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 28 February 2017. (Pages 1 - 10)

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 **Ravelston Grange, 10 Denton Road. Application ID: 161308.** (Pages 11 - 24)

7 **24 Hyde Road. Application ID: 170144.** (Pages 25 - 34)

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

9 **Appeal Decisions.** (Pages 35 - 42)

   1) 12 The Broadway.

   2) 65 Moy Avenue.

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.
Registering to speak – Planning Applications - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within 21 days of the date of the site notice or neighbour notification letters (detail of dates available on the Council’s website at www.eastbourne.gov.uk/planningapplications).

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

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

Further Information

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

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

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk
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Tuesday, 28 February 2017
at 6.00 pm

Planning Committee

Present:-
Members:
Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Choudhury, Jenkins, Miah, Murdoch and Metcalfe (as substitute for Taylor)

98 Minutes of the meeting held on 17 January 2017.
The minutes of the meeting held on 17 January 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

99 Apologies for absence.
Councillor Robinson and Councillor Taylor.

100 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.
Councillor Murdoch declared a non-prejudicial interest in minute 104, Beach adjacent to bowling green in Royal Parade, Royal Parade as a member of the shadow Cabinet. The application had been submitted by Eastbourne Borough Council. Councillor Murdoch remained in the room and voted thereon.

Councillor Jenkins declared a non-prejudicial interest in minute 104, Beach adjacent to bowling green in Royal Parade, Royal Parade as a member of the shadow Cabinet. The application had been submitted by Eastbourne Borough Council. Councillor Jenkins remained in the room and voted thereon.

101 1 Somerville Close. Application ID: 161494.
Single storey extension to provide new bedroom and en-suite – SOVEREIGN.

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

102 3-5 Carlisle Road: Application ID: 161339.

Proposed extension to rear of property to create enlarged kitchen and restaurant and repositioning of female WC – MEADS.

Members were advised that one additional condition was recommended, stipulating that no further windows could be built to the rear of the property without the approval of the local authority, to avoid windows being inserted to the rear of the extended premises under permitted development rules.

The Specialist Advisor (Environmental Health) had confirmed that whilst noise complaints have previously been received in relation to the plant installed to the rear of Little Italy, those complaints had not been substantiated. If there were further complaints the problem could be dealt with using the Environmental protection Act 1990- Nuisance.

Two further consultation responses had been received and were reported as follows:

- Parking availability was limited in area surrounding the application site. People who use facility would want to access site by car. Parking demand for facility would extend beyond 40 additional covers to include staff.
- Many residential blocks did not have parking and rely on existing street network.
- Dispute that there was a surrounding network of public car parks in close proximity to the site.
- Site was not well located for public transport given that number three bus ceases to operate after 6pm.
- Unless windows were fixed shut noise from them would travel to surrounding residential properties.
- It was not true that there were public car parks nearby that serve the area sufficiently.
- Car park adjacent to Devonshire Park tennis courts was normally full during the summer.
- Request that Zone N be made exclusive for local residents.

Mr Koonjal addressed the committee in objection stating that there were issues with noise from the current restaurant and that the extension would increase with the proposed extension.

Mrs Granger addressed the committee in objection stating that the extension and additional covers would exacerbate the existing parking problems.
Mr Kadhemi requested that the Specialist Advisor for Planning read the following statement:

"It had been brought to our attention that some local people had concerns about the proposal and wish to speak against it. If approval was granted it would increase the size of the Restaurant and allow room for an extra three to four tables.

Please note the existing rear room adjacent to the ladies toilet was currently part of the restaurant. Therefore, the actual additional number of covers proposed amounts to a maximum of 10 to 16 and not 40 as previously suggested. Our attached ‘proposed ground floor’ drawing had been revised to clarify the position.

Various comments had been made regarding the lack of parking spaces in the area, and the additional parking problems that could arise by encouraging extra people to the Restaurant at any one time. Many visitors to the Restaurant live locally and would walk or hire a taxi. The car owning visitors who were in the town on holiday will have already obtained a parking space close to where they were staying, and, again, would often walk. Others visit Eastbourne specifically for a theatre trip which they combine with a meal. Many would park in a nearby car park so that they were close to the theatres.

Therefore, the number of extra cars as a direct result of the proposed additional restaurant seating would be negligible.

Another concern was the potential increase in noise. However, the clientele were mainly elderly people who visit the restaurant for a nice meal and a chat. They were not ‘loud’. Any music was purely in the background and would continue to be so. It was a quiet ‘family’ restaurant where older people like to sit and talk. It was not a bar or nightclub and closes at around 10pm. No additional extraction fan was proposed.

The main reason for the alterations was to provide a disabled toilet as a service for the elderly and disabled people who visit the premises.

Finally we would like to mention that the Carlisle Road/Devonshire Park area was regarded as the ‘jewel’ in Eastbourne’s tourism ‘crown’. Approving this application, and thereby encouraging an already long established business to thrive and expand, would help maintain the Town’s tourist industry for many years to come."

RESOLVED: (Unanimous) That permission be granted subject to the following 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 4) No further windows to be built to the rear of the premises without planning permission.

Informative:

The decision does not authorise installation of new plant at premises.
103  **18-22 Lottbridge Drove. Application ID: 161366.**

Remove any existing signage and install the new Mazda signage scheme including illuminated signs (revised drawings received) – **ST ANTHONYS.**

Ms Bowen addressed the committee in objection stating that the proposed lighting would be intrusive to the neighbouring properties.

Members requested that the hours of illumination be reduced to 8am to 7pm.

**RESOLVED: (By 6 votes with 1 abstention)** That permission be granted subject to the following conditions: 1-5) Standard advert conditions 6) Approved drawings 7) Illumination not permitted between 7:00pm - 8:00am on any day

**Informative:**

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.

104  **Beach Adjacent To Bowling Green in Royal Parade, Royal Parade, Application ID: 161155.**

Construcation of 3 no. beach volley ball courts – **DEVONSHIRE.**

Members were advised that under the section of the report entitled ‘Heritage and Conservation Issues’ it was stated that Historic England agreed with the assessment that the proposal would result in less than substantial harm to the historic monument. The Historic England response did not explicitly endorse this assessment of the proposal; it stated that the applicant had failed to provide a clear and convincing justification for the proposal to meet the requirement to avoid harm. It was considered that the grant of temporary planning permission would enable the public benefits of the proposal to be fully assessed through a trial period. Historic England had subsequently been notified of the amended report and the officer’s recommendation. This communication was acknowledged by the Inspector of Ancient monuments on 22nd February and no further correspondence had been received from Historic England in respect of this application.

