised that the Council had pursued matters in relation to external lighting at the site.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) No external lighting 4) Materials as stated on plans/application form.

16 21 Granville Road. Application ID: 160398.
Extension to the front of the existing dwelling and a roof raise loft conversion – MEADS.

**RESOLVED:** (Unanimous) That permission be refused on the grounds that
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 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.

**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, was considered to be written representations.

17 31 Upper Kings Drive. **Application ID: 160318.**

Two storey rear extension, garage extension and demolition of existing
detached garage – RATTON.

The committee was advised that Mr and Mrs Corke of 29 Upper Kings Drive
had contacted the Council to advise that they would withdraw their
objection to the proposal if the conditions suggested by the Council’s
Arboriculturalist were applied to any approval.

The Specialist Advisor for Arboriculture stated that ‘the proposed
extension’s southern wall was in very close proximity to three of the trees
within the adjacent Beech hedge. Although the hedge should not be
considered a constraint to development it was a vital screen to the
proposed extension and therefore if indicated as retained some conditions
would be required should the application be approved. In addition he
queried whether a condition should be attached to retain a hedge that may
be owned by 29 Upper Kings Drive. If the Council were to attach a condition
to the hedge then it would have implications on the owner of 29 Upper
Kings Drive and their ability to undertake maintenance works or indeed
remove the hedge should they wish to do so. Due to the existing hard
standing patio area, retainer wall and swimming pool cabinet situated in the
location indicated for the proposed foundation of the side wall, it would be
unlikely to find substantial roots in this area. Although root damage to the
closest part of the hedge was unlikely the concern was that there may be
damage to the canopy and the loss of the screen by means of facilitating
the access required to build the extension including space required for
scaffolding. Although under common law the applicant was entitled to
prune the hedge back to the boundary at present, he suggested that the applicant tie the hedge back away from the proposed extension and scaffolding in order to maintain the screen after development. The Specialist Advisor for Arboriculture suggested additional conditions which were incorporated into the resolution below (conditions 7 to 15).

Mr Corke addressed the committee in objection stating that they did not wish to withdraw their objection to the scheme and that any groundwork would potentially damage the well established Beech hedge. Mr Corke also expressed concern regarding the proposed side wall stating that it would appear more ‘industrial’ than residential due to its size and proximity to his property.

Mr Pesce, applicant, responded stating that the planning department had been fully consulted throughout the design of the extension at pre-application stage and that he was happy to adhere to the additional conditions proposed by the Specialist Advisor for Arboriculture. Mr Pesce agreed that the protection of the trees would benefit both his property and the neighbouring property’s outlook.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission 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

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 7) Access to the garden should be from the north of the site 8) Demolition of the existing defunct swimming pool building should be also conditioned to be undertaken by hand in order to prevent damage by larger machinery 9) Detailed plans of services in relation to trees 10) Construction method statement 11) Protection of existing trees 12) Protection of retained trees 13) Tree Protection: Excavations 14) No Burning on site 15) Any trees along this common boundary that die within 5 years from the date of the completion of the extension (for a length of 6 m from the rear wall of the original rear wall of the property) shall be replaced at the applicants expense.

18 Beach Huts. Application ID: 160534, 160542, 160544, 160563, 160566.

Erection of five beach huts on the eastern seafront promenade – DEVONSHIRE.

At their meeting on 24 May 2016 the Conservation Area Advisory Group welcomed 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.
Additional comments from residents were reported as follows:

160542 (Site 1 - Re-bourne)

One further objection had been received on the grounds that the proposed building did not respect its historic setting and the Town Centre and Seafront Conservation Area, and detracted from the pre-eminence of the pier within this part of the seafront.

160544 (Site 2 - The Spyglass)

One further objection had been received expressing concerns that the proposal would add to clutter on the seafront and failed to respect the setting and character of the conservation area. There was a concern that the costs involved would not enable a successful building to be delivered on the site to enable the realisation of the architectural concept behind the proposal.

160534 (Site 3 - What unearthed?)

One further letter of support had been received citing the benefits of additional facilities on the eastern part of the seafront. The applicant had now submitted detailed plans showing the maximum height of the building at 2.8 metres, the plans were also available on the Council’s website.

160566 (Site 4 - Community beach hut)

One further letter of support had been received stating that the proposal was simple and authentic.

160563 (Site 5 - Stargazers cabin)

One further objection had been received stating that the cabin would harm the setting of the recently constructed beach huts on this part of the promenade creating further clutter. Concerns was also expressed stating that the design concept relied on pedestrian footfall after dark which was not apparent at present, and also that the proposal would result in additional competition for existing businesses on this part of the seafront.

Councillor Bannister, Ward Councillor, addressed the committee stating that as part of the Driving Devonshire Forward project a consultation exercise had taken place, the results of which indicated the desire for some additional ‘beach huts’ in various locations east of the pier. A number of designs had been received and the proposals before the committee were chosen from the short list. This was a community project that would be of great benefit to tourists and the residents of Eastbourne.

Members discussed the application and whilst there was support for the scheme, some concern was raised with regard to two of the locations proposed.
RESOLVED (160542, 160534): (By 6 votes to 1) That permission be granted subject to the following 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.

RESOLVED (160544, 160566, 160563): (Unanimous) That permission be granted subject to the following 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.


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, print works and workshop/art space – DEVONSHIRE.

RESOLVED (160511,160512, 160513): (Unanimous) That permission be granted subject to the following 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.

Informative

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 was accepted that the uses could flux between all described in the application and across all the sites.


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 – MEADS.

The committee was advised that page 54 of the report stated that ‘Historic England and the Eastbourne Society both noted that the long term success and durability of the building would depend on the choice of timber cladding’. Members were advised that both Historic England and the Eastbourne Society were concerned about the principle of using timber to clad this building and would prefer that the building was faced in brick to match the other buildings within the Western Cluster and the Devonshire park complex more broadly.

A further consultation response had been received from Southern Water who did not object to the proposal but had requested a condition requiring
further details of foul and surface water disposal from the development. This had already been included as draft condition 7 on the decision notice.

Mr Howell, Eastbourne Society, addressed the committee in objection raising concerns regarding the loss of the original bandstand and requesting that any salvageable items be kept, with the possibility of being relocated elsewhere on the site. He also expressed concern regarding the proposed timber cladding to the new building due to its limited lifespan.

The committee discussed the application and whilst they did not like the timber clad effect, it was preferable to a bare pre fabricated building. They agreed that the red colour of the new cedar cladding would be more appropriate to the ‘weathered’ sliver look and requested that a maintenance condition be added to retain its original colour.

RESOLVED: (By 6 votes to 1) (Councillor Taylor voted against the application) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission. 2) You must implement this planning permission in accordance with the following plans approved as part of this planning permission:(TBC) 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). 4) The following details must be submitted to and approved by the local authority: a) 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 5) The following details must be submitted to and approved by the local authority: a) 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 6) The following details must be submitted to and approved by the local authority: a) 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.  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.  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 Greatore 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 9) The following details must be submitted to and approved by the local authority; a) 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.  10) The following details must be submitted to and approved by the local authority; a) 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 applicant’s 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.  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.  12) The following details must be submitted to and approved by the local authority; a) 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 applicant’s 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 13) Prior to commencement of the construction of the new building hereby approved the details of the external maintenance regime shall be submitted to and approved in writing by the local planning authority. The details shall include the colour of the wood-stain and the frequency of the re-staining for the life of the development. The details as approved shall be implemented at the site and be retained as such for the life of the development.


Proposed demolition of existing buildings and erection of a 3 storey 58 bed care home (use class C2) – OLD TOWN.

RESOLVED: (Unanimous) That permission be granted subject to the following 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 (Notwithstanding the details shown on the plans hereby approved the roof tile shall be orange/red to match those that form the predominant character of the area) 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

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


AMENDED SCHEME: Proposed demolition of existing garages and development of 6 no.3 bedroomed houses together with parking spaces
(Design amended - roof design altered and elevational changes) – **ST ANTHONYS**.

The committee was advised that amended plans had been submitted which pivoted the terrace of plots 1-4 slightly to increase the space available to the front of the property and access path. These plans also updated existing and proposed ground levels. The slight amendment to plots 1-4 increased the space to the front of the building by approximately 0.3m, an alternative form of buttressing to the boundary wall was also proposed to increase the width of the path. It was not considered that this amendment overcame concerns raised in the report. Members were advised that the access road to the site was in flood zones 2 and 3; however the part of the site to be developed was not.

Additional comments from neighbouring properties were reported as follows:

Not opposed to housing development on the site in principle however they felt that a lack of detail had been provided. There were concerns regarding the amount of traffic on access road, lack of detail regarding turning of vehicles, and impact on wildlife.

The building would clean up the area with less parked cars on the road and provide needed housing with a reduction in traffic.

The retention of the boundary wall in its entirety, high level windows and use of obscure glazing address previously raised privacy concerns. These revisions made the development an asset to the area and would improve the amenities for residents.

Mr Coulsey addressed the committee on behalf of no.s 1-4 and 6-14 Fitzmaurice Avenue, stating that all previous objections to the original scheme had been addressed. The current usage caused considerable antisocial behaviour and the new development would resolve this.

The committee considered the application and agreed that the wall to the front of plots three and four was unusually high, however they were mindful that the applicant had worked hard to mitigate residents concerns and that the scheme before them was supported by many of the neighbouring properties.

**RESOLVED:** (By 5 votes to 1 with 1 abstention) That delegated authority be given to the Senior Specialist Advisor Planning, in consultation with the Chairman, to grant planning permission subject to appropriate conditions.

23 **Result of Consultation into Good Practice Guidance for Local Heritage Assets.**

The committee considered the report of the Senior Specialist Advisor for Planning outlining the responses received to the consultation on the Good Practice Guidance for Local Heritage Assets.
The draft document had been reported to Planning Committee and Conservation Area Advisory Group in 2015. The public consultation had now been concluded with five representations received.

These were detailed in the table of responses document and the guidance document which were appended to the report. As a result of the responses received officers had concluded that only typographical changes to the document were required.

**RESOLVED:** 1) That delegated authority be given to the Senior Specialist Advisor for Planning to implement any typographical changes required. 2) That the adoption of the document for use in assessing local heritage assets be endorsed.

24 Tourist Accommodation Retention Policy Review.

The committee considered the report of the Senior Head of Planning, Regeneration and Assets providing Members with background and context to the issue of Tourist Accommodation retention and to identify potential areas of change.

As one of the largest providers of tourist accommodation in the South East outside London, and having the 16th highest supply of hotel rooms in the country, it was important that a seaside resort like Eastbourne had the right quality and quantity of tourist accommodation because it was important to the local economy. The current policy had been applied for development management purposes since the adoption of the local plan in 2003 and it was therefore considered that given the changing holiday and general economic market in the intervening years that a review of the effectiveness of this policy was undertaken.

The report detailed the tourist accommodation provision in Eastbourne, and a map of the Tourist Accommodation Area (TAA) was attached at appendix 1 of the report.

The existing policy on the retention of Tourist Accommodation came from the saved policies from the Eastbourne Borough Plan 2001-2011 (adopted 2003). It was intended that the Assessment of Financial Viability of Tourist Accommodation SPG would be replaced by a new Supplementary Planning Document (SPD) that would provide an updated interpretation of Policy TO2 referred to at paragraph 4.3 of the report.

A Tourist Accommodation Study was completed by consultants Acorn Tourism Consulting Ltd in 2015. The study considered that there was an oversupply of lower quality accommodation, particularly that which had previously catered for the coaching market. This oversupply meant that average occupancy levels fell as the lower quality accommodation reduced their prices to attract custom, which in turn meant other providers needed to reconsider their pricing. This ultimately drove down the average room rate and occupancy levels, particularly during the low season, and meant that owners were unable to continue to invest in the maintenance and upkeep of the property resulting in a downward spiral of poorer quality
stock. This had implications on how visitors perceived Eastbourne in terms of the quality of their visit and the likelihood of them returning or providing recommendations, and also on how investors perceived Eastbourne. This restricted the ability of the town to diversify the tourist accommodation offer to attract a broader range of visitors to Eastbourne thereby enhancing the destination’s overall competitiveness. The report outlined the issues highlighted as part of the survey as follows:

- An oversupply of poor quality accommodation in less prominent positions
- The loss of substantial amounts of tourist accommodation could weaken the town’s ability to retain its status as a tourism destination
- The protection of the character of the seafront
- Policies needed to be well defined, economically realistic and able to be applied consistently
- Removal of ‘hope’ value to encourage owners to run their businesses effectively

At this stage it was not possible for a new policy to be created, although the Supplementary Planning Document (SPD) could provide a new interpretation on what was required in order to meet the existing policy. The existing Tourist Accommodation Area (TAA) designated would need to be retained and evidence would still need to be submitted with a planning application for the loss of tourist accommodation in order to demonstrate non-viability. However the SPD may set new criteria on what evidence was required in order to meet the expectations of the policy, or it may be more flexible with certain proposals in certain situations. One of the key recommendations of the Tourist Accommodation Study was that the boundaries of the TAA be amended.

Once feedback had been received from Members and the Eastbourne Hospitality Association, the SPD would be drafted and presented to Planning Committee for comments on 30 August, before being presented to Cabinet for authority to publish for consultation. Consultation was anticipated to take place between 16 September 2016 and 28 October 2016. Following consultation, the comments would 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.

The committee agreed that they did not wish to see the TAA ‘shrunk’ any further and they did not want to endorse the creation of a secondary zone with a more relaxed policy. When considering the development scheduled to take place across Eastbourne and including the increased conference offer, Members agreed that it was essential to keep bed spaces.

RESOLVED: That the report be noted.

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

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of the current policies and guidance available to assess the replacement of windows through the planning process.
It had become apparent in determining applications for the replacement of windows through the planning process that the Council had 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. In response a document had 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.

This document had been reported to the Local Plan Steering Group and Conservation Area Advisory Group prior to being reported to Planning Committee. A copy of the Conservation Area Advisory Group report and the guidance document was appended to the report for information. The guidance document was being reported to Planning Committee unaltered with the view to gathering a pool of responses against a common document.

**RESOLVED:** 1) That delegated authority be given to the Senior Specialist Advisor for Planning to implement any typographical changes required 2) That the production of an executive summary to accompany the document be delegated to the Senior Specialist Advisor for Planning 3) That the creation of a draft Planning policy document providing greater clarity in the assessment of planning applications for replacement windows be delegated to the Senior Specialist Advisor for Planning 4) That the guidance document and supplementary information be referred to Cabinet to seek their endorsement for a six week consultation period.

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

There were none.

27 **Appeal Decisions.**

1) 24 Sevenoaks Drive. This appeal was dismissed.
2) 46 Hardy Drive. This appeal was dismissed.
3) 51 Upperton Lane. This appeal was dismissed.

**NOTED.**

The meeting closed at 8.40 pm

**Councillor Murray (Chairman)**
### Executive Summary:
The site is currently derelict with two cottages to the north of the site, and a wooded/pond area to the south. The application is for outline permission, with all matters reserved for the development of 10 residential dwellings. A layout plan has been submitted to indicate how 10 properties, along with parking can be accommodated along with suitable access and turning spaces.

It was resolved to refuse planning permission by Committee the previous proposal for 15 residential dwellings on the grounds that the applicant failed to demonstrate that the number of dwellings could be accommodated on the site with the required level of parking and suitable access, and the development would likely lead to the loss of TPO protected trees.

It is considered the principle of development to the thresholds now proposed are acceptable subject to a number of conditions. A S106 agreement is required to ensure the future maintenance/management of the wooded/pond area to the south of the site which is to be retained as a private ‘garden’ ecology area and to secure a financial contribution towards the provision of a Traffic Regulation Order.

It is acknowledged that this development is CIL liable.
Relevant Planning Policies:
National Planning Policy Framework 2012

6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies
B2. Creating sustainable neighbourhoods
C8. Langney Neighbourhood Policy
D5. Housing
D9. Natural Environment
D10A. Design

Eastbourne Borough Plan Saved Policies 2007
UHT1. Design of New Development
UHT4. Visual Amenity
UHT7. Landscaping
HO2. Predominantly residential areas
HO20. Residential Amenity
TR6. Facilities for cyclists
TR11. Car Parking

Site Description:
The site consists of an area approximately 1 hectare. The site is situated to the south of Langney shopping centre, bordered by Swanley Close, with residential properties to the east and west of the site.

The site currently has two cottages with smaller associated outbuildings on part of the site to the north. To the south the site is a wooded area with large ponds. The south of the site was previous a brickworks between the early 1900’s and 1940’s.

A number of trees on the site are protected by a tree preservation order.

Relevant Planning History:
It was resolved at Planning Committee in April to refuse outline planning permission with all matters reserved for the development of 15 dwellings on the site for the following reason:

The application has failed to demonstrate that the proposed 15 dwellings can be accommodated on the site with the required level of parking provision and suitable access and the development would likely lead to the loss of 5 trees covered by Tree Preservation Order (86) and given the size of the access road be likely to lead to construction vehicle and emergency vehicle
congestion issues resulting in a material loss of amenity. The proposal would therefore be contrary to saved polices T11, UHT4 and UHT5 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.

