Tuesday, 28 February 2017
at 6.00 pm
Town Hall, Eastbourne

Planning Committee

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

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

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

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

Agenda

1 Minutes of the meeting held on 17 January 2017. (Pages 1 - 8)

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 1 Somerville Close. Application ID: 161494. (Pages 9 - 18)

7 3-5 Carlisle Road: Application ID: 161339. (Pages 19 - 26)

8 18-22 Lottbridge Drove. Application ID: 161366. (Pages 27 - 34)

9 Beach Adjacent To Bowling Green in Royal Parade, Royal Parade, Application ID: 161155. (Pages 35 - 50)

10 Gardeners Books, 1 Whittle Drive. Application ID: 161393. (Pages 51 - 62)

11 Mill Gap House, 2 Mill Gap Road. Application ID: 161448. (Pages 63 - 76)

12 Unit 2, Pacific House. Application ID: 161322. (Pages 77 - 84)

13 Update on Housing Delivery. (Pages 85 - 90)

Report of Director of Regeneration and Planning.

14 South Downs National Park Authority Planning Applications.

15 Appeal Decisions.

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
E Mail: [localdemocracy@eastbourne.gov.uk](mailto:localdemocracy@eastbourne.gov.uk)
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)
Planning Committee

Present:-

Members:  Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and Taylor

89 Minutes of the meeting held on 13 December 2016.

The minutes of the meeting held on 13 December 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

90 Apologies for absence.

There were none.

91 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.

92 Site 3, Atlantic Drive, Sovereign Harbour. Application ID: 161092.

Fishing quay comprising buildings with fisherman's working areas, storage and chiller space, and office accommodation on upper floors, with separate visitor centre and associated development. (Previous Application 130442)

RESOLVED: (Unanimous) That permission be granted subject to a S106 agreement covering local labour issues and the following conditions: 1) The development hereby permitted shall begin before the expiration of three years from the date of permission. 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22nd September 2016

B037.06A – General Site and Block Plans
B037.07 – Pedestrian, Public Transport and Cycle Routes
B037.08 - General Site Arrangement and Site Uses
B037.09 – Building One and Visitors Centre Plans
B037.10 – General Elevations Building One and Visitors Centre
B037.11 – Building Two Plans
B037.12 - General Elevations Building Two
B037.14A – Full Elevations North and South Street Scene
B037.16 – Waterfront Access Detail

3) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have
been submitted to and approved in writing by the Local Planning Authority
4) The development shall be carried out in accordance with the approved
details++ 5) No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
   · The proposed methods of demolition, piling, recycling activities and dust suppression and all other construction methods associated with the development;
   · Noise and vibration monitoring arrangements - to be self-monitoring by the applicants - for the key demolition and construction phases; and
   · Measures, methods of working and the means of screening the site that will be employed to minimise disturbance to neighbouring properties during all demolition and construction work++
6) No development shall take place until a construction environmental management plan has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details ++ 7) Prior to demolition works commencing on site a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the access and the approach road the hours of delivery/collection should avoid peak traffic flow times)++ 8) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details++ 9) No development shall commence until details of a Phase II soil investigation (as recommended in the submitted Preliminary Soil Investigation Report) is submitted to and approved in writing by the Local Planning Authority. If contamination is found to be present, then details of a remediation strategy detailing how this unsuspected contamination shall be dealt with shall be submitted to and approved by the Local Planning Authority prior to the commencement of excavation work++ 10) No development shall commence until full details of the proposed SUDS system shown in the supporting Drainage Strategy is submitted and approved in writing by the Local Planning Authority in consultation with Southern Water and the Lead Local Flood Authority. The works shall be fully implemented in accordance with the approved details++ 11) No development shall commence until full details of a lighting strategy is submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details. The submitted scheme shall include details of times of illumination of all lights, road lighting, floodlighting, security lighting, signage and any variations in brightness. Thereafter the lighting shall continue to be operated only in accordance with the approved details, and no additional lighting shall be installed unless first approved in writing by the Local Planning Authority++ 12) No development shall commence until full details of the refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the
commencement of the use++ 13) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Proposed finished levels or contours;
- Means of enclosure;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.);
- Retained historic landscape features and proposals for restoration, where relevant;
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- Implementation timetables.

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation++ 14) Prior to occupation of the development, full details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details++ 15) That any car parking and loading and unloading area and access thereto shown on the approved plan shall be properly constructed with a surface material to be agreed by the Local Planning Authority and marked out and shall be available for use prior to the use/development hereby approved being first occupied 16) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. 17) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with 18) That, while the development hereby permitted is being carried out, a suitable hard standing shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway caused by
such vehicles shall be removed without delay and in no circumstances left beyond the end of the working day 19) Notwithstanding the approved Noise Impact Assessment, external noise levels from items of new mechanical services and external plant equipment shall not exceed $\text{LA}_{\text{eq,T}} = 35\text{dB}$ at any time at a distance of 1 metre from the nearest residential dwelling 20) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority 21) There shall be no burning of any waste on site at any time 22) No development shall take place until details of the arrangements for the servicing of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details++ 23) The development hereby permission shall be carried out in strict accordance with the Flood Risk Assessment dated June 2013 22) Prior to the commencement of the approved development the details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise level shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details++ 24) Prior to the commencement of the development hereby permitted details of the construction access to the site and locations and size of any temporary structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details++ 25) Prior to the operational use of the development hereby permitted details of directional signage shall be submitted to and approved in writing by the Local Planning Authority prior to the display of any such advertisement, and shall be carried out as approved++ 26Prior to the commencement of the development hereby permitted details of the proposed foundations to all buildings/structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details++ 27) Prior to the commencement of the approved development details of temporary structures or hoardings shall be submitted to and approved in writing by the Local Planning Authority. The works/development shall be carried out in accordance with the approved details++ 28) Prior to the commencement of the approved development details of finished floor levels and details of any changes to the site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details++ 29) That, before the development hereby approved is commenced; details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use and retained as such thereafter++ 30) The visitors Centre hereby approved shall not be open to customers/visitors outside the following times: 07.00am and 10.00pm Monday to Sunday including Bank Holidays

**Informative:**

1. The vegetation between the footway and the secure compound to the east of the vehicle access should be a type that will not grow or be kept at a height under 600mm to ensure adequate visibility.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

3. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority prior to the commencement of any development on the site or, require works to be carried out prior to the commencement of the development or use. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions.

93 Local Development Scheme 2017-2020.

The committee considered the report of the Director of Regeneration and Planning seeking the Planning Committee’s views on the Local Development Scheme 2017-2020 due to be considered by Cabinet on 8 February 2017.

Members were advised that the Local Development Scheme (LDS) was the Council’s timetable for the production of planning policy documents. It covered a three year period from 2017 to 2020 and outlined the policy documents to be produced with the key dates and milestones.

Local Planning Authorities were required to produce a LDS under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, would comprise the Local Plan for the area. The LDS must be made publicly available and kept up-to-date. The current LDS was approved in February 2016 and progress against the LDS was monitored on an annual basis through the Authority Monitoring Report (AMR). The AMR had recognised that some documents identified in the LDS were no longer being produced and that there had been some minor slippage in the preparation of the Local Plan. The Government had recently introduced monitoring the progress of local plan preparation. This monitoring would take place against the LDS and it was therefore necessary to amend the current LDS by April 2017.

Eastbourne’s current Local Plan, the Core Strategy, was adopted in 2013. The National Planning Policy Framework (NPPF) was clear that housing policies should not be considered up-to-date if the local planning authority could not demonstrate a five-year supply of deliverable housing sites. As at 31 October 2016, Eastbourne was only able to demonstrate a 3.47 year supply of housing land. The lack of a five-year housing land supply in Eastbourne meant that the Council’s Local Plan policies could not be considered as up-to-date, as outlined in the NPPF.
The implications of not having an up to date Local Plan was that the Council may lose control over what development takes place in the Borough. The Five Year Housing Land Supply was a material planning consideration in the determination of planning applications, and if the Council was unable to demonstrate a five year supply of housing land there was a significant risk that refusals of planning permission for residential development could be overturned on appeal.

The report further detailed the progress against the 2016 LDS including the current progress on the new plan. The new LDS covering the period from 2017 to 2020 was provided at appendix 1 to the report.

The timetable for the preparation of the new Local Plan in the updated LDS was as follows:

- Evidence gathering and on-going engagement: July 2016 – July 2017
- Issues and Options Consultation: October – November 2017
- Publication: September 2018
- Submission: January 2019
- Examination: May 2019
- Adoption: November 2019

**RESOLVED:** That Cabinet be advised that the Local Development Scheme 2017 to 2020 is supported and endorsed by the Planning Committee.

94 **Tourist Accommodation Retention Supplementary Planning Document.**

The committee considered the report of the Director of Regeneration and Planning seeking Members views on the Tourist Accommodation Retention Supplementary Planning Document (SPD) due to be considered by Cabinet on 8 February 2017.

The draft Tourist Accommodation Retention SPD had been presented to Planning committee previously on 21 June and 30 August 2016 and had been published for consultation between 23 September and 4 November 2016. A total of 17 representations were submitted from 10 respondents. It was not considered that any of the representations raised any major issues, although some minor amendments were proposed to the SPD.

The committee was advised that there was a need for a change of planning policy approach to tourist accommodation as a result of changes in the tourism market and visitor behaviour since the policy was adopted.

The committee was advised that a Tourist Accommodation Consultative Group, had been established, consisting of representatives from the Eastbourne Hospitality Association, Council officers and a local property agent, which would help provide a trade perspective on future proposals and ensure the quality and standard of applications for the loss of tourist accommodation so that they could be determined more swiftly.
The SPD would need to be adopted by Full Council before it could be used in the determination of planning applications. The Assessment of Financial Viability of Tourist Accommodation SPG, which the new SPD would replace, would also need to be revoked.

It was reported to committee that appendix 1 of the report ‘Representation TAR_SPD/02’ recommended that the threshold for ‘lifestyle’ businesses be eight letting bedrooms. This had been contested by the Eastbourne Hospitality Association (EHA) suggested that the threshold should be set at 15 letting rooms. Officers were happy to accept the views of the EHA and amend the final document to include the threshold for ‘lifestyle’ businesses as being 15 letting rooms.

Members agreed that good quality accommodation was an essential part of the tourism offer in Eastbourne. Some Members raised concerns regarding the loss of bed spaces particularly in light of the enhanced conference facilities currently being developed at the Devonshire Park site.

RESOLVED: That Cabinet be advised the Tourist Accommodation Retention SPD is supported and endorsed by the planning committee.

95 Summary of Performance for the Planning Service for 2016.

The committee considered the report of the Director of Regeneration and Planning seeking Members views on the Tourist Accommodation Retention Supplementary Planning Document (SPD) due to be considered by Cabinet on 8 February 2017.

The draft Tourist Accommodation Retention SPD had been presented to Planning Committee previously on 21 June and 30 August 2016 and had been published for consultation between 23 September and 4 November 2016. A total of 17 representations had been submitted from 10 respondents. It was not considered that any of the representations raised any major issues, although some minor amendments were proposed to the SPD.

The committee was advised of proposals to change the planning policy approach to tourist accommodation as a result of changes in the tourism market and visitor behaviour since the policy was adopted.

The committee was advised that a Tourist Accommodation Consultative Group had been established, consisting of representatives from the Eastbourne Hospitality Association, Council officers and a local property agent, which would help provide a trade perspective on future proposals and ensure the quality and standard of applications for the loss of tourist accommodation so that they could be determined more swiftly. (This sentence is a bit long)

The SPD would need to be adopted by Full Council before it could be used in the determination of planning applications. The Assessment of Financial Viability of Tourist Accommodation SPG, which the new SPD would replace, would also need to be revoked.
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Members agreed that good quality accommodation was an essential part of the tourism offer in Eastbourne. Some Members raised concerns regarding the loss of bed spaces, particularly in light of the enhanced conference facilities currently being developed at the Devonshire Park site.

**RESOLVED:** That Cabinet be advised the Tourist Accommodation Retention SPD is supported and endorsed by the planning committee.

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

There were none.

97 **Appeal Decisions.**

1) East Beach Hotel. The Inspector dismissed the appeal.

The meeting closed at 6.38 pm

**Councillor Murray (Chairman)**
**Executive Summary:**

This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor in order to allow all interested parties to be witness to the debate around the issues connected with this case.

The application has been amended following withdrawn scheme (161026) and now proposes a form of development that is consistent with the type and nature of the property whilst maintaining (as far as is practicable in these suburban locations) residential amenity.

Scheme is recommended for approval subject to conditions.

**Planning Status:**
A residential property within a predominantly residential area.

**Relevant Planning Policies:**
*National Planning Policy Framework 2012*

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

**Eastbourne Core Strategy Local Plan Policies 2013**
C13 St Anthony's & Langney Point Neighbourhood Policy
D5 Housing
Low Value Neighbourhoods
D10a Design

**Eastbourne Borough Plan Saved Policies 2007**
UHT8 Protection of Amenity Space
US5 Tidal Flood Risk
HO2 Predominantly Residential Areas
HO20 Residential Amenity
UHT4 visual amenity

**Environment Agency Flood Zones**
Flood Zone 2
Tidal Models

**Environment Agency Flood Zone**
Flood Zone 3
Tidal Models

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

**Site Description:**
The site consists of a detached bungalow and the end of a close of similarly designed bungalows, 1 Somerville Close is a wider plot than the other bungalows in this close. The front of the bungalows are accessible from a pedestrian footpath to/from Drake Avenue. The front elevations of the bungalows are staggered and 1 Somerville Close is set back the furthest from the footpath. The rear of the properties is accessible by road. Many of the properties in this close have been extended to the rear by conservatories and most have sheds and outhouses in the rear gardens.

**Relevant Planning History:**
161026
Single storey extension to provide new bedroom and en-suite
Householder
Withdrawn

**Proposed development:**
There are three elements to this application:-
• Roof extension over the existing garage
• Single storey front extension
• Rear conservatory

Roof replacement to garage
The applicant is seeking planning permission to replace the flat roof of the existing garage with a pitched roof. The proposed pitched roof would increase the height from 2.5m in height to 3m, the pitch of the roof would be approx. 22°.

Single storey extension to the front
The applicant is also seeking to build a single storey extension to the front creating approximately 28m² of new habitable space. The extension will have a maximum depth of 6.7m, a maximum width of 4.7m and extend in advance of the exiting front main wall of the property by 1.4m. This extension will provide for an additional ensuite double bedroom.

As part of this element of the scheme the applicants are proposing to extend the pitched roof of the proposed front extension over an existing flat roof side extension.

Conservatory to the rear
The applicant has also proposed a new conservatory attached to the existing living room elevation extending approx. 2.4m from the main dwelling house, 4.14m in width and 2.4m in height.

Consultations:
Internal:
None

External:
Environment Agency- no response

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

The Occupier 3 Drake Avenue-
• a pitched roof would create a precedent in the neighbourhood
• would lead to over development
• impact the overall look of the neighbourhood.
• No objection to conversion of the garage into extra living space

The Occupier 8 Drake Avenue
• Support for scheme may increase the number of tenants at the property.
• There are current issues where the tenants of number 1 Somerville Close block the rear gates to number 8 Drake Avenue.
• The current tenants are also parking in Drake Avenue.
parking would become even worse.
As for the pitched roof I myself applied for a similar pitched roof and was turned down on the grounds the proposed development would be detrimental to the visual amenities of the locality my application was turned down.’

Officer comments in response:
Application EB/1999/0122 for 8 Drake Avenue was for a first floor extension with a hipped roof that was refused predominantly on the grounds of the loss of spacing between properties on Drakes Avenue causing detrimental impact to the visual amenity of Drakes Avenue.