Ms Brachtvogel addressed the committee in objection stating that the proposed volleyball courts would result in an increase in noise and parking issues. In addition she felt that the fence would not be high enough and that the courts were too close to the Redoubt.

Mr Simpson addressed the committee in objection stating that the location was a tranquil area which would be spoiled by users and spectators of the volleyball courts. He also felt that the views to the Redoubt would be spoiled. Mr Simpson also raised concerns on the grounds of noise, security and public safety.
Mr Holland addressed the committee stating that the location was not appropriate and suggested moving the courts to the Sovereign Centre. He felt that the volleyball courts would spoil the area.

Ms Brown addressed the committee in objection stating that the area was tranquil and quiet which would be spoiled with the introduction of the volleyball courts. She also expressed concerns about the toilet facilities and drainage in the immediate area.

Ms Wills, Head of Tourism and Enterprise, addressed the committee in response stating that the location was the most appropriate with regard to tidal impact and beach management. The Redoubt was being transformed into an interactive museum attracting younger visitors to the area. There would be no more than about eight to ten players at any time managed by the contractor. It was anticipated that two tournaments may be held per year on one of the courts with spectators accommodated on the remaining courts. Spinnakers café would be refurbished including the toilet facilities and would manage the bookings for the courts.

**RESOLVED:** (By 4 votes to 2 with 1 abstention) That permission be granted subject to the following conditions: 1) Commencement within three years 2) Temporary planning permission (5 years from date of planning permission), 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) to provide an operational management plan to be submitted and approved by the Council prior to commencement demonstrating how any spectators to the site will be managed to avoid the obstruction of the surrounding seafront promenade 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.

**Informative:**

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 the need to demonstrate that the public benefits of the proposal outweigh the less than substantial harm to the setting of the nearby scheduled monument and to ensure that the impact of the proposal on the scheduled monument is kept under review.

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 – HAMPDEN PARK.

Members were advised that further archaeological investigative works had been carried out due to the potential sensitivity of the site. These works had been confirmed to the satisfaction of the ESCC Archaeology department that the works would be unlikely to affect any significant remains. However, the department still required the imposition of conditions as per their original recommendation to ensure that closing works and reports were provided in-line with those conditions.

**RESOLVED (A): (Unanimous)** That permission be granted subject to a legal agreement covering highway and local employment related issues and the following 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

**RESOLVED (B): (Unanimous)** 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.

**Informative:**

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 should be fully addressed by the applicant.


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) – UPPERTON.

An additional response had been received from the Specialist Advisor for Waste and reported as follows:

- The applicant had widened and reconfigured access since pre-application advice, as requested
- As long as double yellow lines were painted on the road opposite the access, refuse lorries should have no trouble entering the site in reverse gear
- The road into the site needed to be able to accommodate a 26t RCV
- Each property would need space to store 2x240ltr wheeled bins plus 1 x 55ltr glass box

Informative:
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

RESOLVED (B): (Unanimous) 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.

107 Unit 2, Pacific House. Application ID: 161322.

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Drawings 3) The use shall be operated in accordance with the applicants supporting statement submitted on the 25th January 2017 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 it former use a Class B1 Office Floorspace.

108 Update on Housing Delivery.

The committee considered the report of the Director of Regeneration and Planning providing Members with an update on recent housing delivery for the third quarter of the 2016/2017 financial year and the current position in relation to the Five Year Housing Land Supply.

Members noted that the report identified the number of units granted permission in the previous quarter and the financial year as a whole, the number of units with permission that had yet to start construction and the total number of units completed as follows:

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

The report also updated Members on the latest position in relation to the Five Year Housing Land Supply. Eastbourne currently had a housing land supply equivalent to 881 units, which represented 3.41 years supply of land. Therefore a five year housing land supply could not be demonstrated. The process for identifying additional sites was currently underway through the Strategic Housing & Employment Land Availability Assessment and due to complete in spring 2017. The more sites identified as developable through this process, the closer to the Five Year Housing Land Supply requirement would be. This would give Members better control over approvals and greater comfort that refuses would not be overturned on appeal.

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

RESOLVED: That the report be noted.

109 South Downs National Park Authority Planning Applications.

There were none.
110 Appeal Decisions.

There were none.

The meeting closed at 8.46 pm

Councillor Murray (Chairman)
App.No: 161308  
Decision Due Date: 5 January 2017  
Ward: Meads

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

Site Notice(s) Expiry date: 4 December 2016
Neighbour Con Expiry: 22\textsuperscript{nd} December 2016 (first consultation), 20th March 2017 (second consultation)
Press Notice(s): 22\textsuperscript{nd} November 2016.

Over 8/13 week reason: extension of time agreed with applicant to facilitate submission of revised plans.

Location: Ravelston Grange, 10 Denton Road, Eastbourne

Proposal: Proposed Material Change of Use from Residential Care Home (C2) to 9 X residential dwellings (C3), with associated extensions at ground and first floors. New vehicular access from Denton Road and provision of seven parking spaces in front garden area.

Applicant: Mr Paul Piercy

Recommendation: Approve conditionally

Executive Summary:

This application is being put forward for consideration by planning committee at the request of Councillor Robert Smart and given the number of objections received from local residents.

This application proposes the change of use of the existing care home at 10 Denton Road to 9 x 2 bedroom residential units, with associated extensions at ground and first floor rear level. In addition a new vehicular access is to be created facing Denton Road, with the front garden being utilised for seven new parking spaces for the users of the proposed development.

The application has been amended in the course of its consideration and the proposal for a two storey rear extension is now identical to an earlier proposal to extend the care home originally allowed at appeal in 1993.

Overall the proposal is considered to provide a high standard of new residential accommodation and the extensions proposed would not result in a significant loss of amenity for surrounding residents. The provision of new parking to the front of the development should address much of the parking...
demand from the new residential units and, given the existing use will cease, overall there would be a negligible impact on parking demand in the local area.

The proposal is therefore recommended for conditional approval.

**Planning Status:**

The existing building has a long established use as a care home (C2 use class).