**Proposed Development:**
The application proposes the demolition of the existing cottages and the erection of 10 dwellings on the site. The application is for outline planning permission with all matters reserved.

However an indicative layout plan has been submitted to indicate how 10 dwellings could be laid out within the site and how access should be obtained.

The proposed access is from the existing spur onto the top turning head within Swanley Close. Previously Committee assessed the access to the site via the existing lower access, this is now proposed to be pedestrian access only.

29 parking spaces are proposed for the 10 dwellings.

**Consultations:**

**Specialist Advisor (Waste)**
The layout of the site will allow for access by refuse and recycling crew. The properties are within suitable distance from the access to allow presentation of the bins.

**Specialist Advisor (Arboriculture)**
No objection to the proposal – comments discussed in more detail in report.

**East Sussex County Council Highways**

No objection to the proposal – comments discussed in more detail in report and in addition the following comments have been received:-

There are however a number of areas of concerns that will need to be fully addressed by any reserve matters application as set out below.

Parking spaces must also be of sufficient size in order to be counted towards. All spaces will therefore need to be 5m x 2.5m.

The access will need to be formalised to provide appropriate provision for vehicles, pedestrians and cyclists in accordance with current guidance.

The access road inside the site will also need to be upgraded to cater for two way traffic flow as well as turning. Given the length of the access road refuse vehicles will need to enter the site as the distances are too great for waste to be carried by residents. The access layout, road and turning area will all therefore need to be of an adequate size.
to accommodate the vehicles used by the refuse collection company and the emergency services. The construction of the roads will also need to be appropriate to cater for the weight of a refuse vehicle. The standard for construction should therefore be at, or at least close to adoptable standards to reduce maintenance issues in the future. Pedestrian access through the site will also need to be considered.

The applicant will also need to consider how the scheme could be built should planning permission ultimately be granted given the access limitations. Smaller vehicles would need to be utilised to access the site, which will limit the size of building materials.

Lastly, a Transport Report should also be submitted to consider the impact of the development on the highway network.

I recommend that any consent shall include the following attached conditions as well as a S106 agreement to secure £5000 towards provision of a Traffic Regulation Order.

Lead Local Flood Authority (East Sussex County Council SUDS)
A SUDS scheme was submitted with the application which is broadly acceptable, conditions have been requested to supply further information which will inform the design of the scheme at reserved matters stage.

Environment Agency
Advised no comments to make on the proposal but requested an informative in relation to foul drainage.

Southern Water
No objection raised requested an informative in relation to connection to the public sewerage system.

East Sussex County Council Archaeology
In the late 19th century / early 20th century this area was a brickworks quarry, the digging of which would have destroyed any pre-Victorian archaeological remains. The kilns for the brick work which would be of archaeological interest where located further to the north-west.

Therefore I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason no further recommendations to make in this instance.

East Sussex County Council Ecology
Objections raised due to lack of survey in relation to bats and lack of a reptile mitigation strategy. Full comments are shown in detail later in the report.
**Neighbour Representations:**
Objections to the consultation on 10 dwellings have been received from the following properties;
- 15 Swanley Close
- 20 Swanley Close
- 25 Swanley Close
- 42 Swanley Close
- 45 Swanley Close

Covering the following points;
- Impact of traffic on small/narrow road of Swanley Close
- Pedestrian safety
- Access for emergency vehicles
- Impact of demolition and construction works
- Impact on trees
- Disruption to wildlife habitat
- Drainage
- Current state of the road
- Overcrowding of vehicles
- Surface water drainage issues

**Appraisal:**

**Principle of development:**
In principle there is no objection to the proposed development of the site for housing.

The application is for outline permission for 10 dwellings and therefore results in an in principle decision on the development of the site for housing. The detailed appearance, scale, layout, landscaping, and access would be submitted at reserved matters application(s) stage. It is considered that although there are constraints to development the site can accommodate 10 dwellings in principle.

The site is not identified in the SHLAA for development and would therefore be a windfall development in terms of housing delivery. The proposed development would be CIL liable.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
An indicative layout has been provided to show how 10 dwellings could be accommodated on the site.

The land to be developed for housing to the north of the site sits adjacent to the Langney Shopping Centre car park, with the Langney Centre open space/pond area to the west. No. 40 and 41 Swanley Close are the properties immediately adjacent to the site to the East. Given the context of the site, it
is considered that the proposed dwellings would have little impact in terms of overlooking, or loss of light or outlook to the existing properties.

Whilst the layout is only indicative it is considered that a good quality of accommodation can be provided by reducing the number of units (now 10) proposed on the site which overcomes previous concerns.

Design issues:
The design of the properties is a reserved matter; however an indicative design has been submitted. In principle the site is contained relatively secluded from the wider area, and therefore the design would have limited impact in terms of street scene/character of the area.

Impact on Trees:
The application is supported by a tree report, there are a number of protected trees on the site. The use of the alternative access (from that previously reported to committee) means less impact on the protected trees on the site. Trees T9, T11 and T12 are all less likely to be harmed as the lower access will not need to be widened or altered if only used for pedestrian access. The reduction in the number of units has also removed the development pressure on tree T9.

Ecology:
The National Planning Policy Framework (NPPF) states that “the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...”

Our Ecologist has reviewed the proposal and the submitted Habitat and Ecology Survey. Our Ecologists advice is that further surveys are required before consent is granted, that these cannot be carried out by condition as they could identify constraints to development. Specifically the buildings on site have been identified as providing a moderate potential for bat roost and several trees have also been identified as having a bat roost potential, therefore a further bat survey is required.

Given the southern part of the site is to be retained for biodiversity, the justification that no additional surveys are required for great crested newts, reptiles and dormice is acceptable, however a robust mitigation strategy is required to ensure the protection of reptiles and amphibians.

Impacts on highway network or access:

Our Specialist Advisor for Waste and Recycling has confirmed that the layout would allow access for refuse and recycling vehicles.

ESCC Highways carried out their own assessment on the level of vehicle trips that will be generated by the proposed development. The highest level is now
likely to be around 44 trips per day compared to the 70 of the previous application. This would equate to 5 vehicles in the am peak, 5 in the pm peak and 3-4 per hour at other times.

Whilst it is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak. The level of traffic that 10 houses will create is low with only 1 additional car approximately every 12 minutes so any impact on the highway network would not be significant.

Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.

The location of the access has been revised from that previously reported to committee. It is now intended to access the site from the turning head at the end of the Close rather than use the existing access between no. 37 & 40. This means that vehicles would now need to travel a greater distance along Swanley Close in the narrowest section.

Swanley Close narrows north east of the turning that leads to West Rise School from approximately 6m to around 5m. North of the exiting access it narrows further to around 4.5m.

While these road widths would help to keep speeds low and a road width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee.

Given that all the properties in Swanley Close, bar number 34 at the entrance to the Close, have off street parking the only impact of imposing parking restrictions will be on visitor parking.

It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted.

Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.
This revised application also provides a greater level of parking than the previous scheme. There are now 29 spaces proposed for 10 houses. Using the ESCC parking calculator this development should provide 25 spaces based on local car ownership levels. The 29 spaces proposed are therefore acceptable.

Sheds are also shown in each garden which would provide safe, secure cycle parking and is therefore acceptable.

There are a number of detailed design issues that needs to controlled via the condition and reserved mater stage and it is considered that subject to these issues being resolved then there are no highway related issues/concerns.

Planning obligations:
The proposal would be CIL liable, the applicant has submitted the necessary forms.

The S106 agreement will also control the future management of the wooded private/garden area which is to be retained and a contribution towards provision of a Traffic Regulation Order.

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

Conclusion:
It is considered that the site can comfortably accommodate 10 dwellings, providing good amenity for future occupiers and sufficient car parking. There are considerable constraints on the site however the detailed layout and design of the scheme could overcome these issues.

A s106 agreement is being drafted to ensure the future maintenance/management of the wooded/pond area and to secure the contribution towards the provision of a Traffic Regulation Order.

Recommendation:
1. That no consent be issued until the agreement of the County Ecologist has been secured.
2. Grant outline planning permission subject to conditions and S106 agreement to provide an ongoing maintenance regime of the ponds/ecological area and a financial contribution of £5000 for towards the provision of a Traffic Regulation Order.
3. Should the S106 agreement not be signed within a reasonable time period 8 weeks from the date of the Committee resolution (unless an
extension of time has been agreed) the application should be refused on the grounds that there is no provision in place to ensure the future management/maintenance of the wooded/pond area which would result in a detrimental impact on the surrounding residential properties.

**Conditions:**
1. Submission of Reserved matters
2. That the submission of reserved matters for the layout of the scheme shall be accompanied by a tree report (prepared by a qualified arboriculturalist) demonstrating that the proposed layout has been informed by the retention of the high amenity value trees on the site.
3. Time for submission
4. SUDS condition regarding designing the surface water drainage system
5. SUDS prior to commencement ground investigations to establish infiltration rates and depth of groundwater
6. SUDS requirement for surface water management proposals to be supported by detailed hydraulic calculations
7. Submission of a maintenance and management plan for the entire drainage system
8. Submission of traffic management plan for construction
9. Submission of detailed drawings of proposed roads, surface water drainage and street lighting
10. Wheel washing
11. Submission of details of the layout of reconstructed access, visibility spays and swept path analysis.
12. Provision of a turning space for vehicles
13. Submission of details in relation to parking areas
14. Submission of details of cycle parking
15. Submission of a transport report
16. Roads to be constructed at or at least close to adoptable standards.

**Informatives:**
- The applicant be informed that this development is CIL liable.
- EA Informative
- SW Informative

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

This application relates to the conversion of an unrestricted residential unit to a single family dwelling. An earlier application for a similar scheme was reported to planning committee on 1st March 2016 who resolved to refuse the application on the grounds that the proposed development would result in substandard accommodation which would fail to protect the amenity of future occupiers of the unit.

The applicant has now amended the internal layout of the proposed dwelling to create a large, open plan ground floor area and a mezzanine level at the first floor. It is considered that following these amendments the development – which also includes a rear yard area and front parking space – would provide an acceptable standard of accommodation for future occupants in line with national standards, and the application is now recommended for conditional approval.

Panning Status: The application site comprises a general industrial unit (B2 use) located on St James Street.

Eastbourne Core Strategy Policies
B1 - Spatial Development Strategy and Distribution
B2 – Creating Sustainable Neighbourhoods
C3 - Seaside Neighbourhood Policy
D5 – Housing - Low Value Neighbourhoods

**Borough Plan Policies**
HO2 - Predominantly Residential Areas
HO20 – Residential Amenity
US5 - Tidal Flood Risk
UHT1 – Design of New Development
TR11 – Car Parking

**Site Description:**
This is an existing light industrial unit located on St James Road, Eastbourne. To the immediate east of the unit is a group of three recently constructed residential buildings which replaced garage space, with a nursing home at the end of the road.

**Relevant Planning History:**

130130
Replacement of existing flat roof with new pitched roof
Planning Permission Approved conditionally
31/05/2013

151029
Change of use from light industrial unit to single residential unit together with new pitched roof, with 1 obscurely glazed rooflight to east elevation, 2 obscurely glazed rooflights to west elevation and one window in each gable end. Withdrawn November 2013.

151369
Change of use from light industrial unit, to single residential unit. Installation of pitched roof to create enlarged habitable living area. New windows to front, rear, side elevations and installation of rooflights. Landscaping works and provision of parking space to front of dwelling. Refused
02 March 2016.

**Proposed development:**
The proposal involves retention of the existing building, constructing a pitched roof to create additional living accommodation, demolishing part of the building to construct a rear yard to create private amenity space, with the installation of various windows on the building some of which will be made from obscure glass.

**Consultations:**

*Neighbour Representations:*
Two letters of support has been received from neighbouring properties stating that the proposed development will enhance the appearance of the Road.

**Appraisal:**

**Principle of development:**

The industrial unit is not located in a designated employment area and in line with the NPPF, there are no policy reasons to restrict its change of use to residential. As such, the conversion of an industrial unit to residential accommodation is acceptable in principle, subject to an acceptable standard of accommodation being provided as a consequence of the development and there being no adverse impacts on the surrounding area.

**Quality of living space**

The proposed unit comprises a ground floor open plan kitchen/living area, with a second bedroom at the rear. The main bedroom is constructed on a mezzanine level encompassing half the footprint of the dwelling.

The total size of the dwelling will be 65 Sqm which falls slightly below the technical standard of 70 Sqm for a two storey, two bedroom three person dwelling. A significant proportion of floorspace would fall within the eaves at first floor level and would as such be technically unusable other than for storage purposes.

Notwithstanding this, it is considered that a number of factors weigh in the favour of this proposal. This includes the fact that there is a rear yard which can provide private external amenity space, in addition to a large driveway at the front. The creation of a large open plan vaulted living area with natural light and a reasonable outlook to the front also responds well to the constraints of the site.

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

Two consultation responses have been received setting out support for the proposed development on the grounds that it will improve the environment of St James Road.

The pitched roof that is to be constructed on the top of the building was previously approved in 2013 in association with the existing industrial use of the building. This was prior to the construction of the residential units at 6-10 St James Road.

In amenity terms the key issues are whether the proposed development would result in overlooking or a material loss of light to surrounding
residential properties. In respect of number 6 St James Road, any loss of light created by the construction of a pitched roof would not result in a significant change to the existing light levels within this garden. The roof windows would lead to a perception of overlooking of this garden, but it can be conditioned that these are obscure glazed and fixed shut.

The additional bulk of the roof would be visible from the rear yard and internal areas of the commercial building at 135 Seaside. Given that the premises in question are in commercial and not residential use, it is not considered that the loss of light to this property would be material.

At present the unit has windows that look directly out in to the garden of number 6 St James Road. These are shown as being blocked out as part of the application and this could be required by condition. As the windows shown on the plans at roof level and on the side elevations, and are to be made from obscure glazing, there would be no overlooking of surrounding gardens from the proposed unit. Overall it is considered that the proposal would improve the overall relationship between the two properties.

The replacement of an industrial use with a residential use as proposed would otherwise be considered acceptable in planning terms, and would result in improvements to the amenity of surrounding occupiers. There would be a decrease in common issues typically associated with industrial properties, such as noise, vehicular deliveries and waste left on the highway.

Design issues:

The existing building is in a transition area between industrial/commercial uses and residential uses. The proposed dwelling would have a pitched roof, windows in the front and rear of the building, and landscaping features as shown on the proposed plans. Its appearance is considered acceptable in view of its surroundings.

Impact on character and setting of a listed building or conservation area: Not relevant

Impacts on trees: Not relevant

Impacts on highway network or access:

One parking space is provided, which will help prevent the development from having an adverse impact on pressure for additional on street parking. The application is acceptable in highways terms.

Sustainable development implications:
This is a brownfield site close to public transport connections and links with the town centre location, it is otherwise considered appropriate for conversion to residential use.

Other matters:

The applicant has amended the application from previous schemes to show that the guttering on the boundary of number 6 St James Road will be constructed within the fabric of the roof and will not therefore fall within the curtilage of the neighbouring properties.

**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, by replacing an industrial unit with a residential unit the proposed development would enhance the area immediately surrounding the site and thereby improving the residential quality of the local area.

**Recommendation:**

The application is recommended for approval

**Conditions**

1. Development in three years
2. Development in accordance with approved plans
3. Layout to be built as per approved plans.
4. Rear garden area to be built and set out prior to first occupation.
5. Windows to be blocked out prior to first occupation
6. Windows as shown on approved plans to be obscure glazed and maintained in that condition thereafter.
7. PD rights removed (windows and extensions, roof etc.) amenity.
8. Bin stores to be set out as per approved plans and maintained for lifetime of development.

**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:
This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor Planning and it follows planning permission 141327.

Planning permission was granted in 2015 (Ref: 141327) to convert part of the garage space of the garage serving no. 5 The Courtyard to habitable space on the condition that the remaining garage space would be used to park a small car, motor cycle or store bicycles and for no other purpose.

The application proposes the removal of a condition requiring the retention of garages at the six existing dwellings in The Courtyard, Wharf Road.

The subject garages do not meet ESCC Highways minimum space requirements for car parking spaces as they fall below 3m x 6m, rendering them unusable for most modern cars. This issue is further exacerbated by limited space in which to manoeuvre vehicles within the courtyard.

Relevant Planning Policies:
National Planning Policy Framework 2012
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities

**Core Strategy Local Plan 2013 Policies**
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy
D1: Sustainable Development
D10a: Design

**Eastbourne Borough Plan Saved Policies 2007**
HO2: Predominantly Residential Area
HO20: Residential Amenity
TR2: Travel Demands
TR11: Car Parking

**Site Description:**
The Courtyard is a collection of six dwellinghouses with integral garages, which stand on the south of Wharf Road in Upperton Ward. The dwellings stand between nos. 2 and 4 Wharf Road with the Enterprise Centre to the immediate south, with the railway station just beyond. It is considered to be in a Town Centre location.