The properties on both Drakes Avenue and Somerville Close all have pitched roofs with gable ends as such it is considered that the proposed pitched roof is appropriate for the area. The properties on Drakes Avenue and Somerville Close are different in a number of ways including that Drakes Avenue are all two storey dwellings and that Somerville Close is all single storey bungalows. It is also considered that there is unrestricted parking in the close and on the adjoining roads including Cunningham Drive, Drake Avenue and Hood Close. There is adequate parking in the area

The Occupier - 10 Drake Avenue-
overshadowing,
overbearing/loss of privacy,
loss of daylight to habitable rooms,
risk of setting a precedent.

Stephen Rimmer LLP Solicitors on behalf of the occupier of 10 Drake Avenue
1) **Overshadowing**- The additional height of the planned extension will entirely reduce the direct light that our client’s garden receives at present and therefore cause a significant loss of enjoyment for him in the future. The loss of light should be a critical factor in any decision made.

Officer’s comments in response:
The height of the garage roof would be increased by approximately 0.5m to the highest point, this highest point would be in the centre of the roof and approx. 1.75m from the boundary with the neighbouring property.

The new roof would have a slack pitched roof somewhere in the region of 22°, resulting in an increase in height of 0.5m. The siting of the property and its relationship with the neighbouring plots is such that a refusal of permission based on the loss of residential amenity could not be substantiated.

The scheme proposes a pitched roof over the new extension and also a new pitched roof over the existing side extension. The proposed pitched roof over
the existing side extension would be at a height of approx. 3.75m this would be approximately 3.45m from the boundary with 10 Drake Avenue.

It is considered alongside this that under permitted development side extensions can be built to a maximum height of four meters. Officers have evaluated the evidence supplied by the objector/their representatives and have acknowledged that the light impacts to the rear of the subject property is impacted by existing site features such as neighbouring trees and an existing structure within their garden.

2) **loss of light to habitable rooms** - The higher structure of the planned extension will also impact on the amount of light entering our clients living room, which looks outward to the garden and therefore faces the planned extension. Presently, our client is able to enjoy his living room with light entering through the window most of the day. If the planned extension received permission, he and all future owners of the property) will lose this enjoyment permanently.

*Officer’s comments in response:*
*The increase in height of the roof of the garage will be an additional 0.5m, the additional height to the side extension would also be increased by 1m pitch of both roofs will be approx. 22°.*

*The neighbours property is separated from the proposed extension by approximately 4.5m using the tests described in the Building Research Establishment (BRE) document ‘Site Layout Planning for Daylight and Sunlight: A guide to good practice’. it is clear that from the midpoint up the facing windows of the property that the 25 degree angle would not be breached.*

3) **Overbearing/ Loss of privacy** - On the document marked elevation plan, the north elevation diagram demonstrates that both windows will look directly over and into both our clients garden and, given the immediate proximity (less than 5 meters) his property. Our client understands that the lower of the two windows will be obscure glazed, however this will still cause a direct feeling of being overlooked, whilst the view from the, higher, Velux window will be of his garden, living room upstairs shower room and rear bedroom. It is clear that the Velux window will cause overlooking and a loss of privacy.

*Officers comment in response:*
*The lower window on the side elevation would be set back from the boundary and would wholly be obscured by the 2m fence separating the properties. The proposed roof pitch is approximately 22.° degrees as such the Velux window would be angled to have a view skywards and as such it is considered not to have any material direct overlooking and loss of privacy to the occupiers of the neighbouring plots/properties and habitable rooms.*
4) Risk of setting a precedent - There are a number of flat roof extensions in the vicinity of the planned extension and our clients property. There is a risk that planning permission given for structurally higher, pitched roofs could result in a precedent being set which would affect the entire neighbourhood and a negative effect on the amenity of the property and the neighbouring properties.

Officers comments:
It is noted that there are significant rights available under permitted development rights which would allow for pitched roof extensions to be built without the requirement of planning permission. In conjunction with this all applications are assessed under their own merits and this extension would not create a precedent in the area.

Appraisal:
explanation to the side/ front and alterations to the roof:

Principle of development:
There is no objection in principle to home owners wishing to adapt and alter their properties to meet their changing family needs and requirements.

Any proposed extension/alterations to the building should be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issue to consider when assessing this application is the impact of the proposal on the character of this residential area, and how the development impacts upon the visual amenity of the area and residential amenity.

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

Residential amenity
Given the size, design, appearance of the proposed extension/ adaptations and the orientation of this property in relation to its neighbours is such that that there would not be any material loss of residential amenity by way of direct overlooking or sunlight loss. This is due in part to the location of the flank widows, height of the retained boundary walls and location of roof windows and existing hedge tree screen.

Officers are mindful of the fall-back position in terms of the extent to which homeowners can extend/adapt/alter their dwellings without the need for planning permission (permitted development rights). It is considered that significant elements of this proposal could be built without planning
permission and any refuel of planning permission should have regard to this issue.

The withdrawn application had the extension to the front and side of the property going right up to the common boundary with the properties on Drakes Way, this application has been set back from this common boundary by approx. 1.25m and in doing so reduces the impact upon the occupiers of the adjoining properties to an acceptable level.

In summary it is considered that there is not a significant adverse impact to the residential amenity of neighbouring properties, by way of the proposed development, sufficient to warrant refusal.

**Design**
This street is formed by small detached bungalows and that this single storey extension and the pitched roof to the garage reflects the character of the other properties in this area. In this regard the proposed extensions maintain the local distinctiveness of the area.

**Impact on character and setting of a listed building or conservation area:**
This property is neither in nor near a conservation area and as such will not cause an adverse impact on a conservation area. This building is not listed and as such the proposals will not have an impact on a listed building.

**Impacts on trees:**
The proposed front extension to the front elevation would be in close proximity (approx. 1.3m) to the neighbouring trees these trees are not of a local importance requiring protection.

**Impacts on highway network or access:**
There is a significant amount of unrestricted parking in this area on Somerville close and nearby Cunningham Drive. It is considered the increase in bedrooms and occupants would be sufficiently accommodated by the unrestricted parking on Cunningham Drive and Somerville close along with the garage.

**Appraisal conservatory:**
**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
The proposed conservatory is to replace an existing conservatory and as such is considered to have a neutral impact on overlooking, overshadowing, and loss of privacy.

**Design issues:**
The conservatory is considered to be designed appropriately in terms of size material and bulk.

**Impact on character and setting of a listed building or conservation area:**
The property is not a listed building or in a conservation area and as such would not have an adverse impact to either.

**Impacts on trees:**
The proposed conservatory would fall within the footprint of the existing conservatory and as such would not have an adverse impact on trees.

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

**Conclusion:**
It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

**Recommendation:**
Approve conditionally

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

2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22nd December 2016:
   - Drawing Number 94222/004/A - proposed elevations
   - Drawing Number 94222/003/A – Proposed floor plans
   - Drawing Number 94222/005/A- Proposed roof plans
   - Drawing Number 94222/LP/A- Proposed Site Location Plan
   Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

3) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.
Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding

**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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<thead>
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<th><strong>App.No:</strong></th>
<th><strong>Decision Due Date:</strong></th>
<th><strong>Ward:</strong></th>
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<td>161339</td>
<td>10 January 2017</td>
<td>Meads</td>
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<tr>
<th><strong>Officer:</strong></th>
<th><strong>Site visit date:</strong></th>
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<tr>
<td>Neil Holdsworth</td>
<td>Various</td>
<td>Planning Permission</td>
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<th><strong>Site Notice(s) Expiry date:</strong></th>
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<th><strong>Over 8/13 week reason:</strong></th>
<th><strong>Location:</strong></th>
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<tr>
<td>To report to Conservation Area Advisory Group, assess neighbouring objections and report to planning Committee</td>
<td>3-5 Carlisle Road, Eastbourne</td>
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<tr>
<th><strong>Proposal:</strong></th>
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<td>Proposed extension to rear of property to create enlarged kitchen and restaurant and repositioning of female WC.</td>
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<th><strong>Applicant:</strong></th>
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<td>Zia Kahademi</td>
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<th><strong>Recommendation:</strong></th>
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<td>Approve conditionally</td>
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**Executive Summary:**

This application has been reported to planning committee at the request of Councillor Smart who has supported the representations received and sustains concern over the impacts of the proposal upon neighbouring properties.

This application relates to a two floor extension to the rear of the Little Italy Restaurant, 3-5 Carlisle Road, Eastbourne. The scheme allows for the remodelling of the existing restaurant accommodation and when taken with the extension will provide for an additional 40 covers for the restaurant, and would not involve the construction of any new ventilation plant.

Objections have been received from Councillor Smart and an adjoining business owner principally on the basis that the proposal would result in a loss of residential amenity to the managers flat/garden and the loss of amenity to the holiday guest accommodation through additional noise and loss of light, and would also result in additional demand for the limited on street parking in the surrounding area.

It is considered that the proposal would not result in a material loss of amenity in respect of the surrounding residential and commercial premises. The proposal is located in a town centre location and there are public parking...
facilities in close proximity to the site. The proposed development is considered to meet the relevant national and local policies and is recommended for conditional approval.

**Planning Status:**

The existing premises is a lawful A3 use

**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
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy
D10: Historic Environment
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development
UHT15: Protection of Conservation Areas.
H020: Residential Amenity

Town Centre Local Plan (2015)
TC1: Character Areas.
TC3: Mixed Use Development
TC7: Supporting the Evening and Night-time Economy

**Site Description:**

This application relates to the existing restaurant business operated by ‘Little Italy’, at 3-5 Carlisle Road. The existing building occupies a prominent corner position within a parade of shops and restaurants on Carlisle Road, in close proximity to the junction with King Edwards Road and the Eastbourne Seafront.

**Relevant Planning History:**

EB/1960/0263
New Shop Front, alterations and new fitting to convert shop premises in to restaurant at numbers 3-5 Carlisle Road.
Approved Conditional
1960-05-05

EB/1969/0568
Conversion of gift shop at number 1 to incorporate with self-service buttery at numbers 3 and 5 Carlisle Road
Approved Conditional
1969-11-20

970226
Change of use of restaurant storage area at lower ground floor level to form one one-bedroom self-contained flat.
Planning Permission
Approved unconditionally
09/10/1997

**Proposed development:**

This application involves the construction of a two storey extension to the rear of the restaurant known as Little Italy, located at 3-5 Carlisle Road. The two storey extension would directly adjoin the access/service alleyway that extends to the rear of the properties on Carlisle Road and behind the terrace of hotel buildings on King Edward’s Parade. New windows with obscure glazing are proposed on the extended rear elevation, and a new rooflight is proposed on the roof of the extended restaurant.

The extension facilitates an increase in the restaurant area by 37sqm. The applicant states that this is to provide 40 additional covers within the restaurant and an extension to the kitchen area.

**Consultations:**

**Internal:**

Specialist Advisor (Conservation) No objections raised

Councillor Robert Smart: Concern about the impact of noise and loss of light to Oban Hotel, King Edwards Parade.


**External:**

No responses received

**Neighbour Representations:**
One objection received raising the following issues:

Amenity: concern that the clear glass windows in the extended restaurant building will overlook adjacent hotel, and also overlooking of the rear garden courtyard used by the owner of the Oban Hotel.

Noise: Concern that the additional provision of restaurant accommodation will result additional plant being installed that results in additional noise, thereby affecting adjacent residents and hotel guests.

Parking: Concern that increase in restaurant capacity would result in additional parking demand along Carlisle Road.

Heritage: Applicant has not demonstrated that the public benefit test set out in the NPPF has been met.

The letter is available to view on the online case file.

One further letter from the residents of Grand Court, King Edwards Parade.

“We would not object to the plans per se but would ask that any consent is made conditional upon the following;

- That the rear windows are provided with obscure glazing and kept closed unless it is particularly hot. To prevent the owners of Grand Court suffering from overlooking and noise.

- That the rooflight does not project above the ceiling and is kept closed unless it is particularly hot. To prevent noise affecting Grand Court.

- That any extractor fan is attenuated to minimise noise and there is a regime to ensure that filters are regularly checked to eliminate cooking smells. To prevent residents of Grand Court from suffering from any cooking smells.

- That the Council makes representations to East Sussex Council about extending Zone N. Residents parking in Zone N is shared with H permits and is a very limited area. In the summer months parking in the Zone is often impossible during the evenings because of the increased numbers of visitors caused, not only by these plans but also due to the enhanced attraction of the theatres.”

**Appraisal:**

**Principle of development:**
This application relates to an extension to an existing A3 use. The current premises comprise an amalgamation of 1, 3 and 5 Carlisle Road. The effect of this permission is to formalise this position.

The proposed development is located within the Seaside character Area of the Town Centre as set out in the Town Centre Local Plan (adopted November 2013). It is located in an area with a number of other restaurants, hotels and bars in an area designated in the Town Centre Local Plan for supporting the evening and night time economy. As such, the proposal is to extend the existing premises is considered to be acceptable in principle in land use terms.

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

There are a number of residential properties located in close proximity to the proposed extension. The area above the adjacent hot food take away at number 7 Carlisle Road is understood to be in use as a residential flat. To the rear of the site the ground floor and rear courtyard of the Oban Hotel on King Edward’s Parade is used as ancillary residential (manager/owners) accommodation to the hotel business which backs directly on to the site, as do the garage blocks built to the rear of Grand Court.

The application premises has historically obtained planning permission in 1997 for the conversion of the lower ground floor of the premises to a self-contained flat, the applicant has confirmed that this consent was not implemented and the lower ground floor is used as storage and staff facilities in connection with the restaurant use.

**Amenity – loss of light and overlooking.**

To the rear the existing premises has a staggered, recessed appearance, facing on to the alleyway which descends three metres down a staircase accessed from Carlisle Road revealing the lower ground floor level of the building. The two storey building is set in the context of a mix of building heights, rising to 5- 9 storeys on the seafront, and 3- 4 storeys along Carlisle Road.

The proposed extension would be supported on posts and suspended above the lower ground floor level and rise three metres above the wall of the alleyway in a sheer upward extension. This would be constructed around eight metres from the rear elevation of the Oban Hotel, which houses a yard area serving the mangers/owners accommodation within the hotel. The extension which rises to 6.5 metres in height from ground floor level, would be noticeable from the rear of the Oban Hotel, however given the existing situation, any direct loss of sunlight to this area would be negligible. Overall the loss of light and sense of enclosure to this property would not be significant and is not a sustainable ground to refuse planning permission.
In terms of overlooking there are at present a number of openable, clear glass windows from the existing restaurant premises that (albeit at angles) overlook the rear elevation of the Oban Hotel. The applicant proposes to replace these with new windows. The applicant has amended the plans to specify that these windows would be obscure glazed, which is to be secured by condition, and any openings would be minimal. As such it is considered that the proposals represent an improvement on the existing position and would reduce the extent of overlooking in to the neighbouring property.

The request that a condition is added requiring that the proposed dome rooflight does not project above the ceiling of the main building cannot be supported. It would not meet the test of necessity and reasonableness, as the dome rooflight is located a substantial distance from the nearest residential or commercial window and as such it does not have a significant impact on surrounding residents.

The proposed extension, rooflight and new windows would not adversely affect any other residential properties.

Noise

The objection letter received relates to concerns about noise emanating from plant installed at the existing premises, and concern that the development in question will result in an increase in noise levels or the installation of additional plant necessitated by the restaurant extension. These concerns are also reflected in the observation letter from the residents of Grand Court.

The applicant has confirmed in writing that no change is proposed to the existing plant that has been installed to the rear of the premises. Given that the extension proposed (37 Sqm /40 covers) is modest, and that a substantial extract facility already exists at the premises, it is considered unlikely that the extension would necessitate the construction of additional plant. Any new plant built at the premises must meet Environmental Health requirements, which seeks to protect residents from the effects of noise pollution. This position is reflected in an informative on the draft decision notice.