**Relevant Planning Policies:**

National Planning Policy Framework
- Achieving Sustainable Development Para 7, Para 9
- Presumption in favour of Sustainable Development Para 14, Para 15
- Core Planning Principles Para 17
- Delivering Sustainable Development Para 19
- Promoting Sustainable Development Para 30, Para 32, Para 35, Para 36
- Requiring Good Design Para 56, Para 57, Para 60, Para 61
- Promoting Healthy Communities Para 69 Para 70, Para 73,
- Conserving and Enhancing the Historic Environment Para 126, Para 131, Para 132, Para 134, Para 137
- Decision Taking Para 186, Para 187

Eastbourne Core Strategy Local Plan Policies 2013
- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- D10: Historic Environment.
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007
- UHT1: Design of New Development
- UHT5: Protecting Walls/Landscape Features
- UHT6: Tree Planting
- UHT7: Landscaping
- UHT15: Protection of Conservation Areas
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR7: Provision for Pedestrians
- TR11: Car Parking

**Site Description:**

Ravelston Grange is a large late 19th Century building currently used as a care home (C2 use class). It is a three storey detached building that is fairly
typical example of the buildings along Denton Road with sloping roof and large projecting gables to the front and rear. There is a flint and brick wall facing Denton Road with a hedge rising to a height of around 2 metres. To the rear there is a large single storey extension understood to have been constructed in the 1990’s, and a large garden beyond that.

To the immediate east of the building is number 10A, a bungalow that appears to have formerly been an outbuilding to Ravelston Grange, and constructed immediately beyond this is a modern two storey house (number 8B) built to the rear of 10A and sharing a boundary with the application site. To the immediate west number 12 is a similar building which has been converted into flats, with a driveway providing vehicular access to parking at the rear of the site.

**Relevant Planning History:**

**EB/1993/0110**  
Part single- and part two-storey extension at rear, to provide additional bedrooms and lounge.  
Refused, three reasons.  
1993-06-28  
Allowed (Five years) - DoE letter 08/12/93.

950208  
Part single and part two-storey extension at rear, and rebuilding of existing outhouse.  
Planning Permission  
Approved conditionally  
25/05/1995

960064  
Part single, part two-storey extension at rear, and single storey extensions to north-east elevation.  
Planning Permission  
Approved conditionally  
23/05/1996

**Proposed development:**

This application proposes the change of use of the existing care home at 10 Denton Road to 9 x 2 bedroom residential units, with associated rear extensions at ground and first floor level. In addition a new vehicular access is to be created facing Denton Road, with the front garden being utilised for seven new parking spaces for the users of the proposed development.

**Consultations:**

*Internal:*
Councillor Robert Smart: Requested that application is heard at planning committee due to level of local objection on amenity and highways grounds.

Specialist Advisor (Arboriculture): No objection.

External:

Highways ESCC: No objection subject to recommended conditions.

**Neighbour Representations:**

**First scheme (December 2016)**

12 Objections have been received and cover the following points:

Design
- Modern design of proposed extension is out of keeping with remainder of buildings within conservation area.
- Proposal is an overdevelopment of the site.

Amenity:
- Proposal will create direct overlooking from roof terrace in to garden of number 8b Denton Road.
- Additional windows in side elevation will result in loss of privacy for occupant of 10a Denton Road.
- Loss of light and overshadowing to number 12 Denton Road.
- Overlooking to number 12 Denton Road from windows in side elevation.
- Noise from car use to new front parking spaces having an adverse impact on adjoining properties.
- Noise from new development experienced from flats.

Highways
- Insufficient parking provided for number of likely occupants.
- Concern that proposal will result in additional traffic congestion given number of additional dwellings proposed.
- Concern that proposal will result in additional demand for on street parking.

Trees
- Loss of trees of amenity value.
- Loss of trees will exacerbate issues with loss of privacy.
- Concern about loss of trees to provide replacement parking.

Other issues
- Concern that flats will be used as student accommodation.
- Concern about noise created by wheely bins to serve proposed accommodation.
Second scheme (February 2017) – (Deletion of roof terraces and privacy screening, new extension to rear).

Six letters of objection raising the following issues.

Design:
- Bulk scale and mass of rear extension is inappropriate given the site is location within a conservation area.

Amenity
- Concern that proposal will result in a loss of privacy to adjoining residential properties (8, 12 Denton Road),
- Concern about additional overshadowing and loss of light as a result of the additional bulk of the development.
- Concern about noise from residents of proposed accommodation, including additional vehicular movements resulting from proposed change of use of front garden to hardstanding and due to additional traffic generated by development.

Trees
- Concern about the loss of trees within a conservation area, particularly given the number of trees lost due to Dutch Elm disease in surrounding area.

Highways
- Concern about danger from additional vehicular movements resulting from proposed development entering and exiting Denton Road.
- Concern that proposal will result in additional traffic congestion in surrounding area.

General
- Concern that the proposal is an overdevelopment of the site and comprises too many units.

Appraisal:

Principle of development:

The proposed development involves the change of use of the existing C2 supported housing to nine independent residential units within the C3 use class.

The existing converted building is currently in use as a care home providing housing for people in need of care. There is no policy in the local plan protecting this use from a change to permanent residential use. The loss of existing special needs housing would be replaced by permanent units which
fulfil an established housing need. Therefore the conversion of the site to permanent residential use is considered to be acceptable in principle.

Nine two bedroom units are to be provided by the development. The residential units would all good levels of daylight and outlook and the sizes of the units exceed the recommended national minimum standards as set out in the table below:

<table>
<thead>
<tr>
<th>UNIT</th>
<th>Total Size</th>
<th>Relevant national standard</th>
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<tbody>
<tr>
<td>1 – 2b 4p flat (2 storey)</td>
<td>86 Sqm</td>
<td>79 Sqm</td>
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<tr>
<td>2. 2b 4p flat</td>
<td>80 Sqm</td>
<td>70 Sqm</td>
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<tr>
<td>3. 2b 4p flat</td>
<td>100 Sqm</td>
<td>70 Sqm</td>
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<tr>
<td>4. 2b 3p flat</td>
<td>63 Sqm</td>
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<td>5. 2b 4p flat</td>
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<tr>
<td>6. 2b 3p flat</td>
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<td>7. 2b 3p flat</td>
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<td>61 Sqm</td>
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<tr>
<td>8. 2b 3p flat</td>
<td>73 Sqm</td>
<td>61 Sqm</td>
</tr>
<tr>
<td>9. 2b 3p flat</td>
<td>67 Sqm</td>
<td>61 Sqm</td>
</tr>
</tbody>
</table>

Overall the principle of the change of use is acceptable and the proposed residential accommodation is of a good standard, and in principle the application is supported in land use terms.