The courtyard in the centre of the collection of dwellings is hard surfaced to allow vehicular access to the garages. It is approximately 126m2 in area at approximately 7.5m wide and 17m long.

The garages attributed to the properties vary in size slightly measure approximately 11.75m2 – 13.25m2 and 2.35m – 2.7m wide and 4.9m – 5m long.

**Relevant Planning History:**
130175
Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.
Planning Permission – Refused, 28/06/2013

141327
Conversion of part of the garage to extend habitable space
Householder - Approved conditionally, 07/01/2015

990674
Proposed change of use to form six dwellings with garages, together with alterations, part raising of roof and the introduction of dormer windows and roof lights.
Planning Permission - Approved conditionally, 27/05/1999

**Proposed development:**
The applicant seeks permission to remove condition 5 from the original planning permission which states:

*That the garages shown on the approved drawing shall be provided before the residential units are first occupied and shall permanently be retained for the occupiers of or visitors to the units hereby approved. Reason: To avoid the obstruction of surrounding streets by waiting vehicles*

**Consultations:**

**External:**
- Highways ESCC – do not wish to restrict the grant of consent
  - That the garages are below the current recommended dimensions and are considered too small for the purpose of housing a vehicle
  - Many modern vehicles would fit in the space there would not be enough space to exit the vehicle
  - Current standards indicate that a garage can be only classed as a parking space if it meets the minimum required dimensions of 3m x 6m
  - Location of garages in relation to courtyard would also make a number of garages very difficult to use with limited manoeuvring space
  - The use of garages for parking is generally fairly low and it is likely to be even lower if they are used at all
  - ESCC Parking Team indicate that residents would not qualify for permits as there is limited parking available on street, however proximity of train station, bus stops and Eastbourne Town Centre mitigate the potential effects of removal of garages
  - Not considered to have a major impact on the surrounding network and would be in accordance with the NPPF

**Neighbour Representations:**
Eight neighbour consultation letters were sent to nearby properties. One representation of support has been received from another owner/occupier of a dwelling on the site which reaffirms the points made by the applicant.

**Appraisal:**

**Principle of development:**
In principle, dwellings should have access to parking provision to alleviate pressure for on road parking and this was the purpose of the condition.

It is accepted that the garages at the site cannot accommodate modern vehicles and allow sufficient space for the driver/passengers to exit that vehicle, if this application were to be supported then it would be at the discretion of the home owner if they chose to implement it. For those who chose to retain their garages they would continue to provide for domestic storage and parking cycles and motor cycles.
Notwithstanding this it remains a fact that the application site is in a very sustainable location and that the size of the garage are not fit for purpose and as such they do not contribute to alleviating the pressure to on road parking. As such, in principle the removal of the condition is acceptable.

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

**Current Situation**

According to the supporting documentation with the application and the consultation response from ESCC Highways, the garages currently do little to alleviate on road parking for the car owner occupiers of the dwellings as they are rendered almost unusable for the purpose due to their small size and limited manoeuvring space of the courtyard.

Therefore, it is likely that on road parking is already affected by occupiers of these dwellings who own cars. As such, it is not considered that the removal of his condition will negatively affect surrounding residents any further. In addition, the location of the properties is considered to be highly sustainable, being a short walk to Eastbourne Rail Station, major bus routes and amenities of the town centre.

**Parking Provision**

The condition may have been effective when it was attached to the original planning permission in 1999; however, by modern parking standards it cannot be considered that the dwellings offer parking provision. Furthermore, planning conditions should only be applied where they are effective. Policy TR11 of the Borough Plan states:

> Planning applications for new development, changes of use and extensions to existing premises must comply with approved maximum car parking standards.

In this case, the application to have the condition removed must be assessed on its own merits and the condition would appear to have little merit and serves to prevent the residents of the properties from being able to apply for residents parking permits (where required). In any case, the garages do not comply with ESCC minimum car parking space standards and in this highly sustainable location, the retention of the condition is not supported by ESCC Highways or by locally adopted policies.

**Design issues:**

Future conversion of the garages is not considered likely to have a negative impact on the appearance of the area. The Courtyard is not highly visible from the public realm, nor does it stand in a Conservation Area. As such, the removal of this condition will have a neutral effect on the character and appearance of the area.

**Impacts on highway network or access:**
There is a possibility of increased demand for on road parking by residents of these dwellings if the condition is removed. However, the location of the dwellings is considered likely to attract occupiers/owners who are attracted to the comparative ease of travel within a town centre location. Furthermore, the limited effectiveness of the garages will have already had some impact on the nearby on road parking as the garages cannot be used for most modern cars.

As such, the impact of the removal of the condition is considered to be neutral in impact on the highway.

**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:**
Considering all of the enclosures of the application, the consultee response from ESCC Highways and our adopted policies, it is considered that the removal of the condition is acceptable and will have a neutral impact on the residential amenity of nearby occupiers. It is not considered that there are any other conditions required in lieu of the removed, therefore it is recommended that the condition is removed without the further implementation of conditions.

**Recommendation:**
Approve unconditionally

**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: 160570  
Decision Due Date: 19th July 2016  
Ward: Upperton

Officer: Thea Petts  
Site visit date: 23rd June 2016  
Type: Planning Permission

Site Notice(s) Expiry date: Two rounds of consultation terminating on 16th July 2016

Neighbour Con Expiry: Two rounds of consultation terminating on the 16th July 2016

Press Notice(s): N/A

Over 8/13 week reason: N/A

Location: Gildredge Park, The Goffs, Eastbourne

Proposal: The replacement of one existing adult tennis court with one external children's tennis court and one indoor children's tennis court within a new single storey building to be used for indoor children's tennis and other compatible exercise related activities offered by third parties. Includes two new floodlights which are to be mounted on existing poles to light external children's tennis court (amended scheme)

Applicant: Mr Francis Mackie

Recommendation: Approve conditionally

Executive Summary:

The scheme proposes the loss of one on the existing full sized tennis courts at the site in order to provide two children’s sized courts (one indoor and one outdoor), which is to enhance the children’s programmes already running at the site and allow for tennis and tennis training to be played/undertaken despite adverse weather.

The indoor court will be located in a new timber clad building under a mono-pitch roof that is considered to have a neutral impact upon Gildredge Park and a less than substantial impact upon the residential amenities of the properties that abut the site.

The scheme has resulted in a high number of representations in support of the scheme including the Lawn Tennis Association, the objections/concerns to the scheme that have been received have focused on traffic generation, poor parking and visual impacts upon the park.
It is considered that subject to appropriate conditions to control the on and off-site impacts that the scheme is supportable in principle.

**Relevant Planning Policies:**
National Planning Policy Framework 2012
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
   :- To support community and sporting facilities; Support the health and well being of communities,
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C4 Old Town Neighbourhood Policy

Eastbourne Borough Plan Saved Policies 2007
LCF8: Small scale sport and recreation facilities
HO20: Residential amenity

**Site Description:**
The site is located within Gildredge Park. Presently, a single storey, timber clad building (acting as tennis club house) is located in the north east corner of the park, directly facing the tennis courts which are sited behind the residential properties in Southfields Road and Saffrons Road. The rear elevation lies adjacent to the main footpath leading to the vehicular access (with parking) to The Goffs. The next closest access is via Dittons Road (where there is also some unrestricted parking).

At present there are four full sized outdoor tennis courts on the site, two of which (furthest from Saffrons Road) are floodlit in the evenings (times are controlled by planning conditions (play finishes at 10 PM with 15 mins clear up time) ). All of the courts have green mesh-welded fencing around them.

There are some trees and mature vegetation between the tennis courts and the residential properties on Dittons Road, which reduces views of the park from these properties. The residential properties along Southfields Road stand at a lower ground level than the park.

**Relevant Planning History:**
EB/1962/0048
Erection of tennis club pavilion.
Granted.
1962-01-25
EB/1986/0088
Provision of an additional hard tennis court, and the erection of 6 10m. high floodlighting columns.
Granted, subject to conditions.
1986-04-03

090838
Renovation and refurbishment of four existing tennis courts together with the installation of nine, 6.7 metre high floodlighting to two tennis courts
Planning Permission - Approved conditionally, 10/12/2009

120749
Single storey extension to the Tennis in the Park pavilion.
Planning Permission - Approved conditionally, 23/04/2013

130628
Minor material amendment to permission EB/2013/0015(FP) for a single storey extension to the Tennis in the Park pavilion to permit:
1 An increase in the length of the building of 700mm.
2 Changes to the design of the porch and its extent.
3 A change to the roof covering material.
4 Minor changes to the fenestration on the elevation to the car park.
Variation of Condition - Approved conditionally, 22/10/2013

140895
Retrospective application under section 73a for the additional use of the pavilion as a cafe (Class A3).
Planning Permission - Approved conditionally, 29/10/2014

Proposed development:
There are a number of elements to this proposal:-

- Single storey building
- External children’s court
- Floodlighting
- Use for tennis
- Other uses

Single storey building
This proposal includes a timber clad single storey building with a mono-pitched roof which is to be located in the south side of the existing court; the approximate dimensions of which are as follows: maximum height is 4.3m, width is 14.8m with a depth of 13.3m (including 1.8m overhang to front). The front elevation (facing the existing café/clubhouse) is to be fully glazed including two sets of double doors and there are to be four roof lights set into the lowest part of the roof (towards the rear of the building). To the rear, there will be some outside storage (under a small over hang) and inside
there is also a proposed cupboard storage area. Aluzinc coated steel roof cladding to match the existing café is proposed for the roof.

**External children’s court**
To the north side of the proposed building is to be a children’s outdoor court (mini tennis).

**Floodlighting**
This court is to be floodlit by two new floodlights attached to the existing poles which service floodlights on the adjoining courts.

**Use for tennis**
The applicant seeks permission to provide indoor and outdoor tennis facilities for small children (ages 2 – 7 approx.) within the existing site at Gildredge Park by developing one of the existing full sized courts (from left to right, it is the third court along). The current facilities offered to children in this age group are offered on a weather dependent basis, but some schemes are run at other venues in the town on a temporary basis by the applicant. If this scheme is supported the Tennis in Park business will consolidate to this venue.

**Other uses**
When it is not in use for children’s tennis classes/clubs it is possible that the indoor facility may also be used by adult tennis members of the club for tennis related activities (strength/conditioning general training activities)

**Consultations:**
**Internal:**
*Estate Manager – no comments received*
*Specialist Advisor (Arboriculture) – recommends condition and offered the following comments:*
  - Site not conducive to root growth
  - Arboricultural report is not required for this application
  - Portable interlocking aluminium trackway would be required to protect trees and allow access to the site for construction
  - Recommends condition is added requiring a Construction Method Statement prior to the commencement of works

**External:**
*LAWN TENNIS ASSOCIATION – supplied by applicant in support the proposal*
  - Scheme will be a “game changer” for sports development in the local area
  - Indoor tennis facilities are limited at the moment and the scheme will change that, especially for children
  - Will improve the accessibility and popularity of tennis in the local area
  - Loss of the full-sized court is acceptable given the number of other courts at the site and elsewhere in Eastbourne
• LTA have confidence in the club’s operating model and it is even used as an example of good practice for similar venues

County Archaeologist – no recommendations:
• Significant below ground archaeological remains are unlikely to be affected by these proposals

Neighbour Representations:
22 neighbour consultation letters were sent out and a Site Notice displayed following validation of the case. Following this, the application was subject to re-consultation where 51 letters were sent to surrounding residents and three Site Notices were then displayed near the site.

As a result of the first round of consultation, 10 objections have been received, 196 representations of support and 1 general comment. Following the second round of consultation, 1 objection has been received by an individual who wanted to reiterate points from their previous objection.

Objections received cover the following points:
• Development would compromise safe and limited available parking
• Parking provision for the rest of the park will be lost to those using new facility
• Negative effect on trees in the park and abutting the park
• Concerns that it could be requested of owners of nearby tree would not have to prune or cut-back subject tree if development goes ahead
• Heavy excavation works could damage trees (which are also wildlife habitats
• Loss of privacy
• Increased noise
• Increased traffic
• Windows left open will allow noise to escape
• If air conditioning equipment is installed, this will disturb the neighbours
• Position of building will allow sound of tennis games to be reflected back into adjacent properties
• Development will disallow nearby residents enjoyment of their gardens
• Loss of security due to location of proposed building, which will create a “blind zone” behind it and will attract anti-social behaviour including drinking and taking drugs
• Toys next to site are taking away from available amenity space
• New building is poorly designed and out-of-keeping, detracting from local distinctiveness
• Children’s tennis facilities should be provided by Devonshire Park, not at this location
• Little benefit of development is outweighed by substantial cost to our environment
• Parking and vehicular access are already dangerous at the park
• New building would visually dominate the area
- New building would increase likelihood of nearby properties being burgled
- Children’s play areas undermine peace and tranquillity of the park
- Dogs are more likely to bite children as there will be more children in the area
- Children’s play area or bowls club should be considered for redevelopment as car parks to service Gildredge Park
- There is a lack of parental supervision at the site, leading to children’s misdemeanours
- Park offers relief from built environment, which will be spoilt by new building
- Floodlights should shut off no later than the existing lights
- Increased numbers of children will create noise nuisance
- Proposal would over develop a site which currently works well
- Site will be subject to “creeping development” if this application is approved, suggests condition against further development
- New building should be sited near existing building
- Flood assessment should be undertaken
- Development would be to the detriment of dog walkers

Notes of support received cover the following points:
- Children’s tennis can be offered all year round and will not be weather reliant
- Existing facility are excellent – proposal will only improve it
- Tennis in the Park has become a real focal point of our community and Gildredge Park
- It would have a positive impact on Gildredge Park as have the cafe and courts so far
- Strengthens community
- Tackles childhood obesity and great for families
- New building does not take up any more space will have minimal impact
- All year round indoor tennis facility would be hugely welcomed and supported
- A place for tennis, yoga and Pilates would be greatly welcomed
- Mirrors existing café and looks in keeping with the surroundings
- Improvements would widen appropriate activities safely for children and adults
- If you interrupt children's programmes they can lose enthusiasm and confidence, all year round facility would combat this
- There is a need for facilities of this nature in Eastbourne to promote a healthy lifestyle and activities for children
- Eastbourne is a growing town with lots of young families and not a lot for them to do the terms of being fit and active, the proposal would make a big difference throughout the year
- An elegant low profile design with no noise impact must be acceptable to adjoining residents
• Similar facilities currently only available at expensive commercial sports centres
• It would free up more court space for adult players
• Gildredge Park has become more attractive and risk free since the tennis club was formed
• This is the next step in improving this ever popular facility whilst making the tennis easier and more peaceful
• An indoor area being made available will ensure that very young or physically vulnerable children can be included in activities

The general comment made makes the following point:
• Floodlights should be switched off by 10:00pm

**Appraisal:**
**Principle of development:**
The proposed development and use are considered to supplement an existing sporting/recreational activity within one of the public parks and that the site is considered to be in a sustainable location; it is considered therefore that there is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

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

**Outlook/Views Across an Amenity Area**
The proposed structure is likely to be visible from most parts of the park and surrounding properties which already have clear views of the subject tennis court. Views from adjacent properties are considered to be as follows:

• View from rear of properties on Southfields Road
  o Properties along this boundary are at a lower ground level than the tennis courts
  o Standard fence panels (1.8m approx.) stand between the park and the rear of these properties
  o Distance between rear wall of closest dwelling (23 Southfields Road) to side wall of proposed building is approximately 62m

Subsequently, it is considered that views of the site/courts/building from across the park is neutral and from these properties are significantly limited and only possible from the first floor rear facing windows. It is considered therefore that a refusal based on the impacts upon the properties in Southfields Road could not be substantiated.

• Views from rear of properties on Dittons Road
  o Properties along this boundary benefit from some natural screening provided by mature trees, most of which are directly
between the subject tennis court and the rear gardens of nos. 10, 10a and 12 Dittons Road
- The properties along this side are at an elevated ground level and mainly have three storeys
- Clear views of the proposed building will be mitigated for most of the year (leaf cycle) and will be partially obscured (by the mature trees) for the remaining part of the year
- The rearmost wall of the closest property to the proposed building is approximately 41m away
- High fences to the rear boundary of the plots mitigates views from the rear gardens and lower levels at the property
- Dwellings are at a higher level than the park and courts and set back from the proposal site

Subsequently, it is considered that views of the site/courts/building from across the park is neutral and that views from these properties are limited for most of the year and only possible from some of the upper floor rear facing windows.

It is considered therefore that a refusal based on the impacts upon the properties in Dittons Road could not be substantiated.

Additional Floodlights
The proposed floodlights will be attached to two of the existing floodlight poles which currently serve the adjoining court.

According to the applicant’s lighting survey, the light overspill and back spill are not to spread into the surrounding residential properties. So, although the proposed lights will be of the same output as the existing floodlights, it is proposed that the lights will be directional towards the external court and are considered to be necessary to support the proposed activity.

Furthermore, the existing lights are programmed to switch off at 10pm (with a 15 minute grace period for one light only) and is recommended that a condition is attached to any permission granted, which will ensure that the proposed lighting is switched off at 7:00pm.