The proposal is considered to be acceptable in amenity terms, meeting the requirements of policy B2 of the Core Strategy and H020 of the Borough Plan (saved policies). The proposal meets the economic and social dimensions of sustainable development as set out in paragraph 7 of the NPPF.

Both objectors request that the windows and rooflights are non-openable and this is secured by condition. However, this condition would not meet the test of reasonableness. That is because it would effectively prevent any natural ventilation to the kitchen, roof and rear of the main restaurant area. This
would also raise a practical issue in that some form of mechanical ventilation would then be required, which is likely to raise noise issues in its own regard.

**Design issues:**

The proposal falls within the Town Centre and Seafront Conservation Area. In terms of its appearance the proposal will consolidate the existing staggered appearance of the wall facing a rear alleyway, replicating the existing fenestration.

The service alleyway is not a significant thoroughfare and the proposal would not be visible from any of the surrounding vantage points in the conservation area, such the junction of Carlisle Road and King Edwards Parade. Overall, the impact of the proposal in design and conservation terms is considered to be neutral.

The Conservation Area Advisory Group did not object to the proposal. In design and conservation terms the proposal is considered acceptable in principle, and there is not considered to be any harm that requires the applicant to provide a special justification.

**Impacts on highway network or access:**

Objections are raised on the grounds that the extension to the existing restaurant (40 covers) will result in additional parking demand within the local area, which may require further controls to be implemented in respect of the surrounding on street parking.

Whilst the proposal is likely to generate a small additional demand for parking it is considered this can be absorbed by the surrounding network of public car parks in close proximity to the site. Its town centre location is also well served by public transport.

Any review of parking controls on the surrounding street network would be carried out by East Sussex County Council, who are the relevant highway authority. Any review carried out either by the Council or the Highway Authority would need to take in to account the views of all residents and business owners. It therefore exceeds the scope of this planning decision.

The proposal is considered to meet the requirements of local and national policy relating to transportation and highways impact.

**Planning obligations:**

Not relevant on a development of this scale.

**Other matters:**
The impact of the proposal on surrounding residential and commercial occupiers is set out in this report and has been found to be acceptable.

The perceived loss of desirability of certain hotel rooms to the rear of King Edwards Parade, which is located within the Tourist Accommodation Area, as a result of this minor development is considered to be of a scale where it could be considered to be a material planning issue. The proposal would not result in harm to the designated tourist accommodation area.

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

**Conclusion:**
The proposed development is acceptable in land use, amenity, design and highways terms.

**Recommendation:**
Grant conditional permission

**Conditions:**
1. Development within three years
2. Development in accordance with approved plans.
3. Obscure Glazing and limited window openings to be implemented as per the approved plans.

**Informatives:**
1. Decision does not authorise installation of new plant at premises.

**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: 161366
Decision Due Date: 16th January 2017
Ward: St Anthonys

Officer: Thea Petts
Site visit date: 31st January 2017
Type: Advertisement

Site Notice(s) Expiry date: N/A
Neighbour Con Expiry: 6th February 2017
Press Notice(s): N/A

Over 8/13 week reason: N/A

Location: 18-22 Lottbridge Drove, Eastbourne

Proposal: Remove any existing signage and install the new Mazda signage scheme including illuminated signs (revised drawings received)

Applicant: Mr Mark Spowage

Recommendation: Approve conditionally

Executive Summary:
This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor (Planning) in order to allow all interested parties witness the debate and also to allow one objector to address planning committee.

This application is for advertisements at the site and relates to corporate rebranding to reflect the applicants operational requirements for the site.

The details of the signage, including the method and times of the illumination are considered to be acceptable and the application is recommended for approval.

Planning Status:
Commercial unit in a mixed use area

Relevant Planning Policies:
National Planning Policy Framework 2012
1. Building a stong, competitive economy
7. Requiring good design

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution - Sustainable Neighbourhood
Site Description:
Lottbridge Drove runs on a north west to south east axis and passes through part of Eastbourne Park. The built environment along the road is typified by industrial buildings, commercial enterprises, large retail units, showrooms units and trade counters.

No. 18-22 stands on the north east side of the road (opposite the Tesco Superstore). This part of Lottbridge Drove is a site made up of smaller commercial units associated with car sales or car repairs. The site is accessed off the main road and there is no-through access for vehicular traffic. The side boundary of 18-22 Lottbridge Drove is backed onto by a number of residential properties.

There are a cluster of car related enterprises along this stretch of the road, including car showrooms with advertisements typical of this kind of business, such as 'totem' signs and fascia boards.

The unit subject to this application was operating as a Seat car sales unit. Mazda operated from the adjoining unit north of the application site. However, in the life of the application, the Seat unit has become vacant and the Mazda totem sign associated with this application has been erected on site.

Relevant Planning History:
030462
Display of internally and externally illuminated signs on the building, double-sided internally illuminated totem sign and post sign, double-sided directional signs and three flag signs.
Advertisement
Standard advert approval
10/11/2003

090692
Installation of new shopfront including new glazed openings to car showroom space.
Planning Permission
Approved conditionally
Proposed development:
The applicant seeks advertisement consent to display the following advertisements (measurements have been provided by the applicant, all illumination is static):

Side elevation (north west):
- Mazda logo signage panel in black (2435mm x 1580mm high) with mesh panel attached (1800mm x 1580mm high)

Totem in front forecourt (side furthest from residential properties):
- Mazda logo and name on black with halo illumination around logo (1290mm x 4100mm high), blue LED halo illuminated lettering

Front elevation (facing south east onto Lottbridge Drove):
- Mazda Dealer name sign on black (3600mm x 320mm high), LED halo illuminated
- Mazda logo signage panel in black (2435mm x 1580mm high) lit by blue LED light strip (1.5m in length) with halo illuminated letters
- Adverts backed with signage mesh to form fascia

There are no adverts and no illumination proposed for the side elevation (south east) facing the nearby residential properties and no advertisements proposed on the green area to the front of the site.
Neighbour Representations:
The following objections have been received:

Occupants of 4 Tollgate Gardens
- Showroom lights not being turned off has caused issues in the past
- Privacy fencing has been approved under a previous consent, but has yet to be installed. This means that the site is visible from the property
- The totem is larger than the existing sign
- Without a firm commitment to reducing the impact of their operating on the residents, we object strongly to this application as it is for the company’s benefit, not the resident’s
- Illegal parking on the site restricts emergency access to Anderida Court
- Deliveries onto the site still take place at 3:00am

Occupier of 7 Tollgate Gardens
- Proposed signage to be same size and illumination as existing signage
- No lights disturbing residents at night
- Alteration to plans of 2010 in drawing
- External lights of high intensity are unacceptable
- There should be no totem allowed for the green
- The road should not be blocked at any time
- No refurbishment should take place on a Sunday or a Bank Holiday
- To establish a good relationship with the garage we request mediation between the owners of the Hendy Group and the residents; namely Tollgate Gardens and Anderida Court

Occupier of 8 Tollgate Gardens
- New totem already in place
- Concerns over site location

Occupier of 3 Tollgate Gardens
- Objection submitted as a resident, not in capacity as a Councillor
- Hours of illumination should be restricted to 8:00am – 8:00pm.
- Problems have been experienced in the past with regards to illumination being left on late into the night
- If hours of illumination cannot be controlled, the application should be refused consent

Occupier of 5 Tollgate Gardens
- Replacement lights only
- No new lighting on side elevations
Occupier of 6 Tollgate Gardens
- Objects to having a sign on the green
- The replacement lights on the front of the showroom should be no larger than before
- No new lighting on the side which faces Tollgate Gardens should be allowed

The following general comments have been received:

Occupier of 8 Tollgate Gardens
- As long as the new totem does not exceed the height of the existing one

Occupier of 10 Anderida Court, Lottbridge Drove
- Concerns over position of fences
- Illumination should be on timers to protect residential amenity
- Safety concerns regarding the location of the proposed totem
- There is no provision for parking on the site
- Meeting proposed between the applicants, residents and planning officer to illuminate any ambiguity

Appraisal:
Principle of development:
The principle for the display of advertisements (including those with illumination) for the purpose of promoting car sales on the site is already well established. As such, the advertisements are acceptable in principle.

Illumination
Previous applications for similar advertisements on the site have attracted support on the condition that illumination is time controlled. Therefore, a condition has been recommended to restrict illumination of the signs to 8:00am - 8:00pm only. These were the same requirements as previous advertisement consent granted in 2013 (Ref: 130707).

It is noted that concerns have been raised by local residents regarding the levels of illumination however the levels of illumination proposed are consistent with advertisements of this type and similar to those that exist in the local area. The proposed illumination, therefore is considered acceptable for a scheme such as this.

Members are advised that there is no illumination is proposed for the south east elevation which faces the nearby residential properties.

It is considered that subject to the imposition of a planning condition controlling illumination times that the impacts upon proposal upon residential amenity are considered acceptable.
Impact of proposed development on amenity of adjoining occupiers and surrounding area:
Objections to the current proposal have been received. Some mention the need for restrictions on times and levels of illumination, but some refer to activities occurring on the site which are not connected with this advertisement consent application.

Therefore, it is considered that subject to restrictions concerning times the advertisements are illuminated, there are not considered to be any related concerns regarding the residential amenity of nearby residents.

Design issues:
The characteristics of the proposed advertisements are similar to nearby car sales units and others along Lottbridge Drove.

The advertisements are to be plain black and as such they are quite subtle in appearance. Nevertheless, the proposed advertisements are considered typical of Lottbridge Drove and would be in keeping with the area.

It is noted that the applicant has applied for a totem which stands at a lower height than those at neighbouring car sales units. The totem is approximately 4m in height and as such is between 0.5m - 1m lower than totems at the adjoining Mazda unit and the Renault unit a few doors down. It is considered that the reduced height of the totem reflects an appreciation for the proximity of the nearby residential properties. Nevertheless, the principle of displaying a totem advertisement in this location as part of the commercial environment of Lottbridge Drove is considered acceptable.

Impacts on highway network or access:
The proposed advertisements are not likely to have any effect on highway users or operations associated with the highway. Some comments have been received which make mention of a ‘sign on the green’, however, this does not form part of this application.

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

Conclusion:
The proposed advertisements are considered in-keeping with the wider area and the character of the site itself. Furthermore, there are not considered to be any concerns regarding the effect the advertisements would have on the residential amenity of nearby occupiers as long as times of operation/illumination are controlled by condition.
As such, the scheme is overall considered to be appropriate and is recommended for conditional approval.

**Recommendation:**
Approve conditionally

**Conditions:**
1-5. Standard Advert Conditions
6. Approved Drawings
7. Illumination not permitted between 8:00pm - 8:00am on any day

**Informatives:**
1) Changes to the building associated with this permission as alluded to in the enclosures submitted with this application may require planning permission. Further to this, the details hereby approved refer only to the display of advertisements and not any other changes or 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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**App.No:** 161155  
**Decision Due Date:** 14 December 2016  
**Ward:** Devonshire  

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

**Site Notice(s) Expiry date:** 25 November 2016  
**Neighbour Con Expiry:** 25 October (first consultation), 14th January (second consultation)  
**Press Notice(s):** 25 November 2016  

**Over 8/13 week reason:** To enable further consultation to take place on amended plans and to report application to planning committee.  

**Location:** Beach Adjacent To Bowling Green in Royal Parade, Royal Parade, Eastbourne  

**Proposal:** construction of 3 no. beach volley ball courts  

**Applicant:** (Eastbourne Borough Council)  

**Recommendation:** Grant conditional planning permission (five year temporary approval to keep impacts of the proposal under review).  

**Executive Summary:**

This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor (planning) given the Borough wide implications of the proposal and the volume of representations received.

This application is bought forward by the Council’s Tourism and Leisure department.

Planning permission is sought for the construction of three volleyball courts and associated boundary treatment on an area of beach immediately adjacent to the promenade close to ‘the Natural Fitness Centre, The Redoubt Fortress and bowls club.

The objections principally fall into two categories:-
1. reflecting concern about the proximity of the development to heritage assets including the Redoubt and the Town Centre and Seafront Conservation Area.
2. The impacts of the proposal upon the established character of the area, and local tourist accommodation and existing business in the area.

The applicant has sought to address these concerns through changes to the
detailed design of the proposal, however the view of Historic England and the
specialist advisors on heritage matters is that the proposals must
demonstrate public benefits that mitigate any less than substantial harm that
falls from the proposal.

In light of this it is recommended that temporary planning permission is
granted for a period of five years to enable the applicant to test the public
benefits of the proposal. The grant of temporary permission will also ensure
that the long term future of the area surrounding the redoubt monument is
kept under review.

**Planning Status:**

Beach/public open space

**Relevant Planning Policies:**

**National Planning Policy Framework 2012**

1. Building a strong, competitive economy
4. Promoting sustainable transport.
7. Requiring good design
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
C3: Seaside Neighbourhood Policy
D1: Sustainable Development
D3: Tourism and Culture
D7: Community, Sport and Health
D10: Historic Environment
D10A: Design

**Eastbourne Borough Plan Saved Policies 2007**

LCF8: Small Scale Sport and Recreation Facilities
UHT1: Design of New Development
UHT15: Protection of Conservation Areas.
UHT20: Archaeological Sites and Scheduled Monuments.

**Relevant Planning History:**

No relevant planning history in respect of this section of the beach

**Site Description/ Proposed development:**
The site is located at Splash Point, close to The Redoubt and opposite the redoubt bowling green which is separated by the beachfront promenade and associated landscaped area. In the space between the Redoubt and the site there are two post war buildings, a former sailing centre now in use as a ‘natural fitness centre’, and a former café building/kiosk (Spinnakers) which has now fallen in to disuse.

The proposed development involves the enclosure of an area of beach for the purposes of the construction of three beach volleyball courts. The courts would be formed with/by fine grain natural sand, and are to be enclosed by a timber footed wall facing the main beachfront promenade (1.2m in height and 0.6m on other parts of the structure) siting on a foundation, with demountable netting and poles surrounding the courts to a maximum height of 2.6 metres.

Further afield along Royal Parade there are a number of guesthouses which benefit from views of The Redoubt and the sea beyond, these are connected to the seafront via established paths leading through the landscaped bowling greens. Towards the west the open promenade hosts a number of tourism related uses towards Sovereign Harbour, including the Treasure Island children’s play area, beachfront cafés, and a beach harbour. The site is located within the Town Centre and Seafront Conservation Area.

The application was amended in the course of its consideration to address feedback from Historic England, as such two periods of public consultation were carried out in November 2016 and January 2017 all responses to the consultation are reported in this report.

**Consultations:**

**Internal:**

**Conservation Area Advisory Group: Support the proposal**

Considered at meeting on 10\(^{th}\) January 2017 with the minute reading:-

*The group were supportive of the proposal and noted the modifications made to mitigate the effect of the volleyball courts on the historic setting. The group also invited the applicant to consider options for the structure during close season.*

The following consultee responses are summaries of the representations received their full responses are available for inspection on the electronic case file/website.

**Specialist Advisor (Conservation): Acknowledges that the harm is less than substantial.**
“...It is clear that, notwithstanding the differences in tone and inflection between the various submissions, there is substantial consensus in terms of a respect for the Redoubt’s high heritage value and the distinctiveness of the overall setting. Both the applicant’s heritage statement and Historic England acknowledge the likelihood of harm from the siting of volley courts in this location, and both commend actions to address this concern. A number of modifications have now been made, specifically addressing concerns around the bulk, impact and design of the courts, though the location remains unchanged, with a sense that any manoeuvrability with regard to exact location is limited due to proximate sewage piping.