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

The original proposal (submitted in late 2016) involved the construction of a number of roof terraces to the rear elevation on the building to serve the proposed residential dwellings. This arrangement would overlook the surrounding private gardens of the neighbouring properties and following the advice of officers the scheme has been amended with revised plans submitted.

The physical alterations to the rear of the property now involve two extensions, an extension to the existing ground floor rear extension facing 12 Denton Road, and the construction of a projecting gable roof over the ground floor extension to house additional residential accommodation at first floor level.

Whilst the first floor extension will be visible from the garden of 8b Denton Road it is located 3 metres from the site boundary and over 15 metres from the property in question.

Regarding 12 Denton Road, the additional single storey extension would rise to 3.5m in height and will be located 3.5 metres away from the boundary with 12 Denton Road. The first floor extension is located ten metres from this site boundary.
The extensions would be visible from both neighbouring properties and may result in minor changes to the pattern of shadows in surrounding gardens, however given the distances from the site boundary it is considered that there would be no material loss of amenity in terms of daylight levels and outlook and the objections on these grounds cannot be supported.

Both side elevations have existing clear glass windows that currently serve rooms within the existing nursing home. There are some alterations proposed to both side elevations of the existing buildings to provide additional windows for residential accommodation within the new dwellings. Given the existing position, such changes are considered acceptable and would not have a material impact on the overlooking of adjacent properties.

Regarding the first floor extension there are rooflights proposed on the north east elevation (facing the garden of 8b Denton Road), and a new side dormer proposed facing the garden of 12 Denton Road. The rooflights on the north east elevation are stipulated as being 1.7m from floor level. To avoid the perception of overlooking from the neighbouring garden, a condition requires these to be made from obscure glass and fixed shut.

The Dormer window and rooflight on the side elevation of the first floor extension would result in some additional overlooking of 12 Denton Road. In this case however the additional overlooking would not be material given the distance of the extension from the site boundary, and given that the extent to which the existing property already overlooks the rear shared garden area and side windows of this property.

Concerns are also raised regarding noise resulting from the proposed residential use, in particular as the result of the conversion of the front garden area to off street parking. In general, the noise levels from a permanent residential use (including for instance the movement of bins) are likely to be broadly similar to that of the existing use. Any noise resulting from the use of the forecourt for parking would be intermittent and broadly comparable to noise created by cars parking on the main road outside these properties on Denton Road. It is noted that the applicant proposes to plant shrubs on the boundary with both 10A and 12 Denton Road which should mitigate the impact of noise from the adapted front forecourt area.

Overall it is considered for the reasons set out above that the proposal is acceptable in amenity terms and meets the requirements of the Council’s relevant policies including B2 of the Core Strategy and H020 of the Borough Plan (2007).

**Design issues:**

Whilst the loss of the front garden area including associated removal of trees and shrubs is regrettable in conservation terms, its conversion to a
hardstanding for vehicular parking follows the precedent set by other
buildings along Denton Road and for this reason it is difficult to resist. The
applicant provides some screening (shrubs) to mitigate the impact on the
appearance of the building, and details of the replacement boundary wall
facing Denton Road are required by condition.

To the rear the property has been heavily altered previously with the
construction of a large single storey extension. The extension currently
proposed follows the precedent set by proposals approved in the 1990’s but
were not implemented.

The proposed alterations to the rear are not visible from any public
viewpoints in the conservation area and the private views are limited to the
rear gardens of surrounding properties.

Following amendments by the applicants the first floor extension mimics the
traditional features of the building being faced in tile and sash windows that
replicate the traditional style of the building. Overall the extensions are
considered to be sympathetic the character of the host building and the
surrounding conservation area.

The proposal is considered to meet the objectives of the relevant policies on
conservation and design in Eastbourne namely D10 and D10A of the Core
Strategy 2015 and UHT 1 and UHT 15 of the Borough Plan (saved policies)
2007.

Impacts on trees:

The proposals will result in the loss of four trees to facilitate the conversion
of the front garden to a hardstanding.

The Specialist Advisor (Arboriculture) has commented that the loss of these
trees is acceptable as they do not meet the criteria for a tree preservation
order. A detailed landscaping plan is required by condition which will specify
replacement planting.

The plans have been amended to provide a 3.5 metre gap from the new
vehicular access to the young street tree nearby.

Impacts on highway network or access:

A number of objections draw attention to the potential for additional parking
demand resulting from the proposed conversion of the premises to
permanent residential use. At present there is pressure for parking along
Denton Road from users of the adjacent sports facilities at the University of
Brighton. As a result the unrestricted parking available on one side of Denton
Road is in high demand (the other side of the road to the application site has
double yellow lines) there is understandable concern that the new residential development will exacerbate these issues.

Any assessment of the impact of the proposal must take into account the impact of the cessation of the existing use. The Highway Authority advise that under the County Council’s parking demand calculator the existing C2 use would generate an estimated demand for six parking spaces which at present would need to be absorbed within the surrounding street network as there is no parking on site. The proposed use would generate a demand for nine spaces, 7 of which would be off-street. It is clear therefore that the on street parking pressure would be less than the existing use. The NPPF states that local authorities should only refuse planning permission where the residual cumulative highway impacts of developments are severe. Given that seven new off street parking spaces would be provided by the development a reason for refusal on highways grounds would be difficult to sustain at appeal.

A number of detailed conditions have been included on the decision notice reflecting the advice of the Highway Authority. This is primarily for the purpose of highway safety and to ensure that a satisfactory development is achieved in highways terms.

Other matters:

Provision is made on the plans for cycle and waste storage (18 bins in total), this is required to be retained by condition.

The Council have no method of controlling who the ultimate occupants of these unrestricted residential units are and it would not be reasonable to seek to through any planning decision.

The loss of any natural privacy screening resulting from the removal of the existing trees to the front of the site is not a relevant planning reason to resist their removal.