Effects of Proposed Use
The purpose of the development is primarily to improve the facilities offered by the site and to consolidate their business primarily to this site.

This being the case, potentially there will be a positive effect on the wider community as children’s tennis classes and clubs may continue despite poor weather and also into the early evening during the winter months. The current schemes/activities provided by this establishment are regular, and well attended and supported by the wider community.
The indoor use is not considered likely to negatively affect residents with regards to operational noise, as this has potential to occur outdoors on the site currently. However, it will be recommended that a condition to install non-opening rooflights on the roof of the building to prevent indoor noise from affecting the residential properties.

**Other matters**
As the building is single storey and drawn away from the boundaries of the adjacent residential properties, it is not considered that there would be any loss of natural light caused by the proposed development.

The proposal also seeks consent to use the new buildings after the children’s classes have ceased for tennis related activities (strength /conditioning general fitness training) by adult club tennis members.

Whilst the frequency/intensity of this activity has not been identified, it is considered that the impacts of this element of the proposal given its use primarily by club members are unlikely to result in substantive material harm to the amenities of the occupiers of the adjacent properties nor should it use outside of tennis affect the character of Gildredge Park.

**Design issues:**

**General Appearance**
The proposed building reflects the character and appearance of the existing café/clubhouse and in the main, the proposed materials are to match this building. The timber cladding is not out of keeping within parkland areas within Eastbourne and elsewhere and it is considered to be the most appropriate material in this case.

The proposed fence around the proposed outdoor children’s court is considered appropriate as this will match the existing fences and will prevent tennis balls from leaving the court area.

**Size and Scale**
The proposed building is to be smaller than the existing café/clubhouse and will fit well within half of the area allocated for a single tennis court. Furthermore, the closest properties to it (rear wall of dwelling approx. 41m away) stand at a higher ground level which is edged by trees. Overall, it is not considered to be overbearing or unacceptable as an addition and it will not lookout of keeping with the site, which already has a sporting and informal character.

**Impacts on trees:**
As the development is within the existing tennis courts and the ground beneath them is not conducive to root growth from the neighbouring trees, there are no immediate concerns with regards to damage to existing trees as a result of the development.
However, the Specialist Advisor for Arboriculture has identified that trees could be damaged as a result of the attributed construction works to facilitate the development. As recommended by the Specialist, condition requiring a tree related construction method statement will be required prior to the commencement of development if the case is approved.

**Impacts on highway network, parking or access:**
It is considered that the application site is within a sustainable location which is easily accessed by foot, bus, train or car. As such it is likely to attract members from within the immediate community, which will negate the requirement for sole access by car. Furthermore, there are parking facilities around the park and unrestricted parking on a number of the surrounding roads. It is anticipated that a number of the classes/clubs to be run will be open to children who do not yet attend school. As such, any car parking requirements are likely to be staggered throughout the day.

It is acknowledged that there is not a dedicated car park for this facility and as such the parking that does exist has to be shared with/by other park users. Given this it is acknowledged that at times there will be parking stress, however this impact is considered to insufficient to justify a refusal when the scheme is acceptable in all other respects.

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

**Conclusion:**
The proposed scheme is considered acceptable in that it will not have a material adverse effect on residential amenity, the character or integrity of the park or the visual amenity offered by the park currently.

Overall, it is considered that the proposal will not overdevelop the site or intensify the existing use of the site beyond its means or to the detriment of the nearby residents.

**Recommendation:**
Approve conditionally

**Conditions:**
1) Time
2) Drawings and Lighting Assessment
3) Construction Method Statement – Protection of Trees
4) Matching Materials (to include fencing)
5) Floodlights - Hours of Operation, 15:00pm – 19:00pm
6) Non-opening Rooflights
7) Non children’s tennis uses of new building - Hours of Operation 19:00 – 22:00 pm

**Appeal:**
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**
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<table>
<thead>
<tr>
<th><strong>App.No:</strong></th>
<th>160226</th>
<th><strong>Decision Due Date:</strong></th>
<th>16/05/2016</th>
<th><strong>Ward:</strong></th>
<th>Devonshire</th>
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<tbody>
<tr>
<td><strong>Officer:</strong></td>
<td>Neil Holdsworth</td>
<td><strong>Site visit date:</strong></td>
<td>05/07/2016</td>
<td><strong>Type:</strong></td>
<td>Approval of Condition</td>
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<td><strong>Site Notice(s) Expiry date:</strong></td>
<td>21/04/2016</td>
<td><strong>Neighbour Con Expiry:</strong></td>
<td>21/04/2016</td>
<td><strong>Press Notice(s):</strong></td>
<td>21/04/2016</td>
</tr>
<tr>
<td><strong>Over 8/13 week reason:</strong></td>
<td>To report to planning committee and obtain amended arboricultural report.</td>
<td><strong>Location:</strong></td>
<td>Wood Winton, 63a Silverdale Road, Eastbourne, East Sussex BN20 7EY.</td>
<td><strong>Proposal:</strong></td>
<td>Demolition of existing dwelling, erection of 3 no. detached dwellings with parking and garages together with lengthening existing access drive (outline planning permission: Access and Layout all other matters reserved for subsequent approval).</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr C Steele</td>
<td><strong>Recommendation:</strong></td>
<td>Approve conditionally and subject to submission of reserved matters.</td>
<td></td>
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</tbody>
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**Executive Summary:**
Members will note that there is significant planning history on this site leading from the redevelopment scheme in the 1970’s. The most recent application (approval) in 2012 has now expired and this application is identical in form and content to that previously approved.

Notwithstanding the Planning History of the site it is considered that the form of development is acceptable in that provides a low density suburban scheme which is unlikely to result in material harm to the occupiers of the neighbouring properties nor would it be out of character with the wider character of the area.

It is acknowledged that the scheme is CIL liable and that it is recommended for approval subject to conditions.

**Planning Status:**

The site is currently occupied by a single residential dwelling (C3 Use class) and large garden area subdivided in to three sections respecting the existing levels.
Relevant Planning Policies:

National Planning Policy Framework 2012
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013
B2 Creating sustainable neighbourhoods
C11 Meads Neighbourhood Policy
D5 Housing
D10A Design

Eastbourne Borough Plan Saved Policies 2007
UHT1 Design of New Development
UHT4 Visual Amenity
HO2 Predominantly Residential Areas
HO6 Infill Development
HO20 Residential Amenity

Site Description:

This is a large backland site (0.29 hectares) bounded by St John’s Road, Granville Road, Fairfield Road and Silverdale Road. It is currently occupied by a single private dwelling which is set back within the enclosed site, 70 metres from the Silverdale Road frontage and served by an existing 5 metre wide vehicular access. The site is located within an area of High Townscape Value. The site is on the boundary of the Meads Conservation Area.

Relevant Planning History:

App Ref: EB/2012/0112
Description: Redevelopment of site including demolition of existing building and erection of three detached dwellings with parking and garages together with lengthening access drive (outline application)
Decision: Approved conditionally
Date: 30 May 2012.

App Ref: EB/2006/0783
Description: Renewal of outline planning permission EB/2003/0255(OL) for the demolition of existing house and erection of three detached houses with garages
Decision: Approved conditionally
Date: 06/12/2006
App Ref: EB/2003/0255  
Description: Demolition of the existing house and erection of three detached houses with garages. (Outline)

Decision: Approved conditionally  
Date: 09/12/2003

App Ref: EB/1970/0620  
Description: Demolition of “Wood Winton” and the erection of five two-storey dwelling houses, each with a garage along with the improvement of the access road (Outline)

Decision: Approved conditionally  
Date: 19/11/1970

**Proposed development:**

The proposed development involves the demolition of the existing building and the construction of three new residential dwellings, together with the widening of the existing access driveway from Silverdale Road and construction of a turning circle within the application site to serve the three dwellings. The application is submitted in outline (Access and Layout), with appearance, landscaping and scale left as reserved matters for determination at a later stage.

**Consultations:**

**Internal:**

Specialist Advisor (Arboriculture): No objection to proposal subject to conditions.

Ward Councillors: No response received.

**External:**

ESCC Highways: recommend that the junction works are implemented prior to the occupation of the dwellings as the visibility spays are considered to be important in highway/pedestrian safety terms.

**Neighbour Representations:**

Six letters of objection have been received drawing attention to the following points:

- Concern is expressed about the loss of trees of ecological value as the result of the proposal.
- Concern that trees are protected during construction works.
- Concern that proposal involves significant amount of hardstanding and will change the sense of openness and visual and environmental amenity.
- Concern that there is insufficient access width through access drive to the property.
- Concern that remedial works are undertaken to the boundary between the plot and Compton grange (Silverdale road).
- A number of respondents have queried whether sufficient provision is made for drainage and servicing when proposal is built.

One letter of support for the proposal has also been received.

**Appraisal:**

The applicant seeks permission to demolish the existing detached family house and erect 3 two-storey, detached family-sized houses (with private garages). The proposal is identical to the plans approved in 2012 which were never implemented. The principle of the redevelopment of this site is long established and a number of previous permissions for similar development have been granted historically.

The site is bounded on all sides by back gardens of properties along St John’s Road, Granville Road, Fairfield Road and Silverdale Road. There is an existing access road from Silverdale Road which will be extended to provide access to three new dwellings:

The house on Plot 1 is to have its side elevation sited 5.5 metres from the boundary with Compton Grange, plus a separate garage 1m from the boundary. The design uses the difference in levels on this part of the site and has a private rear garden measuring up to 19 metres in depth.

Plot 2 is sited between 9 and 13 metres from the rear boundary of properties in St. John’s Road. A detached garage is to be sited 5.5 metres from the dwelling and 3 metres from the boundary to the rear.

Plot 3 is to have its side elevations sited 4.5 metres from the boundaries with properties in Fairfield Road and St. John’s Road. The proposed rear garden of the property would extend to a maximum depth of 30.3 metres.

**Principle of development:**

The proposed development will involve the construction of three houses. The detailed design of the houses is to be determined at a later stage however it is envisaged at this stage four bedroom houses between 172 Sqm and 214 Sqm GIA. This would represent an increase of two houses from the existing one, which would be welcomed in land use terms. The residential accommodation being provided on the site would be of a high quality comfortably exceeding the minimum space standards for new residential development.
Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The plot is located within a remote location and all the properties are located a reasonable distance away from the main site boundaries. The properties along Granville Road and St John’s Road are located a considerable distance from the rear boundary of these gardens and the proposed development is not considered to have an adverse impact on these properties through loss of light, overshadowing or overlooking.

The immediately affected properties along Silverdale Road are divided into flats. The development would be a sufficient distance away from this boundary and, particularly giving consideration to the change in levels and the existing screening by trees it is not considered that there would be any adverse amenity impact on these properties.

To the immediate north the site shares a boundary with Fairfield Lodge, a retirement housing complex. There may be some additional overlooking of this complex as a result of the location of House 3. A condition has been added requiring the details of all windows including specification of glazing type. This is to ensure the privacy of surrounding residents is protected when the development comes forward.

Design issues:

The site occupies a backland position away from any views within the public realm. Whilst little detail is provided of the appearance of the proposed houses, their proportions, spacing and plot ratios are considered to be appropriate for the low density, suburban character of the site and its immediate surroundings. There would be no harm to the area of high townscape value in which it is located, and the adjoining conservation area. Detailed design is a matter for the reserved matters stage and additional relevant conditions have also been added.

The site is accessed from an existing access route from Silverdale Road. This is to be retained albeit widened. To achieve this the existing stone and brick pedestrian and vehicular gate will need to be demolished and rebuilt. An appropriate detailed design is to be secured by condition.

Impacts on trees:

The applicant proposes to remove eight trees and the construction of the widened driveway/hardstanding will impact on the root protection area of a number of trees, in addition to pruning to enable the proposed construction works. The applicant prepared a detailed arboricultural assessment in support of the application following a request from officers in the course of the application.
The Specialist Advisor (Arboriculture) has commented upon receipt of this report that the trees that are to be removed are low quality trees which should not be considered a constraint to the development.

Conditions are recommended to require: a construction method statement, detailed plans of services in relation to trees, tree protection measures in relation to existing and retained trees.

The removal of existing landscape features that provide screening is justified in planning terms where it facilitates the development of the site.

**Impacts on highway network or access:**

The proposed development is to be served by the existing vehicular access off Silverdale Road. The central pier is to be moved to replace the existing pier next to Compton Grange to provide a clear 5 metre wide access. A new matching pier is to be erected adjacent to the boundary with the flats at 65 Silverdale Road, and cobbled deterrent paving is proposed, to direct pedestrians to the centre of the footway and a new vehicular crossing is to be provided. This work is outside of the red line submitted, and will need to be carried out in agreement with Highway Authority. A condition prohibits the occupation of the proposed development until such works are completed in full to the satisfaction of the local highway authority.

Given that the access route effectively serves as a private driveway for three dwellings, it is considered that the arrangement whilst not ideal is acceptable and the widening of the driveway together with the deterrent measures set out above will overall improve the access arrangements to the site when compared against the existing position.

The private driveway serving the dwellings will incorporate a vehicle turning area within the site, adjacent to the boundary with Fairfield Lodge. Conditions relating to the gradient of the access route have been added, as per previous approvals on this site.

Overall the application is considered to be acceptable in highways terms.

**Planning obligations:**

Not relevant on a development of this scale.

**Sustainable development implications:**

The site was previously subject to an ecological survey at the time of the previous application in 2012. This found no evidence of protected species on the site (bats or badger sets). Consideration must be given to the National Planning Policy Framework and the National Planning Practice Guidance. Conditions requiring ecological supervision of the felling of trees, and of
construction works on the site would not meet the test of being reasonable or fairly relate to planning given the existing planning status of the site.

The proportion of land used as a hardstanding in respect of the plot dimensions of the houses and the access drive is not a substantial increase on that which is occupied by the existing building.

Given the existence of the existing building there is no evidence to suggest that it will not be possible to provide sufficient drainage to the proposed dwellings. Details of this are required by condition as per previous approvals. Given the level of permeable surface on the site the development should not lead to excessive rain water run-off. Further details of landscaping are required by condition.

**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 acceptable in land use terms.

**Recommendation:**
It is recommended that the application is approved subject to the submission of reserved matters and planning conditions.

**Conditions:**

- Time limit
- Development in accordance with approved plans
- Reserved matters:
  - Appearance
  - Landscaping
  - Scale
- Plans and particulars of the reserved matters
- Materials – all new doors and windows.
- Samples – facing materials and roof tiles.
- Elevation of proposed replacement entrance to Silverdale Road.
- Details of means of enclosure/boundary treatments to be submitted
- No occupation of the development until works to the highway to facilitate access agreed with the local highway authority
- Location of all windows including type of glazing.
• Foul and surface water details to be submitted
• Details of Widening of access
• Access not used until turning space within development and parking provided
• Gradient of access road
• Refuse and recycling facilities to be submitted
• Retaining access to public sewers
• Construction method statement (trees)
• Detailed plans of services in relation to trees.
• Protection of existing trees.
• Protection of retained trees.

Informatives:

• Thye applicant is advised that this is CIL liable development
• Connection to the public sewerage system
• Investigation if sewer found during construction
• Waste collection arrangements

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:** 160590  
**Ward:** Upperton

**Decision Due Date:** 24th August 2016  
**Type:** Planning Permission

**Officer:** Thea Petts  
**Site visit date:** 6th June 2016

**Site Notice(s) Expiry date:** 26 June 2016  
**Neighbour Con Expiry:** 26th June 2016  
**Press Notice(s):** 5th July 2016

**Over 8/13 week reason:** N/A  
**Location:** Upperton United Reformed Church, Upperton Road, Eastbourne

**Proposal:** Demolition of existing United Reformed Church and construction of new church and community centre.

**Applicant:** Rev Paul Tabraham

**Recommendation:** Subject to a legal agreement to cover:-

- Local Employment initiatives and
- A mechanism for the delivery of the vacant church building/plots (other sites across the town) into alternative uses then

Planning permission should be granted for the demolition of the existing buildings and the erection of the new building subject to condition.

**Executive Summary:**

**Proposal**
Application relates to the demolition of the Upperton United Reform Church, Upperton Road to be replaced with a new church building providing accommodation for a consolidated congregation from four Eastbourne Churches. This application follows an earlier scheme (submitted October 2015 subsequently withdrawn) which has been subject to various amendments.

**Current Scheme Compared to Previously Submitted Scheme**
There were various concerns arising from the previous scheme which failed to receive officer support, including: highway safety,
unacceptable impact on residential amenity of nearby occupiers, massing (bulk) of the building and its general appearance.