Recognising the likelihood of some degree of harm, and the difficulty moving the courts further along the seafront, it is necessary to make a judgement about the acceptability of that level of harm, assessing whether any mitigation arising from public benefit gain might outweigh the risks... In my opinion, the attempt by the applicant to generate new footfall, interest and excitement in a visible and prestigious setting that includes an important national monument and demonstrates such strong significance is ambitious and worthy of commendation. Specifically, it offers the prospect of substantially enhanced public exposure to the Redoubt and its unspoilt setting in a renewed and revived seafront location, with all the virtuous social, economic and heritage effects that might arise from this. Under this account, the new courts will generate higher levels of public awareness leading to an enhanced visitor footfall, growing enjoyment and use of the setting and specific heritage assets amongst audiences not currently enjoying high visibility in heritage circles, notably young adults and lower income groups.

It is also worth noting that the proposed courts development forms part of a broader ambition for the area, which includes an internal reorganisation at the Redoubt designed to enhance the appeal and 'reach' of its curatorial offer, the showcasing of public art and further development and more vigorous promotion of the heritage trial linking this part of the seafront to the myriad of other assets across town. Taken together, these elements provide the foundations for a co-ordinated, coherent and culturally accessible heritage hub.

The broader setting already supports a number of activities without compromising the openness that forms the basis of its appeal, including a bowling green and fitness and holistic activities linked to a beach-side wellbeing centre.

Following a modification of the original design, it is arguable that the impact of the courts would be limited, given that the surrounding structure is now far less obtrusive, with lightweight netting, diminishing concerns about its prominence, dominance and conspicuousness. The fact that the development is characterised by visual permeability, and is s seasonal and reversible, offers significant additional reassurance.
For these reasons, my judgement is that whilst the development would represent a risk, and would cause harm, any harm would be less than substantial and would be mitigated by public benefits arising from attendant increased tourism and public interest. "

Specialist Advisor (Engineering) Support the proposal

First response (24/10/2016)

“It appears unlikely that the construction of the volleyball court will compromise the integrity of the coastal defences (the shingle beach) and therefore I have no objection to the siting of the volleyball courts at this location”

Further comments (24/10/2016)
- Sufficient space must be left for heavy machinery on the promenade.
- Development should be constructed 2 metres away from the Beach Groyne.
- Courts are located on relatively sheltered part of beach however risk remains of courts being washed away.

Further comments (06/02/2017)

“It is my judgement that this is the most suitable location in Eastbourne for a beach volley ball court because it lies in the lee of a significant discontinuity in the shoreline, i.e. it is protected from the prevailing south westerly winds. ... In my opinion the only other possible location that could be considered for a beach volley ball court is on the wide beach area in front of the Lifeboat Museum. Again this area is protected from the prevailing winds. However, I do have reservations about this site inasmuch that it is a crucial area for accessing the foreshore to undertake beach re-charge and re-cycling works”

External:

Southern Water: (Letter dated 11/11/2016) general advice

- “The Council’s technical staff and the relevant authority for land water drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse”.

Environment Agency: No response received

Historic England: Letters dated 8 November 2016, and 27 January 2017 following receipt of revised plans: Outline that any harm caused by the development would need to be less than substantial and supported by wider public benefits for the scheme to be considered appropriate.
First Letter (8 November 2016)

“The development proposals for volleyball courts at Eastbourne Seafront will cause changes within the setting of the Eastbourne Redoubt scheduled monument that have the potential to cause harm to its significance. In addition the development may cause harm to the buried fabric of the Redoubt, and may also impact upon the significance of the Eastbourne Town Centre and Seafront Conservation Area. We therefore recommend that a heritage assessment to assess the potential impact to both designated and undesignated heritage assets from the development, and that without this assessment being submitted the application should be refused”.

Second Letter (27 January 2017) – following receipt of heritage statement

“Any development within or in close proximity to these heritage assets (the redoubt and seafront part of the Conservation Area) that detracts from their openness is likely to cause harm. The inclusion of a new volleyball facility will introduce additional modern paraphernalia into a currently open area of beach immediately adjacent to the Redoubt, and within the conservation area. Some parts of the development, including wooden panelling and 2.6 m tall coloured fencing, will significantly intrude into and detract from the open space from which the designated heritage assets derive their communal, historic and aesthetic significance”.

“The development proposal for creation of volleyball courts at Eastbourne Seafront will cause changes that are harmful to the heritage significance of the scheduled monument Eastbourne Redoubt, and impact the character and significance of the Eastbourne Town Centre and Seafront Conservation Area. As such the development proposal does not seek to conserve designated heritage assets, and does not demonstrate positive improvements to the historic environment”

“We are in agreement with the concluding levels of heritage significance assessed as part of the HS” (Heritage Statement)

- Request that alternative locations be explored in order to mitigate the impacts

Conclusion: “Historic England has concerns regarding the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 9, 17 and 132”.

County Archaeologist – No objections subject to conditions

“The proposed development is situated immediately adjacent to a Scheduled Monument and an Archaeological Notification Area, defining the remains of an early 19th Century Fortress ... It is highly likely that the multiple military uses of this site would have extended outside and onto the upper beach,
especially in relation to ancillary defensive works... In light of the potential for loss of heritage assets on this site from development of the area affected by the proposals should be the subject of a ‘programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded’

Recommended condition

Neighbour Representations:

Objections have been received and cover the following points:

(Summaries– full response on electronic case file)

First Consultation (November 2016)

1 Petition – opposing ‘beach volleyball on the quiet stretch of beach between the redoubt fortress and Beach deck restaurant’ – presented by the owners of Bassets House, 72 Royal Parade and signed by 50 names.

1 letter of support

- Welcoming proposed refurbishment of shop facilities and café surrounding redoubt monument, and regeneration of surrounding area.

10 letters of objection

Issues raised

Principle of Development

- The enclosure of part of the beach for one small interest group (volleyball users) at the expense of the wider public interest.
- Concern about what the precise nature of the use is as application documentation suggests uses other than volleyball to be carried out on the site.

Heritage Impact

- Concern that there is a lack of information submitted in support of the application and no assessment made of impact on surrounding historic assets.
- Development is inappropriate in close vicinity to the Redoubt fortress which is Grade 2 listed and a scheduled monument.
- Development is of a character inconsistent with the immediate surroundings.
- Development is in close proximity to scheduled monument and is located within town centre and seafront conservation area.
Proposal is inconsistent with work undertaken by Eastbourne Borough Council in the landscape character assessment (March 2010) and draft Seafront Local Plan (July 2015)

Design

- Design of proposed courts (boundary treatments) is inappropriate and will detract from attractiveness of area.
- Level of design information provided insufficient to allow a proper assessment to be made of its appearance and impact.
- Fencing proposed is visually intrusive and out of character with surrounding area.

Noise

- Volleyball courts are a high impact use through noise.
- Volleyball courts are likely to result in noise eg through ‘boom box’ activities.
- Proposal is adjacent to bowling greens and natural fitness centre which are used for quiet recreation.
- Noise from the volleyball courts will harm other beach users and change the character of this part of the seafront promenade.
- No technical assessment prepared of the noise resulting from the proposed development.

Visual amenity

- Volleyball fences would intrude on those who sit on the promenade outside bowling green.
- Concern that proposal would result in floodlighting altering the appearance of this part of the seafront.
- Loss of sea views from surrounding commercial and residential properties.

Highways/Parking

- Concern that there is inadequate parking given proximity of other traffic generating uses along seafront.

Economic impact/ impact on tourism

- Concern that proposal will discourage tourism and returning guests to hotels on this part of the seafront.
- Due to its harm in respect of the Redoubt and the conservation area, the proposal will not protect the historic environment and would damage the developing tourism offer at the Redoubt Fort.

Other matters
- Insufficient space in between courts and no spectator facilities provided, risk of danger arising from spectators clustering on promenade and balls escaping from the court.
- Volleyball courts are not designed to modern technical standards.
- Planning application has failed to demonstrate that the proposed location is the only viable site and alternative sites have not been adequately considered.
- Concern about noise and impact on quiet environment enjoyed by adjacent natural fitness centre and the possible loss of this business.
- Volleyball activity will result in a danger to other users on the promenade.
- Concern about a loss of sheltered area of beach reducing the amenity offered to other beach users.
- Concern about safety, security and visual appearance in the winter months and that proposal will result in anti-social behaviour.
- Concern that seasonal nature of business will mean that it is not viable.
- Recommend that alternative locations are considered such as underutilised tennis courts and basketball courts further east of the location, Buzz, the sovereign centre.
- Concerns that proposal would result in additional toilet usage thereby putting pressure on existing drainage systems which are in a poor state of repair.
- Concern that proposal is not viable in proposed location due to short practical season together with high winds and high seas.
- Concern that proposal is in close proximity to beach Groynes.
- Recommendation that proposal is made conditional upon the refurbishment of the Spinnakers building and a condition is set out requiring restoration of the beach at the end of its economic life.

Second consultation (January 2017)

Three further objections received. Two letters of objection state that their views expressed in the first consultation remain unchanged.

One further objection letter bringing attention to concerns about noise and requesting that the proposed development is relocated to a less used area of the beach.

Appraisal:

Principle

It is clear that this development site is located on a parcel of beach close to heritage assets and as such will result in some impacts; if the application can demonstrate that less than substantial harm results from the proposal and that wider public benefits ensue then there is no objection in principle to the proposed development.
Heritage and Conservation Issues

The Redoubt fortress was constructed in 1805 and is one of a number of defensive structures (known as Martello Towers) located along the southern coast of England. The structure was listed in 1949 and was designated as a Scheduled Ancient Monument in 1981, as such it is afforded the highest level of protection in the planning system against inappropriate alterations and adaptations including development within its setting. The Redoubt was originally constructed on open beach, and over time the concrete promenade has been built around it as the land has been adapted for the construction of housing, sea defences, and for tourism purposes. As such its existing setting is a modern construction, and one that is continually evolving, reflecting changes in social, environmental and economic conditions.

As a consequence of its siting close to the Redoubt and within views around the conservation area the proposal will have an impact on the open setting of the Redoubt Monument and Town Centre and Seafront Conservation Area. Historic England, together with the applicants own commissioned Heritage impact assessment and the Council’s specialist advisor (conservation) agree that the harm resulting from this loss of openness amounts to ‘less than substantial harm’ for the purposes of the National Planning Policy Framework and I have no evidence to dispute this conclusion. As such, paragraph 134 of the NPPF is engaged, which states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

In response to the detailed comments made by Historic England and the specialist heritage advice the applicant has sought to improve the appearance of the structure by reducing the solid elements in the structure, reducing the height of the boundary to the courts and reducing the extent of decorative features previously proposed. This is as far as this matter can realistically be taken, as the business plan for the venture necessitates some form of security fencing and enclosure to protect the sand from contamination by other beach users when it is not in use.

In terms of finding an alternative location for the volleyball courts as suggested by Historic England the Council’s specialist advisor (engineering) advises that the identified area of beach is the only suitable location for the proposal. This is due to the fact that it is the only part of the beach that is sufficiently sheltered to enable the courts to be built without a significant risk of failure (beach erosion) and a location sheltered from prevailing winds and remote from underground services. Whilst other locations inland as suggested by other consultees may be feasible, none of these would have the appeal of a location on the beach itself, which is intrinsic to the appeal of the proposal itself.
Considering the public benefits of the proposal, the Redoubt monument itself is currently operated by Eastbourne Council as a seasonal museum, although a long term solution for its ongoing use is yet to be found. As part of a broader strategy to drive tourist traffic towards the east of the pier the Redoubt monument and the area immediately surrounding it has been designated as a Tourism Opportunity site. Driving tourism towards this area is a key objective of Policy C3 of the Core Strategy (Seaside Neighbourhood Policy).

The construction of beach volleyball courts in this location is being proposed with the intention of attracting people to the area and generating tourist activity to this part of the seafront. It is to a large extent a speculative proposal bought forward by the Council with the purpose of achieving the broader aims of the Seaside Neighbourhood Vision and regenerating the area. This offers the potential to secure the long term viability of the monument itself through an alternative and sustainable tourism related use for the monument itself. The policy framework set out by policy C3 of the Core Strategy is a significant material consideration in this decision and one that has the potential to balance the less than substantial harm created to the setting of the Redoubt and surrounding conservation area.

Notwithstanding this, it is acknowledged that the public benefits of the proposal through the regeneration of the area are unproven. In light of this, it is recommended that planning permission is granted for a period of five years after which the application must be renewed and or the structure must be removed and the beach restored to its current state. This meets the policy test of necessity as a result of the sensitivity of this location. A five year period should be sufficient for the developer to build the structure, and an operator to establish a viable business on the site that achieves the objectives of the local plan. Any future proposal to extend the grant of temporary planning permission must demonstrate the public benefits in retaining the structure outweigh any the harm to the surrounding heritage assets, and would need to be assessed against the policy framework in operation at that time.

The grant of temporary planning permission would also serve to address the fears of a number of consultees that the proposal is not viable due to its seasonal nature, and that the site will become derelict and an eyesore. The temporary use condition would require to the site to be reinstated to its present condition upon the expiration of the five years.

A condition is recommended to require that any materials used to cover the sand during the closed season matches the natural colour of the beach shingle. This is to ensure that the impact of the proposal on the appearance of the beach in short and long views when it is not in use is minimised. This is considered to address the points made by the Conservation Area advisory group in their consideration of the proposal.
Members should also note that as free holder there remain other powers outside of this application should the development fall into disrepair and become an eyesore.

**Noise**

A number of consultation responses express concern that the proposal will result in an undesirable change in the character of this part of the seafront through additional noise generated by the volleyball courts. The experience of other similar sporting facilities is that they do not normally create large amounts of noise. In any event, the noise levels would depend on the popularity of the facility and intensity of use which at this point is an unknown. In this context, a requirement for a noise assessment as requested by one consultee would not meet the test of being relevant, necessary and material to the application in question as set out in paragraph 193 of the NPPF.

The small scale use of music (amplified music) by users of the courts is consistent with the use of public open space and beach front and it would be unreasonable to seek to control such activity through the use of planning conditions. In the event that the proposal created significant amounts of noise which interfered with surrounding uses, a complaint could be pursued under environmental health legislation. It is noted that the facility would ultimately remain under the control of the Council who would remain responsible for the facility, and who would be the authority responsible for dealing with noise complaints.

Whilst the more general concern expressed by residents that the tranquil and quiet nature of the existing area would be diminished as a result of the proposal is appreciated and understood, this concern must be framed in the context of Policy C3 of the Core Strategy which seeks to promote the site for tourism purposes. As such any development within this location is likely to have an impact on the character of this area through additional noise and footfall. The broader public interest is considered to be served in supporting the development of this part of the seafront for tourism purposes, in line with the objectives of the Core Strategy.

**Lighting**

The proposal does not show any new external floodlighting, and as such it is not considered that there is any risk of the proposal having an unacceptable impact on the conservation area at night time. A condition prevents any illumination (temporary or permanent) of the facility hereby approved. An informative on the decision notice states that any floodlighting would require planning permission.

**Highways and Parking**
It is considered that the facility is on a comparatively small scale and any new parking demand created by the facility can be absorbed by surrounding public car parks. The site is also well located for public transport accessibility, being located within walking distance of the town centre and directly adjacent to bus routes along Royal Parade.

Other issues raised in consultation

On the advice of the County Archaeologist a condition requiring a written scheme of investigation has been added as a condition.
A condition requires that notwithstanding the approved plans a distance of two metres from timber beach groynes is left clear to enable access for maintenance works, as requested by the Specialist Advisor (engineering).

In response to concerns about the spectators to the new facility blocking the beachfront promenade a condition has been added requiring that the promenade is kept clear at all times to ensure public access and emergency services access to the promenade at all times.