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

Conclusion:
The proposal is acceptable in land use, amenity, conservation and design, highways and arboricultural terms.
**Recommendation:**

Grant conditional permission

**Conditions:**

1. Development within three years

2. Development in accordance with the approved plans

3. You must provide the detailed drawings of the following parts of the development:
   - Elevation of the retained boundary wall facing Denton Road.
   You must not commence works involving the conversion of the front forecourt to off street parking and you must implement the development in accordance with details approved under the terms of this condition.

The development hereby approved shall not be occupied until the reconstructed boundary wall has been completed in accordance with the requirements of this condition.

Reason: To ensure a satisfactory appearance of development and to ensure it preserves and enhances the Meads conservation area in which it is located.

4. You must provide detailed drawings (including elevations and sections at 1:10 minimum) of the following parts of the development:
   - All new windows and doors
   You must not remove any of the existing windows or doors from the building until we have approved what you have sent us and you must implement this permission in accordance with details approved under the terms of this condition.
   Reason: To make sure the appearance of the building is suitable and that it contributes to the character and appearance of the Meads Conservation Area.

5. All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings we have approved or are required by conditions to this permission.
   Reason: To make sure the appearance of the building is suitable and that it contributes to the character and appearance of the Meads Conservation Area.
6. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

7. No part of the development shall be occupied until provision has been made within the site in accordance with plans (Drawing No.262600-06) and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Denton Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

9. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with the submitted plans (Drawing No.262600-06). The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

10. No part of the development shall be occupied until cycle parking spaces and waste storage facilities have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles and storage of waste.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to provide acceptable provision for the storage of waste within the proposed development.

11. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.
Reason: In the interests of road safety

12. Notwithstanding the approved plans, any gate facing Denton Road shall be positioned at least 5 metres back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated. You must not construct any vehicular gate within 5 metres of Denton Road.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

13. You must provide the following details for the approval of the local planning authority:

- Details and technical specification of permeable paving to be used in the front parking forecourt.

You must not start work on the conversion of the front forecourt to a parking area until we have approved what you have sent us and you must implement the permission in accordance with plans approved under the terms of this condition.

Reason: To ensure appropriate provision is made for surface water run-off from the development and to protect the rooting environment of surrounding trees.

14. No works or development shall take place to the garden area at the front of the building until full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

(viii) planting plans;
(ix) written specifications (including cultivation and other operations associated with plant and grass establishment);
(x) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
(xi) implementation timetables.

All 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

15. You must provide the following details for the approval of the local planning authority:

- Detailed landscaping plans on a plan at not less than 1:200 scale showing the position of any trees proposed to be retained including highway trees with root protection areas plotted, and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water.

You must not start work on the conversion of the front garden to a parking area until we have approved what you have sent us and you must carry out the development in accordance with plans approved under the terms of this condition.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

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

16. A2.4m minimum height and 1.5m wide heavy duty hoarding securely and independently mounted around the trunk of the young highway street tree (Elm) on Denton Road outside the proposed development. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels, or chemicals, soil or other materials shall take place inside the fenced area or on the grass verge 3.5 metres either side of the tree.

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

17. The windows that you put in the North East (Side) elevation of the new first floor extension (As shown as being sited 1.7m from FFL on plan
number 262600-05 rev A) must be made from obscure glass and fixed shut and maintained in that position thereafter. Reason: To protect the amenity of neighbouring residential properties.

**Informatives:**

1. The applicant’s attention is drawn to the need for a licence to construct the new access. The applicant should contact ESCC on 0345 6080193 to apply for a licence to ensure the construction is to an acceptable standard.

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

This application is reported to planning committee at the discretion of the Senior Special’s Advisor (planning) in light of the local interest in this and recent applications at the site.

This application proposes the demolition of the existing WRVS building on the junction of Hyde Road and Calverley Road (Eastbourne Town Centre) and its replacement with three townhouses.

The existing WRVS premises are considered surplus to requirements of the WRVS with existing facilities being relocated to alternative venues in close proximity to the site within Eastbourne Town Centre.

The bay fronted townhouses are considered to reflect the prevailing character of the surrounding streetscape of Calverley Road and Hyde Road and represent a good standard of detailed design, with timber sliding sash windows and a rendered finish. The intensity of the development is considered appropriate and it is considered that any parking demand can be absorbed in to the local on street network of parking spaces.

The proposal is therefore recommended for conditional approval.
Planning Status:

The existing building (WRVS centre) falls within the D1 use class (non-residential institutions) and is located within Eastbourne Town Centre.

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
12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C1: Town Centre Neighbourhood Policy.
D1: Sustainable Development
D2: Economy
D5: Housing
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
NE14: Source Protection Zone
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT16: Protection of Areas of High Townscape Value.
HO1: Residential Development Within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO7: Redevelopment
HO20: Residential Amenity
TR2: Travel Demands
TR6: Facilities for Cyclists
TR11: Car Parking

Site Description:
The existing building is a post war community building owned and occupied by the Women’s Royal Voluntary Service (WRVS). It occupies a corner plot bounded by West Street, Hyde Road and Calverley Road. The surrounding Victorian townscape along Hyde Road is characterised by 2 to 3 storey high gable fronted properties, whilst Calverley Road has a uniform appearance of two storey stucco faced terrace buildings. West Street due east has the
characteristics of a service road in relation to the rear of Gildredge Road which contains a number of larger commercial buildings.

**Relevant Planning History:**

160810
Demolition of the existing RVS centre and erection of 3no. 4-bed residential dwellings, changing the use of the land.
Planning Permission
Withdrawn
01/09/2016

161318
Demolition of existing community centre with change of use for a new build residential development comprising of six 2-bed apartments.
Planning Permission
Refused
22/12/2016

**Proposed development:**

The proposal involves the demolition of the existing community centre and its replacement with three new residential dwellings with gardens to the rear facing the retained wall of 1a West Street. The new dwellings are two storeys in height with further accommodation being provided within the roof space. Two of the units are to have pedestrian access from Calverley Road and one will have pedestrian access from Hyde Road.