Notwithstanding this, the current scheme has been subject to amendments as a result of public consultation and recommendations of Council staff and the Design and Review Panel which have resulted in a recommendation for approval. The key amendments allowing for the acceptability of the scheme are:

- Overall reduction in height
- Reduction in height and prominence of the tower
- Reconfiguration of design features to create vertical emphases instead of horizontal emphases (to be more in-keeping)
- Amendments to proposed materials (e.g. stone instead of render)
- Narrowing of building to allow for greater void between it and no. 48 Upperton Road
- Fewer windows which have potential to overlook Watts Lane

**Relevant Planning Policies:**
National Planning Policy Framework 2012
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and Enhancing the Natural Environment
12. Conserving and Enhancing the Historic Environment

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C2: Upperton Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D3: Tourism and Culture
D7: Community, Sport and Health
D8: Sustainable Travel
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
NE3: Conserving Water Resources
NE4: Sustainable Drainage Systems
Site Description:
The site is located on the north side of Upperton Road on the corner of Watts Lane in a somewhat mixed use, but predominately residential area. Upperton Road is part of one of the main routes in and out of Eastbourne, and serves a number of local and area-wide bus routes.

Standing on the site currently is a late nineteenth century church and ancillary buildings (built later). The two main buildings (the church itself and secondary hall) are brick-built gable ended buildings, which are considered to have an elegant and decorative appearance, with pitched roofs, tall windows, decorative archways and complimentary pinnacles. One is more ornamental than the other and both have been subject to alteration over time, especially to the rear where there has been considerable extension. The churches do not appear to be significantly higher than the surrounding buildings; this is partly due to the varying ground levels of the immediate area. The front walls of the buildings are set back from the front of the site, roughly maintaining the Victorian building line of this part of the road.

The view from Upperton Road of the existing buildings is obscured by some mature street trees further north along the road, when viewed
on the way into town. Due to their position set back from the front of the site, they appear modest and do not stand out particularly, but harmonise with the character of the adjacent Victorian properties on Upperton Road and the terraced properties along Watts Lane.

The site does stand outside of the Old Town Conservation Area (the boundary of which is located on the south side of Upperton Road) and the existing buildings do not benefit from any specific protection (such as Listing etc.). Further to this, the presence of Victorian buildings along the north side of Upperton Road has reduced as blocks of flats and offices were constructed from the 1960s onwards. This has resulted with a highly mixed character to the street scene which is quite unlike any other in Eastbourne.

The site shares boundaries with 48 Upperton Road to the side (east) and 5 Laleham Close to the rear (north). The site has prominent elevations facing Upperton Road and Watts Lane (one way system travelling south). The Watts Lane frontage is directly opposite nos. 7-15 Watts Lane, which have been identified as Buildings of Local Interest. A Zebra crossing is located just to the west of the site, which crosses Upperton Road. There are double yellow lines along the Upperton Road frontage, but there is unrestricted parking along this part of Upperton Road and in Watts Lane.

**Relevant Planning History:**
EB/1963/0221
ALTS TO CHURCH HALL, PORCH AT SIDE
Approved Conditionally, 1963-06-06

970593
Construction of a disabled access ramp.
Planning Permission - Approved unconditionally, 13/03/1997

150824
Demolition of existing church and construction of new church and community centre
Planning Permission - Withdrawn, 20/11/2015

**Proposed development:**
**Application Proposal**
The application presented to Members involves the demolition of all buildings at the site Upperton Reform Church, Upperton Road and the erection of a new church/community building with ancillary support
facilities (coffee bar, drop-in, meeting rooms etc.), parking for 30 cars (incl. 2 disabled bays) and two second floor level roof-gardens.

The most notable change since the previous application is the reduction in size of the proposed building.

Effort has been made to ensure that the new building does not dwarf nearby properties and the eaves height is to match the eaves height of adjacent properties, no. 48 Upperton Road. The bulk of the building too is barely higher than the roof ridge of this property (approx. 0.4m).

The proposed building is to be three storeys high with a mansard roof and green (sedum) roofs with some solar photovoltaics. Principally it will be brick built with a number of finishing materials for the external surfaces of the building. A prominent feature of the new church is to be its tower, which is located on the westernmost corner of the building. When viewed from the front elevation, the highest part of the building (excluding the tower and roof lantern) is to be approximately 10m (previous scheme: 11m). The maximum height of the tower is to be approximately 12.9m (previous scheme: 17.75m). The roof lantern serving the Main Hall has also been reduced in height and overall size, from 2m to 0.4m approx. The width of the building has also been reduced, from approx. 31.2m to 25.7m. Although the tower appears to stand in the same position as the previous application (approx. 7m back from the front boundary wall), parts of the front elevation which project beyond the front elevation on this current proposal project slightly further than the previous application (by approx. 0.3m). Two gable elements have been included in this application, to alter the character of the front of the building. The car parking facility will be obscured by a green wall (essentially block work with climbing plants growing on it).

The two proposed roof terraces are still proposed as part of this planning application, although the terrace to the east of the site has been significantly reduced in size and brought away from the boundary shared with no. 48 Upperton Road (as the building has narrowed). The platform of the terraces is indicated to be approximately 2.1m below the top of the high retaining wall to the rear of the site.
Layout

Ground Floor
The ground floor provides vehicle access to an undercroft and surface parking area sufficient for 30 vehicles to park and main pedestrian entrance foyer and lift/stair core (within tower).

First Floor
The first floor provides accommodation for the main congregation hall (200 seats), smaller hall and a range of meeting/office rooms, vestry and prayer room and welfare facilities. It also serves the secondary entrance/exit with pedestrian refuge, which leads out onto Watts Lane.

Second Floor
The second floor provides accommodation for gallery seating (54 seats) over the main hall (first floor), three further meeting rooms and access to the two roof gardens/terraces and welfare facilities.

Wider Implications for Church Sites in the Town
The wider intention for the scheme consists of the amalgamation of 4 existing church congregations within Eastbourne who have agreed to merge to form one new Emmanuel Church.

The four churches involved in the merger relate to
- Central Methodist Church
- St Andrews United Reform Church
- Upperton United Reform Church
- Greenfield Methodist Church

The applicant has informally scoped the development potential of these four sites and has submitted these scoping documents to accompany this application. The applicant accepts with the vacated sites that the planning process needs to be engaged with before the full development realisation can be achieved. Notwithstanding this note of caution a summation of the characteristics of each site and their development potential is reported below.

The current application proposes that the development of the other sites will and can only be realised if a new site for a consolidated church can be found.

The four churches involved in this scheme are:-

Central Methodist Church, Pevensey Road, Eastbourne BN21 3HP (Town centre location Grade II Listed building decorated in
Gothic revival style. Constructed in two parts: school and hall in 1907 and main church in 1908. Site area 0.11Ha (0.27 areas) with a plot coverage of +84%. No parking)

Central Methodist Church: - Potential scheme involves keeping current congregation space and converting the rear of the building using existing window openings to provide 10 flats all with a floor area greater than 50sqm

St Andrews United Reform Church, Blackwater Road, Eastbourne BN21 4NG (off town centre location. Not listed Main church dates from 1878. No parking. Plot coverage 0.1ha (0.25 acres) +88% plot coverage.

St Andrews United Reform Church: - Potential scheme involves Convert existing building to create 45 flats to be used for/as an extra care scheme

Greenfield Methodist Church, Greenfield Road, Eastbourne, BN21 1JJ (Not listed dating from 1898. Limited parking. Site area0.073Ha (0.18 acres) +60% site coverage.

Greenfield Methodist Church:- Potential scheme had two development options and proposes; i) 5 X 4 bedroom town houses with integral garages and rear gardens or ii) retention of community hall facing Green Street and the conversion of the rear element of the scheme into 6 X 1 bed flats all greater than 50sqm in area and share of off-street communal parking for 8 spaces.

Upperton Road United Reform Church, Upperton Road Eastbourne BN21 1LQ, Not listed. Dates from 1881 limited parking 6 spaces. Site area 0.126 Ha (0.3 acres)

Consultations:  
Internal:  
Specialist Advisor (Economic Development) – recommend a Local Labour Agreement  
- During the demolition and build the multi-floor development will provide a number of construction jobs for local people  
- Should the development receive planning approval, Regeneration requests inclusion of a Local Labour Agreement
Specialist Advisor (Environmental Health) – no objections

Specialist Advisor (Planning Policy) – no objections
- In principle the application is supported, from a planning policy perspective

External:
Environment Agency – no objections

County Archaeologist – Consultations – condition recommended
- Heritage statement suggests all below ground archaeological remains will have been destroyed by the construction of the current buildings, this has not been adequately tested and there is a potential for remains to have survived
- If demolition of this building is accepted, then a full archaeological record, carried out by a buildings archaeologist, will be required prior to demolition
- In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works subject to a written scheme of investigation
- In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition

Highways ESCC - No highway objection is raised to this application subject to comments and conditions.
- Upperton United Reformed Church currently has a seating of 338, the new church will accommodate a total of 240 seats, therefore reducing overall capacity. Is should be noted that 2 churches have already combined and the 4 churches already meet at Upperton for a combined service every other month.
- Accessible site (bus routes, nearby train station, main road).
- South east access to be retained and widened for vehicles entering and existing the site and the south west access will be used only occasionally for vehicles, but mainly for pedestrians.
- Pedestrian refuge is proposed for Watts Lane.
- Internal turning facility aids highway safety; proposed layout will prevent vehicles reversing onto Upperton Road which is an improvement on what is exiting.
• The existing parking provision is 4 spaces, the additional 3 churches that will be merged as part of this proposal all lack any onsite parking provision.
• ESCC’s parking guidelines require 1 space per 5 seats. The new church should be provided with a total of 48 spaces. Therefore 30 spaces including 2 disabled spaces provided is below what is recommended. However, current capacity should be provided with 68 spaces and has only 4. Therefore, the proposed 30 spaces will be an improvement on the current situation.
• Entrapped parking spaces (controlled by stewards) will increase overall parking by approximately 10 spaces, therefore making the provision 40 spaces at a maximum.
• A Travel Plan has been submitted; congregation will be encouraged to walk or cycle if able or alternatively use public transport.
• 12 cycle spaces within the site will also encourage congregation to use alternatives to the private car.
• A Construction Traffic Management Plan would need to be provided with details to be agreed (routing of vehicles and management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases).
• It is understood the 4 churches can be merged with or without this proposal, therefore, this scheme goes some way to mitigate highway impacts and a recommendation for refusal cannot be justified.

SUDS – condition recommended
• It is our understanding that the surface water management system for the site will incorporate green roofs and permeable pavements before discharging into the ground through soakaways. Since the existing site is wholly impermeable, the proposed surface water management is acceptable.
• A geotechnical investigation which incorporates infiltration testing in accordance to BRE365 and groundwater monitoring should be undertaken before any construction starts on site. The geotechnical investigation should also consider the potential for or the consequences of infiltration on ground stability.
• Any soakaways should be located at the appropriate distance from buildings and there should be at least 1m between the base of the soakaway and the highest recorded groundwater level.

**Neighbour Representations:**
663 neighbour consultation letters were sent out to nearby properties, in addition a press and site notice were displayed.

In response to the consultation the following have been received:-

- 21 objections were received,
- A pettion against the demolition of the churches and erection of the proposed building has been submitted, containing 77 signatures.
- 39 letters of support were received and
- 5 general comments were also received.
- A pettion of support has been received with 169 signatories.

Objections received cover the following points:
- Site is unsuitable for proposal
- Under-croft parking would not be used by the elderly and women
- Existing buildings should not be demolished
- Safety wall for roof terrace would be an eyesore
- Existing requirements are met by the existing churches on site
- Traffic and congestion problems would result following development
- Too many parking spaces are included in proposal
- Visitors to the church would create constant traffic noise and fumes
- Wall to the rear of the site may suffer as a result of the works, causing structural instability
- Building works would be prolonged and would cause constant disturbance to neighbours
- Existing churches make a positive contribution to the visual amenity of the area and would be lost as a result of this development
- Tower would be disharmonious within the area
- Views from Watts Lane across the church to Old Town and the South Downs would be lost
- Roof gardens would result in a loss of privacy and noise nuisance as they are at the same level as nearby properties
- Enforcing alcohol free policy would be difficult for those running the church
- Parking provision is insufficient
- Views of local residents have not been taken into account, despite meetings and previous planning application
- Proposed building is ugly and out of character with the area
- Concerns over whether parking provision is sufficient
• Highway safety issues will ensue especially around the pedestrian crossing and vehicular access to and from the site
• Concerns over access for construction and demolition vehicles
• Traffic would increase as a result of the development
• Loss of privacy due to roof gardens
• Current scheme has changed very little from the original application
• Structure will dominate the site and the immediate area
• Residents of nearby properties would suffer a loss of light
• Concerns that elevations with existing obscure glazed windows will not have obscure glazed windows in the new building
• Previous instances of third party alcohol usage on the site creates concern over future third party site usage, which may lead to unacceptable levels of disturbance
• Patio area outside café could create a noise nuisance
• A two storey building would be far more suitable for the site
• Community centre not needed so close to successful ‘Community Wise’
• The site will be overdeveloped as a result of the development
• Proposal would not be in the wider interests of the town

Letters of support received cover the following points:
• Useful facility for the whole community
• Improved parking provision attributed to application will alleviate parking issues currently associated with the church
• Development would free up existing church sites which could be used for redevelopment, including housing
• Other churches designed by architect are impressive
• New building would be more sustainable than a lot of existing churches
• New church would be an asset to the town
• New building wold be fully accessible for disabled people, less mobile individuals, small children and parents with buggies
• Existing church buildings coming together in this project no longer meet the needs of the congregations, new church would
• Design is attractive and sympathetic to the area
• New building is planned to be environmentally sensitive
• Existing buildings are costly for repairs
• New church will contribute to the revitalisation of the area
• Sustainable location, suitable for people to walk to
• Link-up of four churches on site beneficial to wider Eastbourne community
• Materials to be used help proposed building to fit in well in its surroundings
General comments received cover the following points:

- Questions viability of use
- Suggestions of finishes and materials
- Request that construction related traffic and parking is controlled
- Lack of explanation within application to demonstrate why the replacement church is desired

**Appraisal:**

**Principle of development:**
The scheme proposes the redevelopment of a previously developed land within the urban fabric of Eastbourne and is considered to be in a sustainable location. In this regard the principle of redevelopment would accord with National and Local policies.

Similarly as the site is not allocated for any use within the Local Plan there is no objection in principle to a community building (existing or new) operating from the site.

Whilst the planning merits of the other sites have not been assessed by way of planning applications it is fair to say that the pressure for redevelopment of these sites (once vacated) would be likely to deliver residential units and to some extent community uses. In this regard it is considered that the potential for the delivery of windfall residential units would contribute to housing delivery/need within the town and will also help to assist the Governments growth agenda. It is recommended therefore that the development potential of the other sites as outlined within this submission is and should be a material consideration on the determination of this application. If to be supported then a legal agreement needs to be formulated linking and controlling the delivery of the church building and the other sites.

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

**During Demolition and Construction Phase**
It will be recommended that a condition is attached to any approval granted requiring demolition and construction works to be carried out during appropriate times of the day to ensure that nearby residents are disturbed as little as possible. In addition, a schedule of works will be requested to ensure that phases of the development are monitored and completed in a timely manner, where possible.
It is accepted that with any development project there will be noise and disturbance however it is considered that this will have short lived impacts and as such a refusal based on this issue could not be substantiated or sustained.

Impact of the Operational Use(s)
Ultimately, the site is already occupied by church and church related activities and certain activities run by third parties already occur on the site. Therefore, there are no concerns as to the appropriateness of the proposed development on this site for a new church. However, there are some issues to be controlled by condition with regards to the gardens/roof terraces.

It is stated in the applicant’s Design and Access Statement that the second floor gardens are to be used solely for the two nursery groups which currently use the application site and Greenfield Methodist Church and not for any other purpose. As such, it will be recommended that a condition is attached to any consent granted to ensure that this is maintained and hours of operation are adhered to in order to prevent disturbance to nearby residents. The position of the gardens/terraces is approximately 2.1m below the top of the high retaining wall to the rear of the site. This positioning will mitigate potential noise nuisance and overlooking of properties to the rear (Laleham Close). The garden/terrace on the east of the site poses some concerns with regards to overlooking no 48 Upperton Road; however it is considered that this can be mitigated by conditioning a requirement for a suitable privacy screen.

Some objections have been made with regards to community activities being run from the site. However, little bearing can be given to this as the church already operates some community activities. Although the need for additional community related activities has not been tested, Community Wise state (via a representation in support of the development) that their schemes are often full to capacity, so the provision for further community based space and activities in the area are welcomed.

Nevertheless, hours of operation shall be recommended as conditions, should the application receive approval.

Design issues:
Size, Scale and Massing
The proposed footprint is smaller than that of the existing building and is proposed to cover less than 60% of the plot. Furthermore, the
building has been reduced in size since the previous scheme was considered. As a result, the proposed building looks far less dominating over the plot and overall, more in proportion to the plot size and the nearby properties.

There is also greater relief to the sides of the building where extra space has been allowed (especially between the building and no. 48 Upperton Road where the void is technically larger than that provided by the existing property), setting the building back from the boundaries shared with 48 Upperton Road and Watts Lane also helps to reduce the impacts derived from the scale and mass of the new building.