Concerns about loss of sea views from residential and commercial properties are noted and it is acknowledged that the proposal has been sited in a way that limits the impact on views from the residential and commercial properties along Royal Parade.

The points about the poor condition of the former café building surrounding the redoubt are noted, although given that the proposal is a temporary planning permission it is not considered reasonable to make the refurbishment of these facilities conditional on the grant of this permission. The Council as freeholder may choose to refurbish this building with or without this application.

In response to the concerns raised by one consultee that the volleyball courts are poorly designed and do not meet modern standards of safety and security it is considered that the boundary treatment is a necessary compromise given the heritage issues discussed at length in this report. Beyond the imposition of a condition requiring that the promenade is kept clear at all times, issues relating to the safety and security of users of the volleyball courts, spectators and other beach users are a matter for the operator of the facility and not matters which it is reasonable to seek to control through the use of planning conditions. Compliance with Health and Safety legislation is the responsibility of the operator of the site.

The proposal would not generate significant new demand for drainage facilities surrounding the redoubt monument. The condition of existing drains around the site is not a material planning consideration in this decision.

The comments made by one respondent to the consultation that the proposal is not consistent with the Eastbourne Borough Council in the landscape
character assessment (March 2010) and draft Seafront Local Plan (July 2015) are noted, however for the reasons set out previously in this report these considerations are considered to be outweighed by the public benefits that derive from the achievement of the objectives of policy C3 of the adopted Local Plan (2013).

A number of consultees question what the precise use of the facilities will be and question the inference that the facilities may be used for purposes other than volleyball. The same considerations set out in this report would apply to other sporting activities being carried out at the facility, such as extreme Frisbee.

**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:**

Because of its location on a major seafront promenade close heritage assets, the proposal will result in harm to the setting of the Redoubt Scheduled Monument and the Town Centre and Seafront Conservation Area. However, this harm is less than substantial and has the potential to be outweighed by public benefits resulting from the advancement of tourism to this part of the seafront which line with the objectives of the Seaside Neighbourhood Policy (C3 of the Core Strategy).

It is therefore recommended that temporary planning permission is granted for a period of five years to enable the public benefits of the proposal to be tested and to ensure that the principle that the long term impact of the proposal of the setting surrounding the redoubt monument is kept under review.

**Recommendation:**

Grant conditional planning permission for a temporary period of five years.

**Conditions:**

1. Commencement within three years
2. Temporary planning permission (5 years from date of commencement of development), after which the beach must be restored to its present condition.
3. Development in accordance with approved plans
4. – archaeology.
5. Notwithstanding approved plans the area surrounding groynes to be protected to 2m in distance.

6. The beachfront promenade must be kept clear at all times and to secure access for all beach users and emergency services.

7. The cover for the sand during periods where the proposal is not in use must match the natural colour of the sand.

8. No illumination (permanent or temporary) shall be installed at the site unless previously agreed in writing by the local planning authority.

**Informatives:**

1. You are reminded to consult with the Specialist Advisor (Engineering) to ensure that, following completion of the project sufficient distance is left for heavy machinery to pass along the front of the seafront.

2. No floodlighting or illumination has been approved by this permission and condition 8 restricts the installation of any temporary illumination at the site. Should you wish to install external lighting around the courts planning permission must be sought.

3. Temporary permission has been granted in light of emerging planning policy relating to The Redoubt area and to ensure that the impact of the proposal on the scheduled monument is kept under review.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.
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App.No: 161393
Decision Due Date: 3rd March 2017
Ward: Hampden Park

Officer: Thea Petts
Site visit date: 4th January 2017
Type: Planning Permission

Site Notice(s) Expiry date: 29th December 2016
Neighbour Con Expiry: 29th December 2016
Press Notice(s): 9th January 2016

Over 8/13 week reason: N/A

Location: 1 Whittle Drive, Eastbourne

Proposal: Proposed High-bay extension to the rear along with a two storey rear extension with a roof terrace on the first floor and a loading bay canopy.

Applicant: Gardners Limited

Recommendation: Approve subject to conditions and S106 agreement covering highway and local labour related issues.

Executive Summary:
This application is reported to planning committee as it is a Major application.

The applicant seeks planning permission to expand the existing business on the site by way of a high bay extension of approximately 5210m² over two floors. The applicant states that if approved, it will result in the creation of 50 jobs.

A similar application was submitted by the applicant in 2015 (Ref: 150072) for a nearby site on Edison Road within the Gardners Books campus. However, this application was later withdrawn with no decision being issued.

Physically, the development involves some significant groundworks in an archaeologically and ecologically sensitive area. These issues are adequately controlled via planning condition. The development supports the expansion/consolidation of this significant local employer. The design/appearance of the proposed extension is considered to be acceptable and appropriate for this site in particular and the wider area in general.

Application is recommended for approval subject to planning conditions and a Section 106 dealing with highway local labour matters.

Planning Status:
Commercial enterprise – wholesale storage and distribution
Relevant Planning Policies:
National Planning Policy Framework 2012
1. Building a strong, competitive economy
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
C7: Hampden Park Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D8: Sustainable Travel
D10: Historic Environment
D10A: Design

Employment Land Local Plan 2016
EL1: Economy and Employment Land
EL2: Industrial Estates

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT7: Landscaping
UHT20: Archaeological Sites and Scheduled Monuments
BI2: Designated Industrial Areas
BI7: Design Criteria
TR2: Travel Demands
TR6: Provision for Cyclists
TR11: Car Parking

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

The site is in a prominent location in this predominantly commercially focused area and is bounded by the Highfield Link road to the east, Willingdon Drove to the north west and Whittle Drive to the south west (from where the site is accessed). The site is characterised by large industrial buildings which link to other buildings on the Highfield Industrial Estate.
(together the land and buildings associated with the business equate to an area of 50,000m²). The bulk of these buildings are positioned along the Willingdon Drove side of the site. Trees bound the Highfield Link boundary, with open space (both hard surfaced and grass) across the centre of the site.

A stream/ditch runs on a north-south axis through the northern half of the application site. In addition, the site is located in an Archaeological Notification Area. Ancient peat deposits have been found on neighbouring sites and during the life of this application, peat deposits have been found on the site itself.

**Relevant Planning History:**

150072
Demolition of existing unit and replacement with new highbay warehouse, loading bay area, plant room and associated offices.
Planning Permission
Withdrawn 18/03/16

000244
Conveyor belt bridge linking part two-storey, part single-storey extension to 1 Whittle Drive and two-storey extension to 2 Whittle Drive.
Planning Permission
Approved conditionally
26/07/2000

080359
Retrospective application for provision of hardstanding to rear of building including an area for helicopter landing and take-off (amended application description)
Planning Permission, 09/07/2008

080592
Erection of extension to existing building to provide high bay storage area
Planning Permission
Approved conditionally
12/12/2008

960116
Outline application for a proposed extension to the north-east elevation to provide 1411m² additional book storage area.
Outline (some reserved)
Withdrawn
15/02/2001

960285
Extension to loading bay on south-east elevation.
Planning Permission
Approved conditionally
17/07/1996

990741
Proposed extensions to warehouse, loading bay and offices together with sprinkler water tank housing and multi-storey car park.
Planning Permission
Not determined
10/10/2007

Proposed development:
The applicant seeks permission for a third highbay located to the north of the site, near the Shinewater Roundabout. This highbay extension is to allow expansion of the existing business, Gardners Books, and will reportedly create fifty jobs on the site.

The highbay itself is an automated storage facility. The highbay storage unit would extend from the rear of existing highbays 1 and 2, with matching eaves and ridge heights. The building is to be finished in matching materials.

Filling the space between the existing building and the highbay extension, a two storey addition is proposed. This will offer a ‘goods in’ area to the ground floor, a bulk area, canteen and terrace to the first floor. The roof of the proposed two storey extension is to match the height of highbay 1.

To facilitate the development, it will be necessary to divert the existing stream/ditch. This will require extensive groundworks and the removal of some of the trees planted originally to screen the site from the road.

Consultations:
Internal:
Specialist Advisor (Arboriculture) – Conditions recommended
- A substantial loss of existing tree screen will occur as a result of development
- The affected trees should be considered as a group not as individual trees
- Tree screen was put in place as part of original landscaping for the Highfield Link. This tree screen is replicated along the entire Highfield Link Road.
- Applicant intends to plant supplementary trees on the east side of the existing group to compensate for the loss of screening. However, due to the species, location and spacing of these trees any removal of trees on the west side of the group will lead to failures of some of the remaining trees indicated as retained
- Landscaping needs to be revisited with regards to screen group and redesigned so that the species and planting match that along the rest of the road (associated condition recommended)
Specialist Advisor (Economic Development) – supports application, subject to a Local Labour Agreement

- Gardners is Eastbourne’s largest independent company
- The proposal indicated a further increase in employment levels
- The construction phase will also provide additional employment as well as opportunities for sub-contractors and the local supply trade
- In accordance with the Local Employment and Training Supplementary Planning Document (SPD) the proposed development qualifies under the commercial thresholds for development detailed on p.11 of the SPD

Specialist Advisor (Environmental Health)
Specialist Advisor (Planning Policy) – Supports scheme in principle

- This type of development is encouraged by the Employment Land Local Plan and it will help to meet requirements set out by that plan
- Additional jobs will be created and this local business will be enhanced

Specialist Advisor (Engineering) – comments received

- Trash screens within the ditch should be properly maintained in perpetuity and maintenance of watercourses in the future should be fully addressed.
- States that any works affecting the existing ditch system will require an application for land drainage consent under Section 23 of the Land Drainage Act 1991 to ESCC in their capacity as LLFA.

External:
Southern Water

- No public sewers appear to be in the area
- Alternative means of draining surface water from this development are required
- Application makes reference to using SuDS – associated facilities are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that long term maintenance of such a scheme is arranged

Environment Agency – the development will only meet the requirements set out by the NPPF subject to the condition recommended

- The Flood Risk Assessment submitted with this application is to be adhered to
- Flood risk mitigation measures referenced in Section 6 of the FRA must be adhered to and fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority
County Archaeologist – Consultations

- The proposed development is situated within an Archaeological Notification Area which contain a well preserved prehistoric peat deposit, areas of which contain archaeological remains dating from the Neolithic and Bronze Age periods, including organic remains such as timber structures.
- Timber trackways have been identified in very close proximity to Gardners Books and slightly further away are the remains of a later Bronze Age platform and causeway, which is a designated Scheduled Monument.
- The proposed areas of development (ditch diversion and extension) have been subject to geo-archaeological investigation through coring. These cores have identified the peat deposits exists across much of the development area and its top is at a minimum depth of 1.12 metres below current ground levels and its base at a maximum depth of 3.12 metres below ground level.
- The significant number of piles in the piling array, and potentially the construction of the concrete base to the building, will all destroy areas of this peat deposit. The diversion ditch may be shallow enough, or can be redesigned to be shallow enough, to avoid damage to the peat and leave a sufficient buffer of undisturbed ground between its base and the top of the peat (however agreement for its future management will be needed in relation to desilting it).
- There is also a very high potential of damage through desiccation of other areas of the peat in proximity to these physical impact areas. Both these impacts will require mitigation through archaeological excavation and recording, and if possible lower impact design to protect and preserve in-situ remaining areas of the peat deposit.
- 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 conditions which should be strictly adhered to.

County Ecologist – supported in principle, condition recommended

- The site is adjacent to the Highfield Industrial Estate Local Wildlife Site (LWS). However, as this site has been destroyed and is recommended for deletion, no impacts on designated sites are foreseen.
- The site comprises a mosaic of habitats. However, much of it has become scrubbed over and is isolated from other natural habitat.
- The proposed development has the potential to enhance biodiversity through ditch realignment which should retain the
ditch profile, recreation/restoration of habitats and ongoing habitat management.
- The site has the potential to support breeding birds. Therefore, works should be conducted outside of the breeding season. This is a legal requirement. A nesting bird check should be undertaken prior to commencement of works.
- The site is unlikely to support any protected species and as such, no associated mitigation is required.
- The site offers opportunities for enhancement. These include the restoration of semi-natural habitats and the use of species of known value to wildlife in the landscape scheme. Use of a rich herb mix for the amenity grassland will be a helpful contribution to the ecology of the site.

Highways ESCC – no objection, subject to S106 contributions for infrastructure and conditions
- Parking provision generally falls below the level generally required for a use of this type, however, ESCC calculations do not take into account shift work patterns etc. Therefore, parking provision is likely to be acceptable
- Site is well connected via local bus routes and close to bus stops
- Overspill parking onto the highway is unlikely to have a significant effect
- The increase in staff will result in greater demand for public transport
- In order to encourage use of public transport, a contribution towards Real Time Passenger Information is required (£12,000 per bus stop)
- The existing travel plan at Gardners should be updated to accommodate changes resulting from development
- Cycle storage has not been detailed within the application. Cycle storage must be provided in accordance with ESCC guidelines

South East Water Limited – no comments received

SUDS – No objection, conditions recommended
- Submitted surface water drainage strategy should be carried forward to form a detailed design (to include hydraulic calculations)
- Groundwater monitoring will be required due to position of groundwater
- Maintenance and management plans will be required to show who will take responsibility for any drainage scheme implemented
Following implementation of a drainage scheme, evidence is to be submitted to prove that it has been implemented in accordance with approved details

Water Management Alliance – no formal comments to make
The site is not within 9m of a main drain and as such will have a minimal impact on flows into the district drainage network

Sussex Police: Designing Out Crime – no concerns
• Proposed extension work will be within the existing secure site perimeter
• All access to site will be monitored at point of entry
• 24/7 shift pattern lends itself to good levels of activity and natural surveillance
• A safe and secure environment is likely to be maintained on the site

Neighbour Representations:
No objections or any representations of any kind have been received

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

Policy D2 of the Core Strategy states that job growth and economic prosperity will be supported which will be achieved in part by maximising the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of existing stock. This is further bolstered by the policies of the newly adopted Employment Land Local Plan, in particular, Policies EL1 and EL2.

The proposed development to erect a new, replacement industrial unit within the designated industrial estate is acceptable in principal and should be granted approval as long as it is in accordance with Policy UHT20 concerning the protection of archaeological sites.

The NPPF recommends that sustainable development that supports economic growth should be supported without delay.

Archaeological issues:
Ancient peat has been found during the life of the application following investigation by the applicant’s archaeological contractor.

The development has raised significant concerns with regard to the potential for finding or destroying important archaeology on the site. The report (on boring investigations) provided within the life of the planning application demonstrates that there is a strong potential for archaeological remains to be
found within the site and that these are likely to be located close to the surface of the ground. As such, if the development is supported, significant archaeological investigative work will have to be carried out prior to any other works commencing. These requirements will be controlled by conditions recommended by ESCC Archaeology.

The applicant has been made aware of the potential archaeological risk with this development and based on the evidence before me (within the application) and supported by the advice of our specialist advisor from ESCC there is no reason to withhold consent.

**Impacts on trees:**
In order to facilitate works to relocate the stream/ditch, some trees will have to be removed. These trees do not benefit from any particular protection, however, the reason for their current location along the Highfield Link side of the site was part of the original landscaping plan for the road.

Although a planting scheme has been proposed, it is considered that the contribution made collectively by the trees is significant and as such, a revised landscaping plan will be required (as per attached condition). This revised plan will need to allow for better replacement of trees lost in terms of positioning and species planted.

**Impacts on highway network or access:**
The existing ‘goods in area’ is located at Unit 2, which is the building connected to the application site by the raised walkway over Whittle Drive. At present, at times of delivery there are often queues onto the highway. The relocation of the ‘goods in’ into the heart of the application site area will attempt to attend to this issue.

Nevertheless, to ensure that congestion caused by construction traffic during the works is kept to a minimum, a condition controlling the times construction is carried out shall be applied to any consent.