**Consultations:**

**Internal:**

Specialist Advisor (Conservation):

No objection

"The re-submitted application reverts back to a design based around individual houses, the intention being to create 3 new 3-bedroom properties that align well with the predominantly Victorian streetscape. As such, the new version positively addresses a number of the concerns raised in my previous consultation, for example through the use of render rather than brick and the reduction in height and bulk to better mirror neighbouring property. Its more explicit referencing of the dominant local architectural style also avoids some of the ambiguities of the earlier ‘partial homage’, preferring to adopt major defining features such as timber sash windows, painted render and the use of railings for demarcation at the front of the properties, with
some very minor distinctions at the level of detail. Thus, railings will be crafted in a simpler, more contemporary design and the brick piers at street level will be finished square and without a capping stone. Presumably, the intention here is to differentiate the ‘new build’ from surrounding properties and to attribute a degree of modernity to the development. I am relatively relaxed about these contemporary twists, but, given the overall attempt to strive for authenticity, and to create new build in keeping with such a pleasing and well-established setting, I wonder if there is a case to go for exactitude, certainly with regard to the capping stone.

In general terms, I feel that the new application benefits from an enhanced understanding of the area, and offers an improved design that capably references its surroundings for the various reasons outlined above. On this basis, I do not wish to make an objection.

External:

ESCC Highways:
No objection subject to conditions.

**Neighbour Representations:**

Four objections have been received and cover the following points:

Amenity:
Concern about the increase in height and impact on the daylight amenity levels to surrounding properties (33 and 35 Hyde Road)

Highways:
Concern that the proposal will result in demand for on street parking spaces. Request that redundant parking bay to front of development is removed to increase on street parking for local residents.

Other issues:

Concern that the proposals will harm the structural integrity of the retained building at 1a West Street.

**Appraisal:**

**Principle of development:**

The site is a purpose built community facility run for many years by the WRVS. This application is bought forward by the WRVS as the facility is now surplus to requirements. The design and access statement states that:
'the proposed scheme intends to relocate the existing community facilities amongst the other surrounding community group venues. At present WRVS are directly competing with a local branch of Age UK operating out of the Ventnor Centre. It is therefore WRVS’s intention to support service users from the café/lunch club and activities provided at the Ventnor Centre. This will reduce local duplication between the two charities and encourage greater attendance.’

Policy LCF21 of the Borough Plan (saved policies) states that Planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions) unless it can be demonstrated that there is no longer a demonstrable need for the facility. In this case the building is sited in an area with multiple alternative options and the applicant has at the time of the application relocated the relevant facilities to alternative sites in close proximity to the current building. As such, it is considered that the requirements of policy LCF 21 have been met.

The proposed development comprises 3 x 3 bedroom townhouses. The townhouses span over three floors and provide 130 Sqm of living space in each dwelling. This is in excess of the minimum DCLG standard of 108 Sqm for a three storey, three bedroom unit. All units are double aspect and there is external amenity space in the form of a rear courtyard garden for each unit. The additional housing is welcomed in land use terms.

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

The proposal follows the existing townscape pattern although the main elevation is stepped back 1.5 metres from the terrace along Calverley Road due to the position of the existing building. Consequently the rear elevations are also moved back by 1-2 metres compared with other properties along Calverley Road. In terms of height the proposal incorporates a pitched roof which rises to the maximum level of the ridge of the adjoining roofs along Calverley Road.

The closest property to the site is number 16 Calverley Road. At present the existing WRVS building forms the side boundary of this property and extends to over three metres in height adjacent to the garden area, with assorted plant and railings on top of this area resulting in a somewhat cluttered and untidy appearance. The proposed development involves the demolition of the existing building and construction of a 2.1 metre high boundary wall within bulk of the garden area. As a result of the development the relationship between the site and this property will be generally be improved, although there may be some angled overlooking of the garden area from the rear elevation of the new building. Such overlooking however is considered acceptable as it reflects a common townscape relationship for these terraced houses.
To the rear of the property number 1a West Street is constructed immediately off the current building which infills the whole of the site area. This neighbouring building would therefore need to be supported during the construction process, although this is a matter for the relevant parties to agree through the party wall process and is not a planning matter. The applicant has submitted a plan which shows that the retaining wall will be made good and the existing roof terrace of 1A West Street (currently supported by a wall) will be replaced by a treated timber screen. This is as far as the matter can realistically be taken in the context of this planning application and the matter of future access to the party wall is outside the scope of this planning decision.

With regard to 33 and 35 Hyde Road and the properties on the opposite side of Calverley Road it is acknowledged that there would be some additional bulk from the pitched roof when compared to the existing position. This may have a minor impact on the levels of light to the upper floors of these properties, however the roof form replicates the pattern of development in the surrounding area, and any loss of light would not be significant enough to justify a refusal of planning permission.

Overall it is considered that the proposal is acceptable in principle in amenity terms, meeting the requirements of policy B2 of the Core Strategy and H020 of the Borough Plan (saved policies).

Design issues and impact on conservation area.

The proposal is located within a designated area of High Townscape Value. The east side of West Street is located within the Town Centre and Seafront Conservation Area.

The proposal follows two previous schemes which were of a more contemporary design and attracted significant local objection. The proposed dwellings follow the proportions of the existing buildings along Calverley Road and as such sit well within their setting. The end unit has been orientated towards Hyde Road in a way that replicates the pattern established by numbers 20 and 22 Hyde Road. The rooflights to the second storey are unobtrusive, and the roof is to be covered in natural slate.

The buildings will be sited 1.5 metres behind the remainder of the Calverley Road terrace, as discussed previously this is unavoidable due to the footprint of the existing building and the width of the pavement surrounding the existing building. As such the ridge of the roof would also be moved back by 1.5 metres. Whilst this is not ideal, the general uniformity of the terrace would be preserved in views along Calverley Road and Hyde Road, and the situation is acceptable in design and townscape terms.
A good standard of detailed design is proposed with painted render and stucco mouldings, white painted timber sash windows, painted solid timber doors, galvanised steel railings, natural slate roof covering and conservation rooflights.

Policy D10 of the Core strategy states that Areas of High Townscape Value will be conserved and enhanced. Policy D10A states that development should seek exemplary standards of design and architecture that respects Eastbourne’s unique characteristics. Policy UHT16 of the Borough Plan states that proposals within areas of high townscape value should generally preserve the character and appearance of the area. The proposal is considered to meet the objectives of these policies, enhancing both the area of high townscape value within which it is located and enhancing the setting of the adjacent Town Centre and Seafront Conservation area.

**Impacts on trees:**

Not relevant.

**Impacts on highway network or access:**

A number of objectors express concerns about the additional parking demand that would result from the proposed development. Three additional family sized units are likely to result in additional demand for residential parking in the surrounding area, however this needs to be assessed against the existing community use which itself does not have any off street car parking.