**Character and Appearance**
The emphasis from horizontal features of the previous scheme to the vertical features (gable elements, taller windows, narrowing of the building etc.) of this scheme allows it to sit more comfortably in its surroundings than the previous design, which appeared short and squat in comparison to the other buildings in the area. In addition, this vertical emphasis has been achieved despite an overall reduction in height of the building and tower.

It is important that this high status community building is designed to meet the operational needs and requirements of the users of facility but also promotes a form of architecture that is of civic scale, design appropriate for the site and results in a form of development that make a positive visual impact upon the site in particular and the wider area in general.

It is considered that the scheme before Members strikes the right balance between a high status community building and the impacts upon the neighbours and character of the area.

The proposal is considered acceptable in this context.

**Materials and External Finishes**
The existing buildings are brick-built with some render, stone and concrete tiles.

The proposed design is distinctly different to the existing buildings, so it would not necessarily be appropriate to use the same materials as the existing building. The previous scheme used a palette of materials not entirely in keeping with the area including rather large swaths of
glazing on the principle elevation. As such, the proposed materials have been reappraised and now the scheme proposes elements of:
  - flint (to echo the boundary wall and wider Upperton area),
  - stone, which will be used to quite a significant extent and this helps to support the civic grandeur of the proposal on the key elements of the building, and
  - Facing brickwork
  - roofing materials to the mansard roof and green roof planting.

Generally, the position of the proposed materials support the vertical emphasis and this is considered acceptable. Nevertheless, samples of proposed materials will need to be approved prior to the commencement of work in order to ensure their appropriateness to the site.

General Design Related Concerns from respondents to the application
Several objections have been made with regards to the appearance of the proposed building and that it has changed little since the initial application was received. However, it is considered that the changes that have been made to the design have altered the proposed appearance quite significantly and materially. So much so that the design related concerns of the previous application have been overcome.

it is considered that the proposed church will be much more in keeping with the area, will not materially dominate the site and will not dwarf nearby buildings. As such, it is considered appropriate in design terms.

Impact on character and setting of a listed building or conservation area:
Although the site does not stand within a Conservation Area and the buildings are not Listed, it is noted that the existing church contributes to the character of wider area and is indeed important to the fabric of the area; especially with regards to Watts Lane and south of Upperton Road in the adjacent Old Town Conservation Area. However, as the buildings benefit from no special protection despite numerous appraisals (including Conservation Area appraisals), it is considered acceptable that the building is thoroughly recorded (for the benefit of above ground archaeology) prior to demolition.

Impacts on trees:
There are not considered to be any impacts on any trees.

Impacts on highway network or access:
Parking Provision
A number of properties in the area around the site in Upperton Road, Watts Lane, New Upperton Road, etc. do not have off street parking. Residents must therefore rely on on-street parking which is limited due to the parking restrictions in place. The relatively low level of parking available coupled with the demand means the spaces there are well used at all times.

The views of ESCC Highways are reported elsewhere in this report and it is clear that they are now supporting the merits of this proposal and advise that a refusal based on the highway impacts of the proposal could not be sustained in NPPF terms. It is accepted that this is a change in advice from the previous application however it is clear from their response to this submission that they are now in a position to not object to the proposal.

Accessibility
The site is considered to be highly accessible via various means. It is on major bus routes, stands 1km from the rail station and is well connected by roads and footpaths. The current proposal includes provision for 12 cycle parking spaces and a Travel Plan to encourage the congregation and users of the facilities to access the site by means other than the private car. Overall it is considered that the site lends itself to being accessed sustainably.

During Construction and Demolition
As requested by ESCC Highways and as pointed out in neighbour representations, control measures shall be applied to ensure that no construction vehicles/contractors vehicles are parked on the road near to the development site, in order to prevent interruption of on road parking for residents and to avoid traffic congestion.

It is accepted that there will be a need for materials to be delivered to the site and for demolition material to be removed from the site as such there will be short term congestion. The construction/demolition method statement will outline the parking location of these delivery/demolition vehicles and also their delivery time slots; this is required to avoid direct conflict with the times of the day when the highway network is well/heavily used.

Implications for Other Involved Church Sites from Around the Town
As noted in the applicant’s application enclosures, the amalgamation of the four churches involved in this project will reduce the need for the congregation to be parking elsewhere in the town at churches with no
current parking facility. As observed by ESCC Highways, the project to amalgamate may indeed go ahead regardless of the outcome of this planning case. Therefore, the fact that a good number of parking spaces is provided goes some way towards mitigating future parking issues at the site as well as reducing the requirement for on road parking near the site at the moment.

Planning obligations:
It is recommended by Specialist Advisor Regeneration that a Local Labour Agreement is drawn-up to ensure work for local people.

Further, this project has scope to affect redevelopment at several sites in the town. As such, there is an opportunity now to agree upon implementation of such schemes by way of an agreement.

Sustainable development implications:
The current scheme offers several opportunities for the implementation of a sustainable development.

The design incorporates extensive sustainable drainage provision (when compared to what is existing onsite). This includes the use of permeable paving with soakaways and green roofs.

The new building likely to be far more thermally efficient than the existing complex and further to this, there is provision for solar photovoltaics to produce renewable energy.

In addition, the site is likely to be sustainable with regards to accessibility via several means of transport and will also be accessible for people with mobility concerns.

As such, it is considered that the proposed scheme provides a good level of sustainability. Nevertheless, it is noted that much of this will require a considerable amount of maintenance going forward (e.g. implementation of Travel Plan) in order to keep up this level of sustainability.

Other matters:
No lighting strategy has been submitted with this application. As such these details will be required prior to the commencement of the use and will be controlled by condition in perpetuity.

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

**Conclusion:**
It is considered that the current scheme has suitably attended to the concerns raised as a result of the previously submitted scheme and as long as certain conditions are adhered to, is appropriate development for this site and has potential to improve the wider area.

**Recommendation:**
Subject to a legal agreement to cover:-

- Local Employment initiatives and
- A mechanism for the delivery of the vacant church building/plots (other sites across the town) into alternative uses then Planning permission should be granted for the demolition of the existing buildings and the erection of the new building subject to condition.

**Conditions:**
1) Time
2) Approved Drawings
3) Construction method statement to includes (Hours of Demolition and Construction)
4) Samples of Materials (to include green roofs and renewables)
5) Lighting Strategy
6) SuDs - Geotechnical Investigation
7) Programme of Archaeological Works (in accordance with WSI)
8) Details of Reconfigured Access (incl. drainage)
9) Gate Positioned 5.5m Back from Highway
10) Construction Traffic Management Plan
11) Details of Surface Water Drainage (Highways)
12) Vehicle Wheel Washing Equipment
13) Cycle Parking
14) Turning Space for Vehicles
15) Hours of Operation – Use of the building for church and ancillary uses
16) Garden Terrace – Nursery Use Only
17) Garden Terrace – Hours of Operation,
18) Garden Terrace - Privacy Screen
19) External Plant/Equipment
20) Rear Boundary Wall Protection
21) Full Landscaping Details
22) No Contaminated Materials

Informatives:
1) Connection to mains sewer
2) Licence for Highways Crossover

Appeal:
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.
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<table>
<thead>
<tr>
<th><strong>App.No:</strong> 160617 (PPP)</th>
<th><strong>Decision Due Date:</strong> 29 July 2016</th>
<th><strong>Ward:</strong> Sovereign</th>
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<tr>
<td><strong>Officer:</strong> Anna Clare</td>
<td><strong>Site Visit:</strong> 20 May 2016</td>
<td><strong>Type:</strong> Planning Permission</td>
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<td><strong>Site Notice(s) Expiry date:</strong> n/a</td>
<td><strong>Neighbour Con Expiry:</strong> 26 June 2016</td>
<td><strong>Press Notice(s):</strong> n/a</td>
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<td><strong>Over 8/13 week reason:</strong> n/a</td>
<td><strong>Location:</strong> 36 Beatty Road, Eastbourne</td>
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<tr>
<td><strong>Proposal:</strong> Change of use from class A1 (Bakery), to A3 &amp; A5 (restaurant &amp; takeaway)</td>
<td><strong>Applicant:</strong> Mr Ayhan Kiratli</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation:</strong> Refuse Planning Permission</td>
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**Executive Summary:**
The application proposes the change of use from Class A1 to Class A3/A5 (Restaurant/hot food take away) within a designated Local Shopping Centre. The application is before Planning Committee due to the number of objections.

The proposed change of use is contrary to policy as the loss of the Class A1 unit would further erode the class A1 units within the parade, result in the parade of shops not predominantly being Class A1 resulting in harm to the vitality and viability of the local centre.

It is also considered that the proposed opening times until 11pm would be detrimental in this predominantly residential area as would likely lead to noise and disturbance for the surrounding residential properties. The applicant has also failed to demonstrate the proposed ducting would be sufficient to alleviate smell nuisance to the surrounding residential properties.

Therefore it is recommended that the application is refused.

**Relevant Planning Policies:**

National Planning Policy Framework
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres

Eastbourne Core Strategy Local Plan Policies 2013
B2 Creating Sustainable Neighbourhoods
Site Description:
The site refers to an existing retail unit within an established Local Shopping Centre as defined by Saved Policy SH7 of the Borough Plan 2007. The unit is ground floor in a parade of units with residential units above. The unit is currently occupied by a Class A1 Bakery.

Relevant Planning History:

950266 (No.38 Beatty Road)
Change of use from retail shop (A1) to hot food take-away (A3).
Planning Permission
Approved conditionally
19/07/1995

110319 (No.44 Beatty Road)
Change of use from Launderette to Café A3.
Planning Permission
Approved conditionally
06/09/11

Proposed development:
The application proposes the change of use from retail (Class A1) to restaurant and take away (Class A3 and A5). The layout plan submitted with the application shows 1 table with 4 chairs, the rest of the floorspace is given to food cooking, preparation and storage. Therefore I would consider the proposal more a Class A5, it is unlikely that many would choose to eat in with only 1 table provided, this is more likely a table to wait at for a take away to be prepared.

Consultations:
Objections have been received from;
- 25 Beatty Road
- 34 Beatty Road
- 54 Beatty Road
- 52 Fraser Avenue
- 38 Beatty Road

Covering the following points;
- Additional traffic and people
- Noise increase
- Litter from take away
- Noise and smell from vents
- Opening hours unsuitable in residential area
- Loss of retail outlet
- Attracts seagulls

A petition has also been submitted with 105 signatures in objection to the application.

**Strategy and Commissioning Officer Planning Policy**

Raised an objection to the application as the proposed would be contrary to policy. This change of use would further decrease the retail provision in this shopping centre.

**Appraisal:**

**Principle of development:**
The application site is located within the St Anthony’s and Langney Point Neighbourhood as identified in the Core Strategy (adopted 2013) and is a Local Shopping Centre. It is located within an area of which several policies are applicable from the Eastbourne Borough Plan (2001-2011) and the Core Strategy (adopted 2013).

The Core Strategy identifies the Vision for the St Anthony’s and Langney Point neighbourhood as ‘St Anthony’s & Langney Point will increase its economic importance to the town through the provision of additional employment floorspace and jobs, whilst enhancing its levels of sustainability through the provision of additional affordable housing and community and health facilities and reducing the impact of the car.’

The principle of policy D4 (Shopping) is to provide ‘a sustainable network of local shopping. The Council will enable the enhancement of consumer choice and strengthening of the vitality, viability and accessibility of the district and local centres by supporting new retail development.’

Eastbourne Borough Plan policy SH7 (District and Neighbourhood Centres) states that ‘within the district, local and neighbourhood centres, proposals for the change of use of existing ground floor shopping units from Class A1 uses to uses in Classes A2 and A3 will be considered having regard to the following criteria:

a) the location and prominence of the premises within the shopping frontage;
b) the floorspace and frontage of the premises;
c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission for, A2 and A3 uses (within any centre A1 uses should predominate);
d) the particular nature and character of the use proposed, including the level of activity associated with it;
e) whether the use would harm residential amenity (see Policy HO20);
f) whether adequate short term parking facilities are available.

The proposal would be contrary to policy as it would further erode A1 uses within the parade. The Local Shopping Centre consists of nine units, two of which are A3 class, two A2 class and one D1 (survey October 2015 + site visit June 2016).
The balance of uses is a valid consideration in maintaining the vitality and viability of district, local and neighbourhood centres. Too many non-A1 uses may result in dead frontage that makes the centre less attractive to shoppers so that ultimately it becomes less viable.

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

There would likely be an impact from smell if suitable extraction equipment was not used. The ground floor unit extends to the rear beyond the existing rear terrace/entrances of the residential properties above. Given this the applicant could not run a duct to the top of the property to discharge above residential windows.

The ducting/filters would need to be sufficient at ground floor level to alleviate odours, given no specification/documentation has been provided to show otherwise, it is considered that the proposal would like lead to smell nuisance detrimental to the amenity of the residential properties above.

The proposal includes opening times of 11am to 11pm, this is a residential area, with residential properties above the proposed use. Other shops within the parade have opening times restricted by planning conditions as below.

No.44 – COU to Class A3 granted 2011 – Hours of operation restricted to 8am to 930pm (currently in use as a café).

No.38 – COU A1 to Hot Food Take Away granted 1995 – Hours of operation restricted to 8am to 930pm (Currently in use as Fish and Chip shop).

The proposed operating times until 11pm are considered unacceptable in this residential area and would likely have detrimental impacts in terms of noise impact from patrons coming and going until 11pm.

**Design issues:**

In terms of design the change of use would have limited impact on the visual appearance of the building. Ducting would be minimal given the location of the unit and therefore the would be little impact on the visual appearance of the building.

**Impacts on highway network or access:**

It is probably unreasonable to assume that a Class A5 would result in additional traffic than could potentially be drawn to a class A1, albeit the times may be different for the largest footfall which for a Class A5 is likely to be the evening time. Therefore it is not considered a reason for refusal could be substantiated on the grounds of impact on parking in the area.

**Other considerations**

Although a number of changes of use can be considered under prior approval, this does not extend to changes of use Class A1 to A5. Class A1 to A3 could be considered under Class C of Part 3 Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) though the LPA would not consider
the proposed use to be Class A3 given the lack of facilities for consumption of food on the premises. Regardless the site is situated within a Local Shopping Centre as defined by Saved Policy SH7 of the Borough Plan 2007 and it would likely be considered that the impact of the change of use would be detrimental to the sustainability of the key shopping area should an application for prior approval under the above class be submitted.

**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 change of use is contrary to policy as the loss of the Class A1 unit would further erode the class A1 units within the parade, result in the parade of shops not predominantly being Class A1 resulting in harm to the vitality and viability of the local centre.

It is also considered that the proposed opening times until 11pm would be detrimental in this predominantly residential area as would likely lead to noise and disturbance for the surrounding residential properties.

The applicant has also not submitted any documentation to demonstrate that the proposed ducting would be sufficient to mitigate smell nuisance from cooking on the premises and therefore it is considered that this would result in impacts on the amenity of the residential properties above and surrounding.

**Recommendation:** To refuse planning permission for the following reasons.

1. The proposed change of use from Class A1 to Class A5 is contrary to saved policy SH7 of the Borough Plan 2007 and Policy D4 of the Core strategy 2013, the loss of the A1 would further decrease the retail provision in this shopping centre which would harm the vitality and viability of the local centre.

2. The proposed opening times until 11pm would result in harm to the residential amenity of the surrounding residential properties from noise and disturbance contrary to policy B2 of the Core Strategy Local Plan 2013.

3. The applicant has failed to demonstrate that the proposed ducting will be sufficient to alleviate smell nuisance on the surrounding residential properties contrary to saved policy HO20 of the Borough Plan 2007 and 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.**
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CIL Position Statement - 4th July 2016

1. Introduction

1.1 Eastbourne Borough Council has been implementing the Community Infrastructure Levy (CIL) from 1st April 2015. The CIL Charging Schedule sets out the charge per square metre that applies to dwellings (C3 Use Class) excluding residential apartments and retail (A1-A5 Planning Class Uses). The table below is the Eastbourne CIL Charging Schedule.

<table>
<thead>
<tr>
<th>Type of Development (Use Class Order 1987 as amended)</th>
<th>CIL Rate £/sqm for net additional floorspace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings (C3) excluding apartments</td>
<td>50</td>
</tr>
<tr>
<td>Retail (A1-A5) (100sqm or greater)</td>
<td>80</td>
</tr>
</tbody>
</table>
1.2 This statement provides an overview of the CIL position as of 4th July 2016 and relates to CIL liable planning permissions issued since 1st April 2015. The CIL processing system we use is called Exacom and it provides a robust way of discharging our CIL duties under the CIL Regulations and maximising our effectiveness in collecting CIL income.

1.3 The Exacom system is a highly searchable database with all our CIL cases. This report provides data from Exacom on the potential CIL income, the actual CIL income collected or due, the breakdown of the potential and actual CIL income into the governance pots (Admin, Neighbourhood and County) and the relief that we have granted from the levy.

2 CIL Liability Notices (Potential CIL Income)

2.1 A CIL liability is created at the grant of planning permission at which point a Liability Notice is issued. A Liability Notice sets out what the charge will be upon commencement of the planning permission. The following table shows the CIL Liability Notices, with values greater than £0, issued since 1st April 2015.