No cycle parking has been included within the proposed scheme and this will be a necessary addition due to the increase in employees and loss of car parking spaces. Further to this, it is noted that a Travel Plan already exists, however, this will need to be updated due to the changes proposed by this development.

**Sustainable development implications:**
The development, in principle, have the potential to work towards the greater sustainability of the town. This is reflected in the scheme’s compliance with Policy EL1 and EL2 which seek to improve the sustainability of the town through employment land provision. Overall, it is considered that the proposed development would be of economic benefit to the area and to Eastbourne as a whole.
In highway terms, the site is considered to be well connected by bus routes and is close to local cycle routes. As such lends itself to access via sustainable means of transport. The public transport accessibility will be enhanced by this proposal with the developer supporting via S106 legal agreement the provision of two real time information bus stops.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
The development is located far from any residential development and as such will not have any direct effect on occupiers of any residential properties. However, the Kings Church complex is located on nearby Edison Road. To avoid unnecessary disturbance of this community facility, hours of demolition and construction will be controlled to attempt to mitigate disturbance.

**Design issues:**
It is considered that the proposed development, although undoubtedly more visible from the wider area than the existing building, is not out of keeping with the area and as such is considered acceptable. The character of the proposal is to match the existing buildings on the site serving Gardners Books. The wider area is predominantly commercial and the built environment reflects this, the proposed extension would fit in with this character.

**Ecology matters:**
The development provides an opportunity to improve the biodiversity of the site as part of the ditch realignment works. As a result of this, it is recommended by ESCC Ecology that a rich herb mix is used for the amenity grassland within the site following development.

The site is not considered to be supportive of protected species, therefore no associated mitigation measures are required. However, the site is likely to support breeding birds and legislation regarding disturbance of breeding birds should be referred to and adhered to throughout the development. As this is dealt with under other legislation outside of planning it is not considered that associated conditions should be applied, but an informative shall be placed on any permission granted for the applicant’s reference.

**Planning obligations:**
Given the scale of the development both in construction terms and also potential increase in workforce it is considered that some mitigation/enhancements could be delivered via a S106 agreement.

In accordance with policy it is considered that a S106 agreement should cover local labour issues, to enable access to job opportunities for the local workforce and that the provision of real time bus information bus stops may assist in employees choosing this mode of accessing the site/development rather than relying on their private motor vehicles.
**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:**
Subject to necessary conditions, the scheme is recommended for approval subject to conditions and Section 106 Agreements.

**Recommendation:**
1. Approve conditionally subject to a legal agreement covering highway and local employment related issues.

2. 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 that the local labour initiatives and highway implications falling from the proposal can be delivered. This lack of key elements of infrastructure would be contrary to established development plan policies/procedures.

**Conditions:**
1. Time
2. Drawings
3. Matching materials
4. Hours of demolition and construction
5. Construction/Demolition Method Statement to be submitted
6. Traffic Management Scheme to be submitted
7. Construction access details and details of any temporary structures to be submitted
8. Flood Risk Assessment to be implemented prior to occupation
9. Surface water drainage strategy (detailed design to include hydraulic calculations and implementation timetable)
10. Ground water monitoring
11. Maintenance and management plan (drainage scheme)
12. Evidence - drainage scheme functional
13. Applicant to secure implementation of Archaeological Works in line with an approved WSI (prior to commencement)
14. Development not to be used until WSI implemented
15. Details of foundations and piling (prior to commencement)
16. Soil levels within root spread shall not be changed (trees)
17. Revised landscaping plan, works to be carried out in accordance with approved plan and trees to be replaced if death occurs within 5 year
18. Existing trees to be retained unless shown on plan as removed
19. Travel Plan to be updated
20. Cycle parking prior to occupation
21. Details of waste and refuse provision to be submitted
22. Amenity grassland to be a rich herb mix
23. Details of exterior lighting to be submitted

Informatives
1) The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for local labour contributions
2) The development hereby approved is subject to a Section 106 Agreement between the applicant and the Local Highway Authority due to requirements for a financial contribution towards the costs of implementing Real Time Passenger Information
3) The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4) The site is capable of supporting breeding birds. The applicant should therefore refer to legislation pertaining to the protection of breeding birds before commencing any works.
5) Any works affecting the existing ditch system will require an application for land drainage consent, if not already sought, under Section 23 of the Land Drainage Act 1991 to ESCC in their capacity as LLFA.
6) Future maintenance of the watercourses on the should be fully addressed by the applicant.

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.
<table>
<thead>
<tr>
<th><strong>App.No:</strong></th>
<th>161448</th>
<th><strong>Decision Due Date:</strong></th>
<th>10th March 2017</th>
<th><strong>Ward:</strong></th>
<th>Upperton</th>
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<tbody>
<tr>
<td><strong>Officer:</strong></td>
<td>Thea Petts</td>
<td><strong>Site visit date:</strong></td>
<td>31st January 2017</td>
<td><strong>Type:</strong></td>
<td>Planning Permission</td>
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**Site Notice(s) Expiry date:** 5th January 2017  
**Neighbour Con Expiry:** 5th January 2017  
**Press Notice(s):** 23rd December 2016  

**Over 8/13 week reason:** N/A  

**Location:** Mill Gap House, 2 Mill Gap Road, Eastbourne  

**Proposal:** Demolition of part of former Hospice building. Conversion and change of use of remaining former Hospice into 3 dwelling houses. In addition, construction of 6 further dwelling houses on the site. Minor alterations to include reconfiguration and insertion of new windows at Coach House (Cottage).  

**Applicant:** Mr Andrew Mackelden  

**Recommendation:** Approve conditionally subject to S106 Agreement and conditions  

**Executive Summary:**  
This application is reported to planning committee at the discretion of the Senior Specialist Advisor given the planning history of the site and the scale of the development.  

This current scheme proposes the retention of the historic part of the former hospice building and its change of use to provide three dwelling houses. In addition, six new dwelling houses are proposed for the site and external alterations are to be made to the Gardners Cottage to facilitate its use as a residential property. In all (if the Cottage is included), ten dwellings will occupy the site and these will be served by 21 parking spaces.  

**Planning Status:**  
The application site served the former St Wilfred’s Hospice building; the building is now vacant.  
The Council’s Strategic Housing Land Availability Assessment (SHLAA) has identified the site as having the potential for residential redevelopment. This document scoped the development potential of the site as having capacity for 13 units.  

**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
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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
D8: Sustainable Travel
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
HO2: Predominantly Residential Area
HO20: Residential Amenity
TR6: Facilities for Cyclists
TR11: Car Parking
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT6: Tree Planting
UHT7: Landscaping
UHT13: External Lighting
UHT18: Buildings of Local Interest
UHT19: Retention of Historic Buildings
UHT20: Archaeological Sites and Scheduled Monuments
US4: Flood Protection and Surface Water Disposal

Technical housing standards – nationally described space standard

Site Description:
The application site is located on the west side of the lower section of Mill Gap Road, to the south of the wide junction with St Annes Road and Torfield Road. The whole site is roughly triangular in shape. The main bulk of the built form is the main hospice building itself (old and new). This runs approximately two thirds of the length of the western boundary of the site (the boundary fronting Mill Gap Road). The buildings at the site vary in age
with the original buildings dating from 1881,. A particular feature of the whole site is the very substantial Greensand boundary walls.

The site lies on a hill at a significantly higher ground level than most of the adjacent properties and is edged densely with trees and mature vegetation. The trees on the site are protected by TPO 74.

A footpath (part of Ivy Lane) runs along the east boundary, and contains part of a substantial Greensand boundary wall which extends further along the length of the whole site, as well as the Mill Gap Road side. The southern boundary, separating the site from properties on Arundel Road and Leaf Glen. The application site is substantially higher than those at Leaf Glen and there is a vast retaining wall with trees, vegetation and varied fence work typifies the appearance of this boundary when viewed from Leaf Glen.

The site is accessed via pedestrian accesses from Mill Gap Road; the only parking currently facilitated by the site is hardstanding space for one car at the northernmost tip of the site (serving the former Gardener’s Cottage). An ambulance bay is situated on Mill Gap Road in front of the historic part of the building.

The existing buildings on the site were attributed to its former use as a Hospice. The northernmost part of the main building dates back to the late nineteenth century and at their elevated position towards the top of the hill means that they make a considerable contribution towards the character and appearance of the area. Whereas, the modern additions from the middle to the south of the site have less historical aesthetic merit.

**Relevant Planning History:**

EB/1990/0379  
PROPOSAL A. SINGLE STOREY EXTENSION ON WEST SIDE OF EXISTING 3 STOREY HOSPICE TO PROVIDE GROUND FLOOR IN PATIENTS WING WITH PART FIRST FLOOR TEACHING ACCOMMODATION IN DORMER ROOF (NO. 4)  
Approved Conditionally  
1991-03-07

EB/1987/0207  
PT SINGLE & PT 2/ST REAR EXTN (NO. 2 )  
Approved Conditionally  
1987-06-03

EB/1981/0582  
C/U FROM SINGLE DWELLING TO HOSPICE (NO 2 )  
Approved Unconditionally  
1981-12-08

EB/1962/0358
CONSTR OF CUL-DE-SAC ROAD FROM MILLGAP RD & ERECTION OF 7 DET DWELLINGS EACH WITH DOM GARAGE
Approved Conditionally
1962-07-05

010211
Provision of a parking area, with access to Mill Gap Road.
Planning Permission
Refused
14/06/2001

080452
Demolition of existing buildings and provision of new hospice building, to include day therapy, 15 inpatient rooms, administration/education facilities, catering facilities and 29 below ground parking spaces, together with replacement boundary walls.
Planning Permission
Refused
28/10/2008

130927
Change of use of former gardener's cottage from C2 (residential institution) to C3 (single dwellinghouse), including extension to roof at rear and removal of extension to main building.
Planning Permission
Approved conditionally
15/07/2014

**Proposed development:**
There are four elements to this proposal:–

1. demolish the modern extensions to the former hospice building
2. retain the Victorian building and convert into 3 houses
3. Retain and convert detached Coach House/Gardener’s Cottage into residential chalet unit
construction 6 new houses in the grounds with gardens around the perimeter of the site.

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<tbody>
<tr>
<td>Gardner’s Cottage</td>
<td>1 X 2 bedroom</td>
</tr>
<tr>
<td>Converted Victorian Buildings</td>
<td>3 X 4 bedroom</td>
</tr>
<tr>
<td>New Build Detached</td>
<td>3 X 4 bedroom</td>
</tr>
<tr>
<td>New Build Terrace</td>
<td>3 X 4 Bedroom</td>
</tr>
</tbody>
</table>

The six new build dwellings will benefit from the most outdoor amenity space, but some garden/courtyard space has been afforded for the dwellings resulting from conversion.
A new access will be formed off Mill Gap Road with a way into the site to access the houses and areas of parking (21 parking spaces in total).

There is no affordable housing to be provided on the site and the scheme falls below the threshold for the affordable housing requirement.

Consultations:
Internal:
Specialist Advisor (Arboriculture) – conditions recommended
- 16 trees to be lost as part of application; the loss of these trees is considered acceptable as the site has been designed to retain the remaining category B and A trees
- Arboricultural Impact Assessment (AIA) has indicated removing some Category C trees in order to create adequate garden space in plots 1-5 this will leave less screening between the development and Leaf Glen, it is indicated in the AIA that this can be mitigated by the planting of a privet hedge along this boundary

Specialist Advisor (Economic Development) – support proposal subject to inclusion of Local Labour Agreement
- Planning application qualifies under the thresholds for residential development in accordance with the Local Employment and Training Supplementary Document
- The development would support local construction employment and associated business supply chain

Specialist Advisor (Waste) – no comments received

External:
Environment Agency – No response received
South East Water – No response received
Southern Water – condition and informative recommended
- Details of water disposal (surface and foul) to be submitted
- Sewers may not be privately owned; this should be checked if unidentified sewers are found
- Formal application to Southern Water required for connection to the public foul sewer

ESCC Archaeology – condition recommended
- Archaeological remains from various eras have been found within the Archaeological Notification Area in which the site stands
- Investigation suggests that only one part of the site survives relatively well preserved
- Archaeological mitigation will be required for the identified area

ESCC Flood Risk Team (SuDS) – No objection, subject to standard conditions
• Surface water to be discharged into the public sewer
• Infiltration systems could be used, but site investigation would be required
• Underground storage systems are to be used to deal with surface water run-off, however, above ground storage should be considered as part of the detailed design (condition recommended)

ESCC Highways – No objection, subject to the imposition of conditions
• Request that the development should fund a TRO to scope the potential for double yellow lines and if supported/approved then greater visibility splays at the sites entrance can be provided.
• Parking is one space below ESCC requirement. But due to accessible location, this is not a concern.
• Cycle parking has not been shown and details would need to be submitted (condition recommended)
• Ambulance parking bay would need to be removed and would be subject to a TRO (S106 Agreement)
• Former hospice use likely to have generated similar level of trips as proposed development, therefore not a concern
• Bus stops are within walking distance of the site and there are regular train services running from nearby Eastbourne station (950km). Therefore it is considered a an acceptable distance to alternative modes of transport, which is sustainable

Neighbour Representations:
Four objections have been received and cover the following points:
The Mount, Selwyn Road
• Overlooking of the house and garden at The Mount
• Detrimental effect on the appearance of Mill Gap Road due to position of property no. 1
• Increase in noise following development due to proximity of new access and The Mount
• House no. 1 will appear too tall – a gross distortion of the street scene
• Increase in noise disturbance regarding new access to the site being so close to The Mount especially as refuse trucks will cause significant disturbance entering and leaving the site
• Proposal is over-development of a sensitive site
• Worst aspects would be removed if no. 1 is removed altogether

Mill Gap Cottage, Arundel Road
• House no. 1 is too close to the road
• Previous alterations to the hospice building have been made to ensure that modern extensions do not alter the street scene

4 Torfield Road
• Agree that residential use is probably best for the site
• No concerns with regards to alterations to the Coach House/Cottage, the demolition of part of the hospice building or the change of use of the historic building to three dwellings
• Six new dwellings, new access and parking is overdevelopment of the site
• There are on-street parking problems on Mill Gap Road already existing on Mill Gap Road
• Parking provision is too extensive for size of site
• Highway safety and parking aspects associated with the development are the most significant concerns about the development
• Considerable loss to the area to remove the protected trees and trees subject to TPO should be considered in the same way as those at The Mount
• Area is rich in wildlife and destruction of the hospice garden would have a significant effect on wildlife
• Concerns over the memorial garden at the former hospice

Flat 35, Eversley Court
• Supportive of residential use in principle
• Concerns over access into the site
• Concerns over parking provision
• Length of Mill Gap Road affected by proposal is very narrow
• Unclear details about access
• Development could call for 18-27 parking bays, this is unclear
• The effect of the development will be to displace parking on to St Annes Road
• Pressure on parking will increase and with it, will increase the likelihood of an accident in the wider area

Two general observations have been received and cover the following points:
2 Leaf Glen
• No objection as long as no adverse effects caused to nos. 1 and 2 Leaf Glen.
• Retaining wall at rear of Leaf Glen should not be put under undue stress
• Drainage – assumed it will be disposed of in a way that does not affect Leaf Glen
• It is assumed unwanted trees will be removed from the border of Leaf Glen and boundary treatments will be in place prior to the commencement of development to lessen impact of development

6 Torfield Road
• Relief to know site proposed to be developed for dwelling houses

Appraisal:
Principle of development:
The site has been identified in the Council’s Strategic Housing Land Availability Assessment (SHLAA 13 Units) as being potentially suitable for
residential development. Furthermore, the Cottage at the north end of the site was subject to a grant of planning permission to change its use to residential in 2014 (Ref: 130927). As such, the principle of residential development on the site is considered appropriate.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
Impact upon properties in Leaf Glen:
It is noted that the residential properties to the south and south east of the site are at a much lower ground level than the site. A number of trees are to be removed from this, the southern side of the site. As a result, the site will become more exposed and there is some potential for overlooking to occur from the new dwellings towards properties in Leaf Glen. Nevertheless, the difference in ground levels will mitigate this potential to a significant extent as will the implementation of appropriate boundary treatments and the retention of some trees.