The Highway authority consider that the site is appropriate for zero parking provision given its town centre location and proximity to public transport, and note that the adjoining street is a controlled parking area and permits are currently available for the area in question.

In this context it is considered that a reason for refusal on highways grounds could not be supported as the parking demand can be absorbed in to the local highway network.

Conditions have been added on the recommendation of the local highway authority to require the reinstatement of the vehicular access to Calverley Road, the provision of cycle parking, and for a construction management plan to be approved prior to the commencement of development.

**Planning obligations:**

Not relevant on a development of this scale.

**Sustainable development implications:**

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

**Conclusion:**

The proposal is acceptable in land use, amenity, design and highways terms and is recommended for conditional approval.

**Recommendation:**

Grant conditional planning permission

**Conditions:**

1. Development in three years
2. Development in accordance with approved plans
3. Working hours (8-6 Monday to Friday, 8-1 Saturday)

You must provide the areas for waste storage shown on drawing number 16-1330 01 rev 5 prior to the occupation of the proposed development and these areas must be retained for the purposes of waste storage for the lifetime of the development.

Reason: To provide adequate provision for the storage of waste within the proposed development.

4. The development hereby approved shall not be occupied until an area for the purpose of cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

5. Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the identification of areas for storing materials, plant and
machinery; areas for contractor parking clear of the highway; turning area; size of vehicles, routing of vehicles and hours of operation.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

6. The building shall not be occupied until the existing access off Calverley Road has been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. You must not occupy the development until the full extent of works shown on plan number 161330-123 showing the retained elevation to 1a West street have been completed.

Reason: To ensure that the appearance of the development is satisfactory and to ensure an acceptable living environment for existing and future residents.

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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Appeal Decision
Site visit made on 23 February 2017
by S M Holden  BSc MSc CEng MICE TPP FCIHT MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 6th March 2017

Appeal Ref: APP/T1410/W/16/3164156
12, The Broadway, Lindfield Road, Hampden Park, Eastbourne  BN22 0AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr Barrie Gibson against the decision of Eastbourne Borough Council.
- The application Ref PC/160924, dated 23 August 2016, was refused by notice dated 6 October 2016.
- The development proposed is a change of use of a premises from A1 to C3 (dwelling houses) under Prior Approval class M of GPDO as amended 2015.

Decision
1. The appeal is dismissed.

Procedural Matters
2. The description of the development was not included on the application form, which referred to the planning statement attached to the application. This statement described the proposal as a: “change of use of a premises from A1 to C3 (dwelling houses) under Prior Approval class M of GPDO as amended 2015”. I have used this description in this decision.

3. The Council accepts that the proposal meets the requirements of paragraph M.1 of the GPDO and therefore it constitutes Permitted Development under Class M, subject to the prior approval of certain matters. I have no evidence to lead me to a different conclusion.

4. However, for development to be permitted by Class M of the GPDO, it is also subject to a series of conditions requiring prior approval of the Council in relation to five matters. Four of these, which relate to transport and highways, contamination risk, flood risk and design, are not in contention. The matter in dispute in this case relates to the requirement set out in criterion (d) paragraph M.2.(1) of the GPDO which states that it is for the local planning authority to determine “whether it is undesirable for the building to change to a use falling within Class C3 (dwellings) of the Schedule to the Use Classes Order because of the impact of the change of use”. These impacts relate either (i) to the adequate provision of services of the sort that may be provided by a building falling within Class A1(shops), but only where there is a reasonable prospect of the building being used to provide such services or (ii) where the building is located within a key shopping area, on the sustainability of that shopping area.
Main Issue

5. I therefore consider the main issue is whether or not it would be undesirable for the building to change to a use falling within Class C3 (dwellinghouse), having regard to the effect on the sustainability of the shopping area and the prospects of the unit continuing to be used as an A1 shop.

Reasons

6. The appeal property, No 12, is a ground floor shop within a small, purpose-built parade of shops in the Hampden Park area of Eastbourne. It was previously operating as a tattoo parlour. I understand the unit has been empty for some time, although there were no precise details given relating to when trading ceased.

7. I will deal firstly with criterion (ii) set out in paragraph M.2(1)(d) of the GPDO which seeks to assess the desirability, or otherwise, of a change of use of the building due to its location in a key shopping area. The GPDO does not define a ‘key shopping area’. However, the Core Strategy\(^1\) sets out a hierarchy of shopping centres throughout the Borough. The supporting text explains that the primary purpose of identifying the Borough’s shopping centres is to ensure that everyone has access to a good range of shops. The development plan therefore seeks to sustain and strengthen local centres in order to provide services that are close to where people live.

8. Hampden Park (Broadway) has been designated as a Neighbourhood Shopping Centre (NSC). NSCs are recognised as small-scale centres, below local and district centres, which provide basic daily shopping needs. They primarily serve people within 400m of the centre and comprise predominantly A1 uses with a limited number of A2, A3 and A5 uses.

9. The Hampden Park (Broadway) centre lies within a large housing estate and comprises eleven ground floor retail units with residential accommodation above. All the units have retained their shop fronts, although some are now operating as A3 and A5 uses. Only No 12 appeared to be vacant at the time of my site visit. The purpose-built nature of the development, with the two rows of shops facing each other and on-street parking available, gives this neighbourhood centre a sense of cohesion and separates it from the surrounding residential area. It appears to be performing the role of a locally based shopping facility, as it is highly accessible to those who live in the surrounding area on foot, by bike or using a car. This level of accessibility is an asset, even though the services provided within the centre are limited.

10. No 12 is located at one end of the parade of shops. There are no residential uses on the ground floor elsewhere in the NSC. Therefore, if No 12 was converted into a house it would fundamentally change the character of the parade of shops as a whole. A residential use at ground floor level would be out of keeping with the centre and would directly conflict with the surrounding uses. This would be detrimental to both the functioning and the appearance of the NSC. Contrary to the aims of the Core Strategy to strengthen such centres, it would introduce a sense of decline which would reduce the sustainability of the NSC in the longer term. The proposed conversion therefore fails to meet the test set out in Paragraph M.2.(1)(d)(ii) of the GPDO.