Table 2. Liability Notices Sent to date as at 4th July 2016

<table>
<thead>
<tr>
<th>CIL Ref</th>
<th>Application No</th>
<th>Liability Notice</th>
<th>Notice Date</th>
<th>Notice Amount</th>
<th>Decision Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>00000001</td>
<td>150342</td>
<td>LN0000000002</td>
<td>09/05/2016</td>
<td>5,150.00</td>
<td>03/06/2015</td>
</tr>
<tr>
<td>00000010</td>
<td>160036</td>
<td>LN0000000024</td>
<td>23/05/2016</td>
<td>10,737.69</td>
<td>20/05/2016</td>
</tr>
<tr>
<td>00000012</td>
<td>160100</td>
<td>LN0000000010</td>
<td>11/05/2016</td>
<td>8,255.77</td>
<td>07/04/2016</td>
</tr>
<tr>
<td>00000017</td>
<td>160129</td>
<td>LN0000000013</td>
<td>17/05/2016</td>
<td>4,282.10</td>
<td>06/05/2016</td>
</tr>
<tr>
<td>00000018</td>
<td>160224</td>
<td>LN0000000026</td>
<td>01/06/2016</td>
<td>9,823.85</td>
<td>05/05/2016</td>
</tr>
<tr>
<td>00000021</td>
<td>150070</td>
<td>LN0000000016</td>
<td>20/05/2016</td>
<td>11,450.00</td>
<td>00/01/1900</td>
</tr>
<tr>
<td>00000022</td>
<td>150080</td>
<td>LN0000000036</td>
<td>20/06/2016</td>
<td>16,650.00</td>
<td>02/09/2015</td>
</tr>
<tr>
<td>00000023</td>
<td>150096</td>
<td>LN0000000019</td>
<td>20/05/2016</td>
<td>2,600.00</td>
<td>21/05/2015</td>
</tr>
</tbody>
</table>

2.2 A Liability Notice is issued as soon as reasonably practicable after planning permission is granted. The total value of the Liability Notices issued as of 4th July 2016 is £68,949.41. This value is best considered as CIL potential – money will only become due once development is commenced. Furthermore it is possible for an applicant to apply for relief from the levy up until commencement of development. If relief is granted a revised Liability Notice is issued showing the relief and the new liability, even if 100% relief is granted the Notice will still be issued with a £0 liability.
2.3 The following table provides the planning information for the applications where we have issued a Liability Notice >£0, which allows us to see the type of development that is generating the CIL income.

**Table 3. Use Charges Report as at 4th July 2016**

<table>
<thead>
<tr>
<th>Application No</th>
<th>Site Address</th>
<th>Site Description</th>
<th>Decision</th>
<th>Residential £50.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>150070</td>
<td>Land to the rear of 2 to 8, Queens Crescent</td>
<td>Demolition of 10 lock-up garages and erection of 6 x terraced 2 bedroomed houses together with access drive and ancillary parking.</td>
<td>26/03/2015</td>
<td>11,450.00</td>
</tr>
<tr>
<td>150080</td>
<td>Meads Hollow, 15 Upper Carlisle Road, Eastbourne, East Sussex, BN20 7TN</td>
<td>Erection of a detached 4 bedroom dwelling with a detached double garage at the front on land within the curtilage of 15 Upper Carlisle Road.</td>
<td>02/09/2015</td>
<td>16,650.00</td>
</tr>
<tr>
<td>150096</td>
<td>Birley House, 13 College Road, Eastbourne, East Sussex, BN21 4JA</td>
<td>Erection of a two storey detached building at rear containing two flats and one cottage. (Amended scheme)</td>
<td>21/05/2015</td>
<td>2,600.00</td>
</tr>
<tr>
<td>150342</td>
<td>The Drive, 153 Victoria Drive, Eastbourne, East Sussex, BN20 8NH</td>
<td>Demolition of existing garage and erection of one four-bedroom dwelling with one parking space (amended description).</td>
<td>03/06/2015</td>
<td>5,150.00</td>
</tr>
<tr>
<td>160036</td>
<td>70 Kings Drive, Eastbourne, East Sussex, BN21 2PB</td>
<td>Erection of two semi detached dwelling houses adjacent to the existing house, together with the provision of new access and four parking spaces.</td>
<td>20/05/2016</td>
<td>10,737.69</td>
</tr>
<tr>
<td>160100</td>
<td>Crossways, 35 Prideaux Road, Eastbourne, East Sussex, BN21 2PB</td>
<td>The demolition of existing garage and the erection of a single storey dwelling with rooms in the roof and parking accessed from Ashburnham Road.</td>
<td>07/04/2016</td>
<td>8,255.77</td>
</tr>
<tr>
<td>160129</td>
<td>The Corner House, 69 Percival Crescent, Eastbourne, East Sussex, BN22 9JY</td>
<td>Erection of 4 bed end of terrace dwelling attached to 69 Percival Crescent.</td>
<td>06/05/2016</td>
<td>4,282.10</td>
</tr>
<tr>
<td>160224</td>
<td>Street Record, Oak Tree Lane, Eastbourne, East Sussex</td>
<td>Proposed erection of 2x detached dwellings with 4 off street parking spaces.</td>
<td>05/05/2016</td>
<td>9,823.85</td>
</tr>
</tbody>
</table>
2.4 As can be seen from the above table all the permissions with a live CIL liability are for residential (excluding apartments). There are no retail CIL liabilities to date.

3 CIL Governance

3.1 The following table shows the potential CIL income (£68,949.41) broken down into the constituent governance pots.

Table 4. Potential CIL Income 4th July 2016

<table>
<thead>
<tr>
<th>CIL Pot</th>
<th>Amount £</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIL Admin Pot</td>
<td>3,447.47</td>
</tr>
<tr>
<td>Neighbourhood CIL Pot</td>
<td>10,342.41</td>
</tr>
<tr>
<td>County CIL Pot</td>
<td>55,159.52</td>
</tr>
</tbody>
</table>

4 CIL Demand Notices (CIL Income Collected or Due)

4.1 The following table shows the planning permissions where development has commenced (the permission has been implemented) and a Demand Notice has been sent. The CIL Demand Notice is the request for payment and can be considered in the same way as an invoice. Payment is due 60 days from commencement. As can be seen from the table below we only have one development that has commenced and there is a CIL payment due on 5th August 2016.

Table 5. CIL Demand Notices Sent as at 4th July 2016

<table>
<thead>
<tr>
<th>App No</th>
<th>Site Address</th>
<th>Demand Ref</th>
<th>DN Date</th>
<th>Demand Amount</th>
<th>LN Ref</th>
<th>LN Date</th>
<th>Payment Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>150070</td>
<td>Land to the rear of 2 to 8, Queens Crescent</td>
<td>CIL00021-LP00039</td>
<td>07/06/2016</td>
<td>11,450.00</td>
<td>LN0000 0016</td>
<td>20/05/2016</td>
<td>05/08/2016</td>
</tr>
</tbody>
</table>

4.2 The CIL amount in the above table can be considered actual CIL income as this money is now ‘guaranteed’ due to development having commenced on site i.e. the planning permission has been implemented.

5 CIL Governance

5.1 The actual CIL income is broken down into the CIL governance pots as shown in the table below. This income relates to one application only and the income is due on 5th August 2016 – this will be the first CIL money banked for Eastbourne Borough Council.
Table 6. Actual CIL Income 4th July 2016

<table>
<thead>
<tr>
<th>CIL Pot</th>
<th>Amount £</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIL Admin Pot</td>
<td>572.50</td>
</tr>
<tr>
<td>Neighbourhood CIL Pot</td>
<td>1,717.50</td>
</tr>
<tr>
<td>County CIL Pot</td>
<td>9,160.00</td>
</tr>
</tbody>
</table>

6 CIL Relief Notices (Exemption from the Levy)

6.1 There are a variety of conditions where relief maybe applied for, for example for social housing, for self-build, for charitable purposes, for extension and annexes. The following table shows the relief we have granted to date, which is for social housing. The scheme shown below in the table is an application from Eastbourne Homes Ltd for 100% social housing.

Table 7. CIL relief Granted as at 4th July 2016

<table>
<thead>
<tr>
<th>App No</th>
<th>Site Address</th>
<th>Gross Liability</th>
<th>Relief Type</th>
<th>Amount</th>
<th>Percent</th>
<th>Date Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>151382</td>
<td>Land At Rodmill Drive, Rodmill Drive, Eastbourne, East Sussex</td>
<td>23,261.54</td>
<td>Social Housing Relief (Mandatory)</td>
<td>23,261.54</td>
<td>100.00</td>
<td>02/06/2016</td>
</tr>
</tbody>
</table>

6.2 It is worth noting that relief can be applied for anytime up until a development is commenced and so it is possible for relief to be granted for developments that currently form part of the CIL potential. Other interesting aspects of the CIL Regulations concerning relief from CIL, which are worth discussing here, are the ability for an applicant to forfeit their relief for non-compliance with procedure and the application of the claw back period.

6.3 Compliance with procedure requires the applicant/developer to submit a valid Commencement Notice at least 1 day prior to beginning on site (and this includes demolition) otherwise the relief will be withdrawn. There is also a requirement with self-build relief for evidence documents to be submitted post completion and failure to submit these will forfeit the exemption.

6.4 The claw back period concerns a period of time (3 years for self-build, 7 years for social housing) after the development is completed (or commenced depending on which Regulation it applies to) whereby the development must be subject to the same conditions relevant to gaining relief, i.e. self-build must not be sold or rented, social housing cannot be converted to market housing, otherwise the CIL liability becomes due. This clawback period is recorded on the land charges register and can be
monitored through searches on the land charges register. It is also a legal requirement for the recipient of the relief to notify us of any disqualifying event.

7 Future Monitoring Aims

7.1 We aim to monitor the planning permissions that receive a CIL Confirmation of No Liability Notice – of particular interest is to establish the potential CIL income that is lost through the exemption in the CIL Charging Schedule of residential apartments. Applications for planning permission for apartments are now assessed in Exacom to provide data on the loss of CIL liable floorspace due to the exemption. We should be able to establish the amount of floorspace and an indicative overall cost (assuming the residential rate of £50 or other benchmarks as appropriate). This will form a new section in future reports and will relate to the period from April 2016 onwards.

7.2 S106 income and expenditure will be monitored through Exacom and reporting on this may be available by April 2017.

7.3 It is acknowledged that given the low level of funds received at this stage that the Council have not received any ‘bids’ for ‘infrastructure’ funding. It is anticipated that this will change going forward and whilst the governance of the bidding regime falls with the Local Plan Steering Group and Cabinet future iterations of this report should identify relevant and successful bids.

8 Recommendation

8.1 That Members note the content of this report.
Appeal Decision

Site visit made on 3 June 2016

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2016

Appeal Ref : APP/T1410/C/15/3133906
93 Royal Parade, Eastbourne, East Sussex, BN22 7AE.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Paul Vander against an enforcement notice issued by Eastbourne Borough Council.
- The notice was issued on 4 August 2015.
- The breach of planning control as alleged in the notice is without planning permission, a change of use from that of a Bed & Breakfast/Guest House, operating under Class C1, to that of a House of Multiple Occupation (HMO) with 6 bedrooms to accommodate up to 12 people, operating under a Sui Generis Class.
- The requirement of the notice is that use of the property as an HMO cease and it be returned to the previous authorised use as that of a Guest House.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld as corrected.

Preliminary Matter

1. The requirements of a notice should remedy the alleged breach of planning control. In this case, the alleged breach of planning control is a material change of use to a large House in Multiple Occupation (HMO). In addition to requiring cessation of the unauthorised use, the notice requires that the property return to its previous authorised use as that of a guest house. But a notice cannot require that a former use be revived as that goes beyond what is required to remedy the alleged breach. I do not consider that deletion of the requirement to revert to a previous use would cause injustice to either party and therefore, if appropriate, I will amend the notice accordingly.

Ground (a) appeal and deemed application

Main issues

2. The main issues in the determination of this appeal are the effect of the development on (i) tourist accommodation, (ii) the living conditions of occupiers of nearby property with particular regard to noise and disturbance (iii) the living conditions of current and future occupiers in terms of the adequacy of space and (iv) highway safety.
Tourist Accommodation

3. The appeal site is a mid-terrace property with accommodation over three floors including the roof space. It faces a busy main road. The surrounding area is predominantly residential comprising a mixture of family dwellinghouses, flats and guest houses. Tourist facilities exist nearby.

4. The development plan (including the Eastbourne Borough Plan and the Eastbourne Core Strategy Local Plan) mirrors the National Planning Policy Framework (the Framework) in seeking to maintain a balanced supply of housing, including where appropriate tourist accommodation.

5. Saved policy HO14 of the Eastbourne Borough Plan provides that HMOs will not be permitted in the Tourist Accommodation Area (TAA) defined in Policy TO1. There is no dispute that the site is currently within the TAA. Policy TO1 provides that planning permission will be refused for proposals which are incompatible with tourist accommodation use. Relevant considerations are stated to include the effect on residential and visual amenity, likely hours of operation, safety and security implications. Policy TO2 states that only in exceptional circumstances will permission be granted for any other use and that such circumstances must demonstrate that continued use for tourism is not viable.

6. The Council is currently preparing a Seafront Plan. This emerging plan is at issues and options stage. Whilst I note that an independently commissioned tourist accommodation study published in 2014 includes recommendations to review the TAA and reduce its current area and that this is part of the evidence base for the emerging plan neither the study nor the emerging Seafront Plan form part of the statutory development plan.

7. The Framework provides that the weight to be attached to an emerging plan is dependent on its stage of preparation, extent to which there are unresolved objections relating to the relevant policies and the degree of consistency with the Framework. The early stage of development of the Emerging Seafront Plan limits the weight that I can attach to it. I cannot be confident at this stage that policy TO1 or TO2 will be amended.

8. I have taken into account that there is a lapsed planning permission for change of use of the site from a guest house (Use Class C1) to use as a single private dwelling (Use Class C3). In granting that permission the Council took into account evidence of viability to justify an exception to policy TO1. There is little evidence before me to conclude whether or not planning permission would be granted in the same terms today. Whilst I acknowledge that there has been no change in policy since that time in the absence of up to date evidence of viability I cannot conclude with any certainty that the same decision would be made now. This therefore limits the weight I can attach to the permission as a fallback position.

9. My attention is also drawn to the fact that neighbouring properties have been granted certificates of lawful use for non-tourist related use. These decisions did not turn on planning merits but were granted due to immunity against enforcement action. I also note the permission to convert 89-90 Royal Parade into flats. But these decisions do not provide sufficient justification to set aside...
the development plan policies which seek to retain tourist accommodation in this location.

10. My attention is drawn to the absence of response by the Council’s Tourism Manager. I am asked to infer that this is because planning permission should be granted. But there is no supporting evidence before me to justify such an assumption and I cannot draw any inference about this matter.

11. My attention is drawn to appeal decisions concerning the loss of hotel or guest accommodation in other parts of the country. But I do not know the circumstances of these cases and determine this appeal based on its own particular facts.

12. Policy HO14 of the Borough Plan supports a balanced mix of housing types to meet local need and recognises the contribution that HMOs can play. I have taken into account the small contribution that this site makes to satisfying housing demand in the area but the balance rests in favour of not undermining the development plan objective of maintaining tourist accommodation in this location.

13. For the reasons given above, the development does not accord with policies HO14, TO1 and TO2 of the Borough Plan. I am concerned that to allow the conversion would undermine the Council’s objective of maintaining tourist accommodation and be contrary to the development plan. None of the material considerations before me is of sufficient weight to warrant setting aside the development plan policies in this case.

Living conditions – neighbours

14. The development plan mirrors the Framework in seeking to protect the amenities of neighbours from undue disturbance. Policy HO14 provides that proposals for HMOs must comply with residential, visual and environmental amenity considerations set out in policies HO20, UHT4 and NE28. Policy HO20 states that proposals will be refused unless they can demonstrate that they do not cause unacceptable noise or general disturbance.

15. I am informed that the guest house when fully occupied comprised 15-16 people. The deemed application the subject of this appeal is for up to 12 people in a six bedroom HMO. The Appellant says that he intends for three of the rooms to be for single occupancy and to limit the number of occupants to 9. But I must determine the deemed application before me and that is for occupation by up to 12 people.

16. The Council argues that the comings and goings of occupiers of an HMO are likely to be different from holidaymakers in a guest house. I agree. The pattern of movement is likely to be more sporadic and the incidence of visitors higher. The likely pattern of movements has the potential for increased noise and disturbance. I acknowledge that the objections of local people do not universally describe noise and disturbance since the HMO use began but this is not conclusive as to the absence of future harm.

17. I conclude that the continued use as an HMO is likely to cause undue harm to the living condition of neighbours with regard to noise and disturbance, contrary to the development plan, including policy HO14 of the Borough Plan.
**Living conditions – occupants**

18. The property has six bedrooms each with its own bathroom facilities. There is a shared kitchen and living accommodation.