It is acknowledged that the removal of some of the trees along this common boundary may improve the relationship between the site its neighbours in terms of daylight, leaf drop and tree/limb failure.

Impact upon The Mount, Selwyn Road:
There was a concern submitted by residents of The Mount that the side windows proposed for the dwellinghouse at ‘Plot 1’ would lead to overlooking. As a result, it was requested that these side facing windows were removed to avoid any potential for overlooking. It is now considered that there are no other opportunities for direct overlooking. It is noted that the objection also related to the front facing windows of these new closest dwellings. It is considered, however that the views from these front windows would be oblique views, not direct views. As such, this relationship is considered acceptable

Permitted Development Rights:
It is recommended that Permitted Development Rights are removed from the dwelling houses to ensure that the retained trees are not negatively affected and also to ensure that adjacent properties do not become subject to loss of privacy due to the elevated ground level of the site.

Loss of Light:
Loss of light is not likely to result from the development; if anything, light levels to the properties at Leaf Glen are likely to be increased following the development due to the reduction in the number of trees along this common boundary.

The Mount on the other side of Mill Gap Road is a considerable distance away from the nearest proposed dwellinghouse and although it will be visible from this property, it will be situated too far for this property to suffer any material loss of light. In addition, The Mount is well planted with mature
vegetation and trees which will significantly screen the development from view of this property and already restricts light received into it.

Residential amenity for future occupiers:
The proposed dwellings are considered compliant with the Nationally Described Space Standards. As such, the level of internal floor space allotted for the new dwellings is considered appropriate.

It is noted that due to the presence of mature trees on the site, the natural daylight received into the dwellings would be somewhat compromised. However it is not considered that this would lead to unacceptably low natural light levels. Furthermore, a number of the trees onsite are to be removed as part of the development which will allow greater levels of light into the site than presently possible, especially along the southern boundary.

Design issues:
The proposed demolition of the newer parts of the building is not considered to negatively impact the character or appearance of the site.

Furthermore, the retention of the older parts of the building, a Building of Local Interest, and their subsequent conversion into dwelling houses is also considered a favourable approach.

The parts of the building that would be lost as part of this proposal are considered to have limited historic aesthetic value and as such, their loss is not considered detrimental to the character and appearance of the site.

Design choices made by the applicant are considered appropriate for this site and the composition of the proposed dwelling houses reflects elements of the retained hospice building such as the use of dual pitched dormer windows, gable-ended properties, a mix of roof types such as dual pitch and elements of hip to pitch (to reflect the variety provided by the existing building) and mono pitched porch roofs. The new buildings are to be brick-built, which further compliments the existing materials used on the site. However, samples/further details of materials to be used in the external surfaces of the development shall be submitted as part of a dischargeable condition to ensure appropriateness.

Overall, the bulk of the built form on the site when viewed from the public realm will be reduced as the large building close to the road is partly demolished and new buildings are built in positions set back from the road.

With regards to the appearance of the site from the public realm, it is considered that the greatest impact will be to the Mill Gap Road elevation to the south of the proposed access where the dwelling proposed for ‘Plot 1’ is to be located. It is unlikely that the development will be significantly visible from the adjoining roads, Selwyn Road and St Annes Road. There have been
concerns submitted by nearby residents pertaining to this as an issue and the potential impact it will have on the view looking north along Mill Gap Road.

However, some trees in the southern corner of the site are to be retained and as the part of the site allotted for ‘Plot 1’ is set quite far back from the junction where Mill Gap Road meets Selwyn Road, it is not considered that this new dwellinghouse will be significantly visible from the southern end of Mill Gap Road. Travelling north along Mill Gap Road, the new house on ‘Plot 1’ will be visible and it is approximately 4m taller than the existing extension in this part of the site. However, it will be located in a position similar to the existing footprint of the modern extensions, although it will be closer to the road. Some retained trees will also soften the potential impact of this dwellinghouse and the overall height is likely to differ little from the overall height of some of the retained trees on the site.

Furthermore, two objections call for the dwellinghouse proposed for ‘Plot 1’ to be set back or removed due to the impact it is stated this will have on the street scene. There is some reference to previous extensions to the hospice buildings that were agreed to be set back from the road. However, it is considered that a modern extension to a historic building should appear subordinate to the historic building in a way that a new dwelling would not have to. This dwelling is to be located approximately 1.3m from the proposed new boundary fence fronting Mill Gap Road. The corner of the existing modern extension to the hospice building in this location is approximately 4.5m from this same boundary, it then steps back a further 5m. Although the bulk of this dwellinghouse at ‘Plot 1’ will be closer to Mill Gap Road than the existing, it is not clear what benefits would result from requesting that the existing building line is maintained. In fact, the bulk of the hospice building stands immediately adjacent to the road, much closer than the proposed house at ‘Plot 1’. Furthermore, Mill Gap Road is a quiet street which is not highly trafficked either by pedestrians or vehicles. As such, it is considered that the effects of this element of the development would be insignificant and rarely noticed following development. This difference in the built form on the site is identified by objectors, but in design and townscape terms, there appears to be no clear policy issues. The proximity of dwellinghouse no. 1 to Mill Gap Road and the increase in height of the proposed house in contrast to the existing building (although it is noted that the overall height of no. 1 is approx. 0.1m taller than the existing hospice building) is different, but not harmful to the character and appearance of the site and is considered to be compliant with policy (including Policy UHT2 which refers specifically to the appropriate height of buildings).

The proposed height of this proposed dwelling will make it more visible from Mill Gap Road than the existing extensions to the hospice building, however the only property it will be distinctly visible from is The Mount on Selwyn Road (situated on the opposite side of Mill Gap Road to the application site). Although the property will be visible from this property, it will not have any other effect on this property due to the distance separating the site and The
Mount. It is not considered that the development will have any effect on the visual amenity enjoyed from this property as per Policy UHT4, nor is the design of the proposed dwelling houses considered out of keeping with the character of the site or wider area.

**Impacts on trees:**
The report submitted with the application indicate the current status and condition of the trees on the site and further to the assessment of the Specialist Advisor for Arboriculture, it is considered that the loss of some of the trees will be a reasonable step to bring the site back into use.

A number of trees are to be removed from the southern side of the site. This is considered acceptable due to the quality of those trees recommended for removal. In addition, the existing issues regarding these trees and the leaf litter created by them, which has an impact on properties at Leaf Glen, will be significantly reduced as a result of the development. The reduced leaf litter and removal of less significant trees is likely to have a beneficial effect on the wellbeing of the retained trees going forward.

In general terms, the submitted scheme would appear to respond well to the topography, character, extent of the site and trees worthy of the Tree Preservation Order. It is acknowledged that there are portions of the site which are less affected by trees and in this regard the scheme would appear to make use of the site quite sympathetically. Nevertheless, conditions relating to trees are recommended to be added to any consent granted as a greater level of care will need to be undertaken to preserve the retained trees during development.

During the life of the application, it was recommended that patios proposed for the new dwellings should be removed and decking areas installed instead; the applicant has willingly made the requested changes. In addition, as it is recommended that Permitted Development Rights are removed for the purposes of residential amenity and to protect the retained trees, sheds have been included as part of the design for the scheme, to mitigate potential for harm at a later date.

**Impact on heritage assets:**
There are no Listed Buildings on or near the site and the site does not stand within a Conservation Area. The Cottage is visible from the Torfield Conservation Area, however the bulk of the development (including most of the hospice building, the trees within the site, the new access and the new dwelling houses) are not visible from the Conservation Area. As such, the development is not considered to have any impact on this adjacent Conservation Area at all.

However, the former hospice building has been identified as a Building of Local Interest and as such, its redevelopment should be as sympathetic as possible, whilst promoting an appropriate ongoing use. As this proposal is not
considered likely to negatively affect the character or appearance of the Building of Local Interest, no recording of the part to be demolished is required as per Policy UHT18.

In-line with Policy UHT19, the retention of this historic building is welcomed and the change of use is considered likely to result in the prolonged use of the building going forward.

The site stands within an Archaeological Notification Area. As such, prior to the commencement of any development, a written scheme of archaeological investigation will be required and archaeological investigations should be carried out in-line with the approved details. ESCC are satisfied that this recommended condition will be sufficient in order to understand the extent of the archaeology which may be preserved under the ground.

Impacts on highway network or access:
Access onto the site for the purposes of parking and access for emergency vehicles as well as refuse/recycling lorries is to be facilitated by a new access created on the west side of the site from Mill Gap Road. A Traffic Regulation Order (TRO) is likely to be required to facilitate acceptable use of the proposed access to the site. For this, double yellow lines would be proposed opposite the access to ensure that refuse/recycling vehicles can gain entry to the site as well as emergency vehicles. A further TRO would be required for the removal of the existing ambulance bay which formerly served the hospice use. This TRO work should be funded by the development.

It is considered by ESCC Highways that subject to TROs and planning conditions, the development is acceptable. Although further information has been requested and this is covered by associated planning conditions.

Parking provision for the development is noted to fall one space below the ESCC requirement, however, this is not considered to cause a significant issue as the site is well connected via non-car travel alternatives. Further to this, cycling provision is stated to be provided, but has not appeared on any plan. Further information/details will be required as per a suitable condition.

Planning obligations:
The proposed development would be subject to requirements of a Section 106 Agreement pertaining to Highway contributions (to cover the costs of the TRO) and a Local Labour Agreement.

Given the scale of the development both in construction terms and also potential increase in workforce it is considered that some mitigation/enhancements could be delivered via a S106 agreement.

In accordance with policy it is considered that a S106 agreement should cover local labour issues, to enable access to job opportunities for the local
workforce and that the Highway related issues (To cover the costs of the TRO ) are addressed and managed through an appropriate agreement.

Other matters:
The ESCC Flood Risk Team were initially concerned about the drainage provision for the site, but subsequently the applicant has submitted further details pertaining to drainage and flood risk. As a result, ESCC Flood Risk Team have no objections to the proposed development subject to the imposition of conditions.

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 redevelopment of this former hospice site, which has been identified in the Council’s SHLAA is considered appropriate subject to Section 106 Agreements (Highways issues and a Local Labour Agreement) and appropriate conditions.

The scheme has been through a process of pre-application advice requests prior to the submission of this formal application and the proposed scheme is considered overall to respond well to a constrained site in an appropriate way.

Recommendation:
Approved conditionally

Conditions:
1. Time
2. Drawings
3. Samples
4. Construction method statement
5. Hours of demolition and construction
6. Remove PD – Extensions and Outbuildings
7. Archaeology – Written Scheme of Investigation
8. Details of new access
9. Visibility splays to be cleared of all obstructions
10. Gradients of access
11. Details of surface water drainage
12. Construction Management Plan
13. Turning space
14. Parking areas
15. Cycle parking areas
16. Evidence of drainage (hydraulic calculations) to be submitted
17. Detailed drainage design to be submitted
18. Drainage layout and Southern Water agreement required
19. Detailed design to be informed by winter monitoring
20. Maintenance and management plan to be submitted
21. Prior to occupation evidence of correct construction to be submitted
22. No surface water infiltration
23. No piling or penetrative foundation design
24. Trees - Plan of services
25. Landscaping/planting scheme
26. Trees - excavations
27. Trees – Protection of existing trees
28. Trees - No bonfires
29. Refuse and recycling collection and storage
30. Details of external lighting
31. Protection of retaining wall to south east boundary
32. Details of boundary treatments
33. Protection of greensand walls
34. No contaminated materials on site

Informatives:
1) S106 for Highways
2) S106 for Local Labour Agreement
3) Southern Water
4) Highways – Licence
5) Highways – Construction of wall and AIP
6) Highways – Advisory note
7) Wildlife survey prior to 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.
App.No: 161322  
Decision Due Date: 5th January 2017  
Ward: Sovereign Harbour

Officer: Thea Petts  
Site visit date: 4th January 2017  
Type: Planning Permission

Site Notice(s) Expiry date: 3rd December 2016  
Neighbour Con Expiry: 23rd February 2017  
Press Notice(s): N/A

Over 8/13 week reason: Cycle of Planning Committee Meetings and Submission of Further Information

Location: Unit 2, Pacific House, 1 Easter Island Place, Eastbourne

Proposal: Change of use to mixed use Sui Generis and B1 - Ambulance Community Response Post (to include welfare facilities and ambulance parking etc.)

Applicant: Mr Steve Elliott - SECamb

Recommendation: Approve conditionally

Executive Summary:
This application is reported to planning committee at the discretion of the Senior Specialist Advisor (Planning) given the wide community implications of the proposal and that in supporting the proposal it would result in the loss of high value employment space.

The proposed scheme would see one of the ground floor units at Pacific House given over to ambulance crew for welfare facilities and office space. This proposal is contrary to policy, however it is considered that the granting of this consent would be significantly in the public's benefit and as such is recommended for conditional approval.

Planning Status:
Office building in a mixed use area

Relevant Planning Policies:
National Planning Policy Framework 2012
8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C14: Sovereign Harbour Neighbourhood Policy
Site Description:
Pacific House stands on the corner where Pevensey Bay Road meets Easter Island Place. It is the first building encountered when the Sovereign Harbour's North Harbour is accessed from Pevensey Bay Road, acting visually as a gateway building into the area. Its design is modern and it is a highly prominent feature of the landscape. It is served by a car park accessed from Easter Island Place.

Identified in the newly adopted Employment Land Local Plan, the building provides office space for small and start-up businesses. The particular unit within Pacific House which is the subject of this application is Unit 2, a ground floor unit and an area of the car park in which to retain one or two ambulances until they are required to answer emergency calls within Eastbourne and across the wider area.

Relevant Planning History:
880342
MIXED USE DEV FOR RES, COMMERCIAL HOTEL, LEISURE & RETAIL NOT EXCEEDING 240,000 SQ FT GROSS ALSO INCL CONSTR HARBOUR & ASSOC WORKS OUTLINE
Approved conditionally
20/05/1988

920313
VARIATION OF CONDITION 1 ON 86/431 TO EXTEND THE OUTLINE IMPLEMENTATION TIME PERIOD
Approved conditionally
31/03/1992

001330
Application for variation to Condition no. 1 of EB/1992/0048 (as amended 2 April 1992) to provide five years extension of time.
Planning Permission
Approved conditionally
15/02/2001
Mixed use development comprising office (Class B1) and non-food retail (Class A1) floorspace with associated re-profiling of existing shingle mound, access, servicing and car parking.
Outline (some reserved)
Refused
08/11/2005

Harbour Innovation Mall - Construction of new building consisting of three storeys totalling 2,323m2 net internal area for use within use classes B1(a)(b) and (c), occupying a site of 0.64ha and incorporating 130 car parking spaces.
Planning Permission
Approved conditionally
31/03/2014

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:
Site 1 - up to 72 dwellings and access
Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)
Site 5 - Community use (800sqm)
Site 6 - Employment and office uses (B1 up to 15,000sqm)
Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)
Site 8 - Up to 8 dwellings, open space and berth holder facilities
Outline (some reserved)
Approved conditionally
02/12/2014

Proposed development:
The applicant seeks planning permission to change the use of the subject unit to provide welfare facilities (including toilets, microwave, kettle, recreation and relaxation facilities) as well as office space for the emergency response team (operating the ambulances) and management staff. At present, ambulance response teams have no consistent access to welfare facilities. It is also stated by the applicant that no medication would be stored within the unit as such things are acquired from the area’s main ambulance post in Polegate.