19. Saved policy HO9 of the Borough Plan identifies the importance of conversions providing acceptable standards of accommodation.

20. Whilst I note that each bedroom has ensuite facilities I saw from my site visit that some individual rooms are small with limited storage space. Bedrooms are likely to be used as living space as well as for sleeping creating cramped conditions for current and future occupiers. This intensity of use of bedrooms could also result in disturbance for other occupiers and neighbours. I do not consider that a condition restricting number of occupants would remedy the identified harm.

21. I conclude that the continued use as an HMO is likely to cause undue harm to the living conditions of current and future occupiers with particular regard to adequacy of space contrary to the development plan, including policy HO9 of the Borough Plan.

**Highway safety**

22. The appeal site is close to busy main roads. It faces onto the B2126 which is one of the main routes into and out of Eastbourne. Parking restrictions are in place directly outside the site and nearby. Surroundings residential streets are unclassified and have no parking controls. The site is well served by public transport and close to local facilities.

23. Policy HO9 provides that conversions should provide satisfactory access from the public highway and adequate car parking.

24. I note the objection from the highways authority. They have applied a local calculation tool that assesses potential site specific parking demand by considering factors including location, property type, size and expected levels of car ownership. The closest match in this tool to the development is six one bedroom flats which is assessed as creating a likely demand of 10 spaces compared to guest house demand for 6/7 spaces.

25. Whilst I recognise this tool as a useful guide it is not determinative and is not based on data relating to use as an HMO. There is no evidence that the unauthorised use has given risk to highway safety or parking problems nor that occupiers of HMOs are likely to have greater parking needs than holidaymakers. There is insufficient evidence before me to conclude that the development will result in congestion on the public highway causing interference with the free flow and safety of traffic on the B2126 and surrounding streets.

26. For the reasons given I conclude that the development does not give rise to increased parking demand which causes undue harm to highway safety and accords with the development plan.

**Other matters**
27. I note the concerns raised by the Council and local people about the potential for undue pressure on refuse and recycling facilities and the absence of cycling provision. In the event that no other harm was identified I consider that these issues could be controlled by condition.

28. Local people raise concerns which include fear of increased crime and anti-social behaviour but there is nothing to link use as an HMO with such concerns.

29. I note that the appeal site is located within the Town Centre and Seafront Conservation Area but this is not a main issue between the parties. The identified harm has the potential to affect the character and appearance of the area and therefore fail to conserve or enhance the character and appearance of the Conservation Area.

Conclusion

30. I have balanced the need for a range of housing types in creating a balanced and sustainable housing market that meets local need. Whilst I recognise the demand for HMO accommodation the balance rests in favour of preventing harm to the Council’s tourism strategy and protecting the living conditions of occupiers and neighbours.

31. The harm to the Council’s tourism strategy and the living conditions of occupiers and neighbours are significant and indicate that planning permission should not be granted despite my conclusion that the development does not cause harm to highway safety.

32. I have considered whether conditions could overcome the identified harm. I have taken into account the Planning Practice Guidance. I do not consider that conditions could overcome the identified harm.

33. For the reasons given above I conclude that the ground (a) appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

34. It is directed that the enforcement notice be corrected by deletion of the requirement to return the property to its previous use as a guest house. Subject to that correction the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

S.Prail
Inspector
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Appeal Decision

Site visit made on 7 June 2016

by Richard S Jones  BA (Hons) BTP MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2016

Appeal Ref: APP/T1410/W/15/3142025
Cambridge House Guest House, 6 Cambridge Road, Eastbourne, East Sussex  BN22 7BS

- 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 Peter Russell against the decision of Eastbourne Borough Council.
- The application Ref PC/151010, dated 21 September 2015, was refused by notice dated 18 November 2015.
- The development proposed is an extension to rear and new hardstanding.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property comprises an end of terrace guest house, prominently sited on the corner of Cambridge Road and Rylstone Road.

4. Although described as a rear extension, the main part of the development would project from the side elevation of the existing rear outrigger extension towards Rylstone Road, the character of which is strongly defined by the attractive rhythm of the terrace of two storey properties with their two storey bays and gable features and tiled shared entrance canopies.

5. Whilst I accept that the line of garages on the opposite side of Rylstone Road do not positively interact with the street scene, the development would primarily be seen in the context of the western side of the road and the character I have described. Here, the existing side elevation of the host property relates well to the street scene of Rylstone Road. The two storey bay on the main flank wall is an attractive feature that presents the visual focus whilst the main part of the outrigger extension is set well back and subservient within the street scene.

6. In comparison, the proposed development would bring the side of the outrigger extension forward of the main flank wall of the property and align with the two storey bay feature. This would result in an overly prominent addition which would relate poorly to the host dwelling and Rylstone Road.
7. In this regard, the extension would carry forward the pitch of the roof of the outrigger extension resulting in a much lower eaves line than the host and neighbouring properties, as well as an uncharacteristically large and disproportionate roof plane. The extension would also partly project beyond the existing back wall of the outrigger resulting in a staggered and awkward rear building line.

8. Despite being of sliding sash design, the windows would appear wider and more squat than the consistently tall and narrow openings of the main property whilst the positioning of the windows and doors would also create an unbalanced appearance to an uncharacteristically flat elevation.

9. Given the height of the existing boundary wall and the levels within the rear part of the site, the existing shed is not prominent and has little visual effect on the street scene. Any benefits arising from its removal would not therefore outweigh the more substantial harm I have identified. Moreover, whilst it is stated that a fence at the back of the hardstanding would screen the extension of No 8 Cambridge Road, this would not amount to a material benefit as screening is already substantially provided by the existing boundary wall.

10. It is the appellants contention that the development would be a reflection of the extension at the other end of the Cambridge Road terrace facing onto Latimer Road. Although I accept that there are some similarities, the proposed extension is materially taller and my observations of that development served to confirm the prominence of such additions within the street scene. I have also had regard to the other developments to which I have been referred, but each case will invariably have its own particular circumstances, and none of these lead me to alter the decision that I have reached. In any event, each case should be considered on its own particular merits.

11. The appeal site is separated by Rylstone Road and Nos 2 and 4 Cambridge Road from the boundary of the Town Centre and Seafront Conservation Area. Paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting.

12. Having regard to the principal orientation of the seafront properties within the Conservation Area and the intervening properties on Cambridge Road which would screen the development from Royal Parade, the proposal would not result in any material change to the setting of the Conservation Area and thus would preserve the same.

13. Nevertheless, for the reasons I have explained, the development would appear as an awkward and visually dominant and incongruous form of development that would lack coherence with the host building and street scene. Whilst the development may not be located on a main thoroughfare or ‘cut through’, it would nonetheless be very prominent along Rylstone Road and from its junction with Cambridge Road.

14. For these reasons, I conclude that the proposal would result in significant harm to the host dwelling and the character and appearance of the area, contrary to Policy D10A of the Eastbourne Plan Submission Core Strategy 2006-2027 and Saved Policy UHT1 of the Eastbourne Borough Plan 2001-2011. These policies require, amongst other matters, all development to harmonise with the appearance and character of the local environment respecting local
distinctiveness and to be appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings.

15. I do not consider that the harm I have found would be materially alleviated by the gap that would be retained to No 1 Rylstone Road or the large shrub in that neighbouring garden. Nor do I consider that such harm would be outweighed by any benefits arising to the quality and accessibility of the holiday accommodation or acceptably mitigated by replacing the proposed gable dormer with roof lights.

16. Accordingly, for the reasons given above and having regard to all other matters before me, I dismiss the appeal.

Richard S Jones
Inspector
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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 Ms Hui Sheng against the decision of Eastbourne Borough Council.
- The application Ref PC/150975, dated 15 September 2015, was refused by notice dated 26 November 2015.
- The development proposed is the replacement of existing pitched roof to outbuilding with a raised flat roof to allow internal extract ductwork to be installed in connection with a Chinese restaurant.

### Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing pitched roof to outbuilding with a raised flat roof to allow internal extract ductwork to be installed in connection with a Chinese restaurant at 42 Meads Street, Eastbourne, East Sussex BN20 7RG, in accordance with the terms of the application, Ref PC/150975, dated 15 September 2015, and subject to the conditions set out in the Schedule to this decision.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of nearby residents, with particular reference to cooking smells and noise.

### Reasons

3. The appeal site is situated within a row terrace of properties with two storeys of residential accommodation above ground floor commercial uses.

4. The existing outbuilding is situated to the rear of the outrigger extension of No 42, within a well enclosed yard area. There are a number of windows to residential properties in close proximity to the proposed development, including one directly above in the adjoining outrigger extension.

5. However, in my experience, cooking odours can be controlled by the use and maintenance of a suitable extraction system. No evidence has been provided to suggest that the cooking smells would in any way be unusual and I therefore see no compelling reason why a condition requiring the installation and maintenance of such equipment would not provide an adequate safeguard in this case.
6. Moreover, the appeal site is already in use as a restaurant and therefore there is currently potential for neighbouring residents to experience odours emanating from the premises. This is particularly so given the limited existing extract ventilation system, which amounts to a window mounted vent-axia unit positioned in the back of the property, in line with the residential windows above. In contrast, the plans for the appeal proposal show the exhaust louver vent positioned on the back wall of the extension, away from the nearest windows and facing towards the rear of the yard area.

7. Although the land use to the rear of the site is also residential, given the separation and degree of enclosure, I do not consider that the occupiers of those properties would be materially affected by the proposal.

8. The proposed plans also show silencer units around the fans but no noise assessment has been carried out. On the advice of the Council’s Specialist Advisor for Environmental Health, a condition was recommended to be attached to any permission granted, detailing that such a system must be in line with the correct British Standard for assessing industrial and commercial sound. I see no reason to disagree with this approach which would provide adequate safeguards relating to sound attenuation so as to protect the living conditions of nearby residents.

9. I therefore conclude that conditions requiring the use of a suitable fume extraction system and sound attenuation for the same, would ensure that nearby residents would not be unacceptably affected by cooking smells and noise. Such an approach would be in accordance paragraph 203 of the National Planning Policy Framework (the Framework), which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

10. The Council’s reason for refusal does not refer to any specific policy conflict. I have nevertheless had regard to those policies listed in the Council’s Committee report. Of those that I consider relevant to this main issue, I do not find conflict with Policy B2 of the Eastbourne Plan Submission Core Strategy 2006-2027 (CS) or Saved Policy HO20 of the Eastbourne Borough Plan 2001-2011 (BP). These require, amongst other matters, schemes to protect the residential and environmental amenity of existing and future residents and state that proposals will be refused unless they can demonstrate that they do not cause unacceptable noise, general disturbance or odour.

**Other matters**

11. The appeal site is located within the Meads Conservation Area. Having regard to the size and siting of the proposal, as well as the screening provided by the adjacent neighbouring extension, the boundary walls and the existing planting, views of the proposed development would be limited and restricted to the private views of occupants of a small number of nearby residential properties. Within this context, the loss of an existing mono-pitched roof of a small outbuilding of no particular architectural merit, to the development proposed, would not have a material effect and as such would preserve the character and appearance of the Conservation Area, the desirability of which is fully anticipated by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, CS Policy D10 and BP Policy UHT15.

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1 BSI Standards Publication BS 4142:2014 – Methods for rating and assessing industrial and commercial sound
12. I note that objections have been raised regarding the use of the premises as a takeaway and that it has been suggested that the best route for the extractor ducting would be through the joint chimney stack between No 40 and 42 so as to vent at roof level. However, these are not the proposals currently before me and I have no information to demonstrate that the latter is technically feasible. In any case, I have found the current proposal to be acceptable for the reasons I have explained.

 Conditions

13. I have had regard to the conditions that have been suggested by the Council.

14. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.

15. In order to ensure that the proposal is not harmful to the living conditions of nearby residents in terms of cooking smells, I have imposed a condition requiring the precise details of the ventilation equipment to be agreed by the Council. For the same reason I have imposed a noise condition as suggested by the Council but I have amended the wording to ensure compliance with paragraph 206 of the Framework.

 Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones
Inspector
SCHEDULE

CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 248900-01; 248900-02 and 248900-03 Rev b.

3) Works to the outbuilding hereby approved shall not commence until details of the system to control the emission of fumes and smells from the premises have been submitted to and approved in writing by the local planning authority. The system shall be installed in accordance with the approved details and shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

4) Works to the outbuilding hereby approved shall not commence until details of the noise attenuation for the system to control the emission of fumes and smells in accordance with the current British Standard BS4142 2014 methods for rating and assessing industrial and commercial sound regulations, has been submitted to and approved in writing by the local planning authority. The noise attenuation shall be implemented in accordance with the approved details prior to the operation of the system to control the emission of fumes and smells, and thereafter retained for as long as the use continues.
Appeal Decision

Site visit made on 7 June 2016

by Richard S Jones BA (Hons) BTP MRPTI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2016

Appeal Ref: APP/T1410/W/15/3141128
1 Baillie Avenue, Eastbourne, East Sussex BN22 8NY
• 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 St. Mary’s Homes Ltd against the decision of Eastbourne Borough Council.
• The application Ref PC/151222, dated 12 November 2015, was refused by notice dated 15 December 2015.
• The development proposed is the erection of a two storey building to provide 1 No dwelling on land adjacent to No 1 Baillie Avenue.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
   • the effect of the proposed development on the character and appearance of the area; and
   • whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of internal and external living space.

Reasons

Character and appearance

3. The appeal dwelling would be positioned in the side garden area of No 1 Baillie Avenue, which is a semi-detached two storey dwelling occupying a prominent corner location with Roselands Avenue.

4. The surrounding area is characterised by a mix of dwelling styles comprising terraces, detached and semi-detached houses and flats. Although there are exceptions, in the main, the houses are conventionally laid out with similar proportions, set back from the road with front main entrances and reasonably sized rear private gardens.

5. As a consequence of the rear gardens of Nos 1 and 2 Baillie Avenue being sub-divided to allow development of 4 self-contained flats, their remaining rear garden areas are already shorter than that of neighbouring properties. Although this reduced depth of garden would be maintained for No 1, it would however be very apparent that there would be no meaningful rear garden area
for the new dwelling because of the positioning of the proposed off-street car parking spaces.

6. Whilst I acknowledge that a similarly proportioned extension has been approved for No 1, the fundamental difference is that it would remain and appear as part of a larger single dwelling and would not involve further subdivision of the plot to create a new dwelling which would appear cramped and out of character. Moreover the appeal dwelling would clearly be narrower than the neighbouring houses and in contrast to the prevailing character of the area would have its main entrance on what would appear to be its side elevation.

7. For these reasons, I conclude that the proposal would appear at odds with the main pattern of development in the area and as over development of the site. This would result in material harm to the character and appearance of the appeal site and the surrounding area, contrary to Policy D10A of the Eastbourne Plan Submission Core Strategy 2006-2027 (CS) and Saved Policy UHT1 of the Eastbourne Borough Plan 2001-2011. These require, amongst other matters, all development to harmonise with the appearance and character of the local environment, respecting local distinctiveness and being appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings.

Living conditions

8. The proposed floor plans show that 2 bed spaces would be provided. The National technical standards[^1] require a minimum Gross Internal Area of 58m² for a 1 bedroom, 2 person, 2 storey dwelling. The appeal proposal would provide approximately 36m² and as such would fall significantly short of the minimum standards. This would result in substandard, cramped and oppressive living conditions for future occupants.

9. In support of the appeal the appellant has drawn my attention to the flats to the rear of the site, which have floor areas of 33m². The Council has explained however that this development was granted planning permission prior to the introduction of the national technical standards. This therefore amounts to a material change in circumstances and as such the flatted development would not justify allowing the substantial shortfall in floor space in the particular circumstances of this case.

10. Outdoor amenity space for the new dwelling would be largely restricted to a side and front garden. Whilst I am concerned about the potential for overlooking into these spaces from the adjacent public footpath and therefore its attractiveness and usability, I am satisfied that in principle this could be overcome by condition requiring the existing side boundary planting be retained.

11. Nevertheless, for the reasons I have explained, the proposal would not provide acceptable living conditions for future residents and as such would be contrary to the national technical standards and CS Policy B2, which requires, amongst other matters, schemes to protect the residential and environmental amenity of existing and future residents.

Other matters

[^1]: Department for Communities and Local Government Technical housing standards – national described space standard March 2015.
12. In support of the appeal the appellant has highlighted the presumption set out in the National Planning Policy Framework (the Framework) in favour of sustainable development. However, for the reasons I have explained, the proposal would not meet the environmental and social objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable development, no such presumption, as anticipated by paragraph 14, applies.

13. I acknowledge that the Council has not raised concern in respect of the living conditions of neighbouring residents. However the lack of such harm cannot weigh in favour of the proposal and should properly be considered as neutral in the planning balance. It follows therefore that this cannot mitigate the harm I have explained above.

14. Whilst the rear of No 1 and 2 may have been sold by the appellant for two semi-detached dwellings but was subsequently approved for four flats, this is not a matter for this appeal, which I have determined on its own planning merits.

**Conclusion**

15. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard S Jones*

Inspector