In addition, one or perhaps two ambulances would need to be parked in the car park of the building to ensure that the ambulance team can respond quickly to emergency calls. It is proposed that the vehicles would be parked in the south west corner of the car park.
Pacific House has been identified by the SECAmb for the purposes of this proposal due to its location within an area (with a half mile radius) where the emergency response team can effectively respond to emergency calls effectively. There is an ambulance post in the Town Centre, however it is difficult for the ambulances to reach their destinations from there within the time required by Government. In recent times, ambulances have been using a makeshift response post in the car park serving Asda at the Crumbles, but here the crews have no welfare facilities. Further to this, talks with Asda about improving facilities for the emergency response teams have reportedly broken down and it is not considered possible to develop facilities there as was hoped in the past.

Consultations:
Internal:
Specialist Advisor (Environmental Health) – recommends condition
- Would like the Transport Assessment attached added as part of the approval (if given)
- Condition is to in the main to include the items regarding not leaving engines running, switching off reversing beepers and only using sirens when essential on leaving the site

Specialist Advisor (Planning Policy) –
- It is considered that the proposed split Sui Generis/B1 use would be an ‘other employment generating use’; however the policy means that this will only be acceptable once the full amount of B1 allocation has been delivered. Currently 3,000sqm (GEA) has been delivered on Site 6 in the form of Pacific House.
- It is considered that this application would be contrary to Local Plan policy.

Neighbour Representations:
Sovereign Harbour Limited (Freeholder) submitted the following comments:
- No assessment of the proposal against the newly adopted ELLP was initially submitted
- Pacific House was built using public subsidy in order to provide Eastbourne with dedicated office space
- SHL support the need to ensure emergency services are appropriately provided for
- Unit 2 equates to 2.4% of the total 2,463.49sqm of lettable space within Pacific House and is still a departure from recently adopted policy EL4

One objection has been received and covers the following points:
- Interference and disturbance to the residential properties nearby due to sirens and flashing lights from ambulances:
  - Daytime general interference to enjoyment of property
  - Night time sirens disturbing sleep
  - Night time flashing lights disturbing sleep
**Appraisal:**

**Principle of development:**
The principle for the element of office use on the site is considered acceptable and in-line with policy. The principle for the facilities serving the ambulance crew other than office space is contrary to policies of the ELLP and the Core Strategy. However, the development is considered to be in the public interest and as such, this departure given the limited floorspace involved is not considered to be a material departure from the Local Plan. In this regard the support for the scheme is considered to be acceptable as the wider public benefits of the proposals are considered to outweigh the impacts of the loss of this office floorspace.

Given the above assessment it is considered that in policy terms the principle of the development is acceptable.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Although Pacific House is somewhat close to residential properties, it is a greater distance away from residential properties than the ambulance post located in the Town Centre (Devonshire Ward). This proposed ACRP, therefore, has good potential to operate causing even less disruption to nearby residents. The applicant has stated that staff would seek to be as respectful as possible with regards to activity during unsociable hours. Further to this, it has been stated that the sirens of the ambulance would only likely to be used when leaving the Pacific House site if traffic congestion had occurred and ambulance teams needed to make other road users aware. It is not anticipated that this situation would likely occur during unsociable hours. In consultation, the Specialist Advisor for Environmental Health stated that the new location would likely have little effect on the nearest residents and has no objections or recommendations for the grant of permission. It is considered therefore, that noise is unlikely to be an issue. However it is noted that some objections have been received against the scheme for this reason.

Aside from noise related concerns, it is not considered that any other potential amenity issues would likely result from the implementation of the scheme.

**Policy issues:**
It is also noted that the proposal is contradictory to policy - in particular, the ELLP. The application site lies within ‘Site 6’, a site identified by the ELLP as “the locations for where the majority of the B1 development should be delivered”. However, it is recognised that an element of office use will be retained as part of this proposal.

In a statement submitted on 25th January 2017, the applicant states that:
• policy EL4 – in suggesting that “B1 floorspace to be provided in a flexible format within Pacific House” – could be read to support this proposal and reiterates that the size of the unit is negligible (0.25%) when compared with the amount of floorspace provided overall in Sovereign Harbour.

• In order to fulfil requirements of Policy D7 of the Core Strategy the Council should “work together with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated needs”.

• Pacific House is considered “the only viable option” which fulfils the location requirements and provides the required facilities.

• It is claimed that the use is still an employment generating use and the Council is urged to be flexible in this instance.

• That their specific needs would not lead to a proliferation of similar applications being submitted and that therefore, there should be limited concern that support of this scheme would create a precedent.

• The operational activities of the site would not lead to a loss of residential amenity as the sirens would only be used in accordance with current practices and where the highway/traffic issues require them to be deployed. This would be the exception rather than the rule.

These points are accepted on a wholly exceptional circumstance basis and as such support for the scheme would not set an undesirable precedent that would lead directly or indirectly to the incremental loss of office floor space within this flagship development.

It must be noted that the ELLP states that funding was secured from across the area in order to offer Pacific House to businesses and in an attempt to ensure that sustainability in Sovereign Harbour is improved. The ELLP states that “Pacific House has provided 2,350 Sqm NIA of serviced employment floorspace” and if this application is supported, a portion of this office space will be lost. However, it is noted that the building has not yet been fully filled since it opened in 2015. This being the case, and in these special circumstances it is considered that the use of the unit as an ambulance post until it is no longer needed by SECamb, will not do significant harm to the integrity of the office space offered by Pacific House.

Design issues:
There are no external alterations proposed by this application aside from the parking of one or two ambulances in the car park serving the building. This being the case, it is not considered that any design concerns would arise as a result of the granting of planning permission. The parking of the ambulance(s) is not likely to affect the character and appearance of the area
as the car park is designed for use by motor vehicles. Further to this, it is not
likely that an ambulance will be parked in the Pacific House car park all of the
time. Often the vehicles will be out on call and will be absent from the car
park.

Other matters:
During the life of the application, the applicant has submitted further
information in response to concerns raised early on regarding the departure
from policy. This includes a statement from the landlord who appears to have
no objection to the proposal as long as the office use is reinstated when
SECAmb vacate the unit. Although this is technically not a material planning
matter, it goes some way to show acceptability from the landlord and
furthermore, there has not been an excessive response from the public
(support or objection) as a result of consultation. To a certain extent,
therefore, it can be surmised that those physically closest to Pacific House
are unmoved by this application and the resultant change of use.

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

Conclusion:
The proposed scheme is considered to be of significant public benefit. The
wider public benefits are considered to be the overriding material
consideration in this application and as such the non-compliance with the
Local Plan policies are not considered to result in a significant departure from
the Local Plan. The scheme is recommended for removal.

Therefore, subject to the condition that when the unit is vacated by the
ambulance emergency response teams and the use ceases, the unit is
reverted back to the previously authorised office use.

Recommendation:
Approve conditionally

Conditions:
1. Time
2. Drawings
3. The Use shall be operated in accordance with the applicants supporting
4. The application hereby approved shall be restricted to that applied for
namely (Ambulance Community Response Post to include welfare facilities
and ambulance parking) as operated by SECAmb. No other use/activity shall
occur at the site unless previously approved in writing by the Local Planning Authority.

5 On the cessation of the use as approved by this consent and limited by Condition No 4 above the use/parking shall revert to its former use a Class B1 Office Floorspace.

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

Housing Completions:
- Total units delivered in Plan Period (up to 31 December 2016) = **2,501**
- Target for units delivered at 31 December 2016 = **2,580**
- Updated annual average target = **245.9**
- Net residential completions in Third Quarter 2016/17 = **50**
- Net residential completions in 2016/17 year to date (Q1 to Q3) = **128**

New Commitments:
- Net residential units granted permission in Q3 2016/17 = **100**
- Net residential units refused permission in Q3 2016/17 = **127**

Total Commitments:
- Total number of residential units with permission where development is yet to commence = **610**
- Total number of residential units currently under construction = **271**

Five Year Housing Land Supply:
- Five Year Housing Requirement (inc. 5% buffer) = **1,291**
- Current Five Year Housing Land Supply (units) = **881**
- Current Five Year Housing Land Supply (%) = **68.2%**
- Current Five Year Housing Land Supply (years) = **3.41 years**
1.0 Introduction

1.1 This report provides an update on housing delivery in the third quarter of the 2016/2017 financial year. It is part of the quarterly feedback to Planning Committee on housing delivery rates.

1.2 This report identifies the number of units granted permission in the previous quarter and the financial year as a whole, the number of units with permission that have yet to start construction, the total number of units completed, and updates Members on the latest position in relation to the Five Year Housing Land Supply.

2.0 Background

2.1 National planning policy places considerable weight on the delivery of new housing. Delivery of housing is assessed in two ways: the number of residential units built; and the number of residential units due to be built in the next five years (known as the Five Year Housing Land Supply). The two are linked to the extent that that a reduction in the number of units built will increase the number needed to be built in the next five years to make up for the shortfall.

2.2 The identification of a Five Year Housing Land Supply is a requirement of the National Planning Policy Framework (NPPF). A Five Year Housing Land Supply means identifying sufficient housing land in order to meet the cumulative annual housing delivery target for the next five years (i.e. annual target multiplied by five), plus a 5% buffer.

2.3 The NPPF states that Local Plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It also states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF, para 14).

2.4 This means that if a five year housing land supply cannot be demonstrated, there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.

2.5 National policy and case law has shown that the ‘demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals’ (Planning Practice Guidance, Paragraph: 033 Reference ID: 3-033-201503271).

2.6 The Government’s White Paper ‘Fixing Our Broken Housing Market’, published

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on 7th February 2017, includes a proposal to introduce a new housing delivery test to assess the number of residential units delivered against the local plan target from November 2017. Depending on the percentage of the target delivered, different responses will be required with the intention of boosting the supply of housing.

2.7 The first assessment period for the Housing Delivery Test will be for financial years April 2014 – March 2015 to April 2016 – March 2017. Local authorities delivering less than 85% of their housing target will be required to add a 20% buffer to their Five Year Housing Land Supply calculation.

3.0 Housing Completions

3.1 The Core Strategy (adopted 2013) plans for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the third quarter of 2016/17 (31 December 2016), a total of 2,501 units had been delivered since the start of the plan period. This leaves 2,521 units to be delivered until the end of the plan period at an annual average of 245.9 units per year.

3.2 Falling housing delivery rates over recent years has meant that the total number of units that have been delivered is now less than the cumulative target. At this point in the plan period, 2,580 units should have been delivered, which is 79 more than has actually been delivered.

3.3 In the third quarter of 2016/17, a total of 50 new dwellings were completed. Of these 50 completed units, the largest single development was of 16 units through an office to residential conversion at 23 St Leonards Road. The remaining 34 new dwellings were provided across 19 other development sites.

3.4 In the first three quarters of 2016/17, a total of 128 units have been completed, which equates to just over half of the target for the year.

4.0 New Commitments

4.1 A total of 100 units were granted permission during the third quarter of 2016/17 across 19 sites. The largest single commitment was prior approval for the change of use of office to 56 residential units until permitted development rights at 20 Upperton Road. This means that a total of 243 units have been granted permission so far in 2016/17.

4.2 For comparison purposes, it has been identified that a total of 127 net additional units across 8 development sites were refused planning permission in the quarter. This means that a total of 162 units have been refused permission so far in 2016/17.

4.3 It is important to recognise that not all of the units granted permission will be built. Evidence over the Core Strategy plan period (since 2006) suggests that
78% of units granted permission are completed. At a 78% delivery rate, meeting the Core Strategy target of 240 units per year would require 308 units to be granted permission each year.

5.0 Total Commitments

5.1 As at the end of the Quarter 2, there were 610 net additional dwellings with permission that have yet to commence across 96 sites. This includes:
- 102 units at Bedfordwell Road Depot
- 61 units at the former Caffyns site on Upperton Road
- 56 units at 20 Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne’s House, St Anne’s Road

5.2 As at the end of the second quarter of 2016/17, there were 271 units under construction across 31 development sites. This includes:
- 72 units at Site 1, Sovereign Harbour
- 70 units at Site 7c, Sovereign Harbour
- 30 remaining units at Meadows View, Kings Drive
- 13 units at land at Sumach Close

6.0 Five Year Housing Land Supply Assessment

6.1 The annual requirement over the remaining plan period is 245.9 units per year, and therefore the five year requirement is 1,230 units. The additional 5% buffer equates to an additional 61 units, making the Five Year Housing Land Supply requirement for Eastbourne 1,291 units. Eastbourne Borough Council is required to identify sufficient land to meet this requirement.

6.2 The current assessment of the Five Year Housing Land Supply identifies that as of 31 December 2016, Eastbourne has a supply of housing land equivalent to 881 units. This currently consists of sites with permission, including those where construction has started and those where construction has not started. This is because it is currently not possible to identify sufficient housing development sites that have the potential to come forward within the next five years.

6.3 The Assessment shows that Eastbourne currently has a 3.41 year supply of housing land (or 68% of the Five Year Housing Land Supply requirement including 5% buffer). As demonstrated in Figure 4, Eastbourne Borough Council is 410 units short of having a Five Year Housing Land Supply (including 5% buffer).

6.4 As a five year housing land supply cannot be demonstrated, current policies cannot be relied upon to justify a refusal of permission and therefore there is a significant risk of future planning refusals for residential development being
The under-delivery of housing continues to increase the Five Year Housing Land Supply requirement, as under delivery increases the annual target used to calculate the requirement. In addition, a low rate of sites being granted permission means that the number of units in the Five Year Housing Land Supply is falling. Both factors combined mean that it will be very difficult for a Five Year Housing Land Supply to be identified in the near future, unless additional housing development sites can be identified.

7.0 Conclusion

7.1 National planning policy places considerable weight on the delivery of new housing, and the five year housing land supply is a material consideration in the determination of planning application.

7.2 Eastbourne current has a housing land supply equivalent to 881 units, which represents 3.41 years supply of land. Therefore a five year housing land supply cannot be demonstrated.

7.3 The process for identifying additional sites is currently underway through the Strategic Housing & Employment Land Availability Assessment. This study is due to be completed in spring 2017. The more sites identified as developable through this process, the closer to the Five Year Housing Land Supply requirement will be. This will give Members better control over approvals and greater comfort that refuses won’t be overturned on appeal.

7.4 However the introduction of a ‘housing delivery test’ in the Housing White Paper also means that under-delivery of housing in previous years will make it more difficult to achieve a Five Year Housing Land Supply in the future.

Background Papers:

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.
Appendix 1 – Housing Delivery Statistics for Quarter 3 2016/17 by Ward

<table>
<thead>
<tr>
<th>Ward</th>
<th>Net Completions in Quarter</th>
<th>Net Newly Committed in Quarter</th>
<th>Total Commitments (not commenced)</th>
<th>Total Under Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Devonshire</td>
<td>14</td>
<td>22</td>
<td>112</td>
<td>14</td>
</tr>
<tr>
<td>Hampden Park</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Langney</td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Meads</td>
<td>17</td>
<td>3</td>
<td>48</td>
<td>42</td>
</tr>
<tr>
<td>Old Town</td>
<td>0</td>
<td>3</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Ratton</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Sovereign</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>161</td>
</tr>
<tr>
<td>St Anthonys</td>
<td>0</td>
<td>10</td>
<td>64</td>
<td>7</td>
</tr>
<tr>
<td>Upperton</td>
<td>19</td>
<td>59</td>
<td>361</td>
<td>33</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100</strong></td>
<td><strong>610</strong></td>
<td><strong>271</strong></td>
</tr>
</tbody>
</table>

A full list of sites in each category is available on request.