\(^{1}\) Eastbourne Core Strategy Local Plan – adopted February 2013
11. I will now move on to consider criterion (i) set out in Paragraph M.2(1)(d)(i) of the GPDO. This suggests that a change to residential use may be undesirable because it would impact on the adequate provision of services in a particular locality. However, the GPDO goes on to state that change should only be resisted where there is a reasonable prospect of the building being used to provide services that would fall within Class A1 (shops) or Class A2 (financial and professional services).

12. I am aware that immediately to the north of the existing NSC the former Parkfield public house has been converted into a Co-op convenience store. This followed the grant of a Lawful Development Certificate in 2012. Although this building is close to the NSC it has its own parking area and therefore functions independently of the shopping area. However, like the NSC this store provides residents of the estate with access to some of their needs for day to day services. The appellant contends that this has adversely affected the ability of the units within the NSC to trade effectively and has reduced the likelihood of No 12 being able to continue to operate as an A1 unit.

13. I understand that No 12 has been empty for a ‘long time’. However, no further details of the length of this vacant period were provided. Neither was there any evidence presented to demonstrate what, if any, attempts had been made to market the unit at an appropriate price. I therefore cannot be certain that the unit could not operate successfully in the future, thereby increasing the range of goods and services available within this local community. I accept that the presence of the nearby Co-op means that the loss of this particular unit to A1 uses would not significantly affect the provision of services likely to be available to local residents near the Hampden Park (Broadway) NSC. However, prior approval for the change of use is not supported where there is a reasonable prospect of the building being used to provide other services falling within Class A1(shops) of the Schedule. In the absence of evidence to the contrary, the proposal therefore fails to meet the test set out in paragraph M.2(1)(d)(i) of the GPDO.

Conclusions

14. Taking all these factors into account, I conclude that it would be undesirable for the building to change to a use falling within Class C3 (dwellinghouse). This is because its loss would undermine the sustainability of this purpose-built NSC as a whole. In addition there was no substantive evidence to suggest that the unit could not be used for A1 uses in the future. The proposal therefore fails to satisfy the conditions of a prior approval under Class M of the GPDO.

15. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR
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Appeal Decision

Site visit made on 21 February 2017

by Michael Evans BA MA MPhil DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th March 2017

Appeal Ref: APP/T1410/D/16/3165717
65 Moy Avenue, Eastbourne BN22 8UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Natalie Edwards against the decision of Eastbourne Borough Council.
- The application Ref PC/160677 was refused by notice dated 13 October 2016.
- The development proposed is to erect raised decking to the rear of the property.

Decision

1. The appeal is allowed and planning permission is granted to erect raised decking to the rear of the property, at 65 Moy Avenue, Eastbourne BN22 8UQ, in accordance with the terms of the application, Ref PC/160677, subject to the following conditions:

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

   2) The development hereby permitted shall be carried out in accordance with the approved drawing labelled '3rd draft' showing a front elevation, side elevation and top elevation all at a scale of 1:50.

   3) Prior to the decking hereby permitted being brought into use, the privacy screens with a height of 1.8m above the decking shall be erected in accordance with the approved plans and thereafter be retained as such.

Main issues

2. The main issues in this appeal are:

   - The effect on the living conditions of the occupiers of the adjacent dwelling at 67 Moy Avenue, with regard to sunlight, daylight, overlooking and whether the development would be overbearing.

   - The effect on the character and appearance of the host dwelling and locality.

Reasons

3. The semi-detached host dwelling has a single storey rear extension which, according to the Council, projects a total of 5m. It extends 3m along the boundary with the attached dwelling at no. 67 and then tapers so that the end
is set back 2m. The proposal would result in a terrace being created on a rectangular area of decking 1.1m above the level of the garden. This would be attached to the end of the existing extension and project a further 3m. Privacy screens along the sides adjacent to the neighbouring gardens would rise 1.8m above the decking. There would be centrally located steps down to the garden at the end, extending a further 2m with a width of 2m.

4. There is a 2m high fence along the part of the boundary with no. 67 that would be adjacent to the proposed structure. The top of the privacy screen at this side, with a height above ground level of 2.9m, would only project above the fence to a fairly modest degree. As a result the additional bulk visible from no. 67 would be relatively limited. Moreover, it would be at a distance of 2.3m from the boundary. In these circumstances the development would not result in any significant reduction in outlook from the lounge window, or within the garden at the neighbouring property despite its lower ground level. The development would not therefore be overbearing.

5. The fairly modest height and set back from the boundary would also ensure there was no undue loss of sunlight or daylight. The position and height of the privacy screens would prevent any unacceptable overlooking of the adjacent properties. To ensure this a condition could be imposed requiring the screens to be erected and retained.

6. In consequence there would be no detrimental effect in relation to any of these matters, even taking into account the cumulative effect of the previously approved extension. It is therefore concluded that the living conditions of the adjacent occupiers would not be harmed. Given the relationships that I have found this would be the case even if the existing vegetation in the vicinity were to die or be removed.

7. There would be no conflict with Eastbourne Borough Plan 2001-2011 Policy HO20, the aims of which include matters such as preventing an unacceptable loss of outlook and light. There would also be compliance with the aim of Core Strategy Local Plan Policy B2 to protect the residential amenity of existing residents. The development would satisfy the core principle of the National Planning Policy Framework (The Framework) that planning should always seek to secure a good standard of amenity for existing occupants of buildings.

8. The maximum height of the new structure would be 2.9m but only to the sides for a depth of 3m. The top of the balustrade at the end would be significantly lower. There would also be a gap of 2m at the rear with nothing above a height of 1.1m to allow use of the steps. Despite its width of 8m, the development would, as a result, be of a fairly modest scale, mass and bulk.

9. This would be the case even if considered cumulatively with the attached single storey extension. The latter would be noticeably taller and bulkier, with the proposed development being highly subordinate to it. Moreover, the resultant appearance would reflect the rear extension and decking permitted by the Council and subsequently constructed at 61 Moy Avenue.

10. In consequence, the development would be appropriate and sympathetic in its relationship with the host dwelling, the adjacent properties and their settings. As a result, the character and appearance of the host dwelling and locality would not be harmed. Core Strategy Local Plan Policy D10A intends that new development should make a positive contribution to the townscape and must
respect, preserve or enhance local character. This would be satisfied, with the proposal adding visual interest at the back of the property due to the additional vertical and horizontal articulation. There would also be compliance with the core planning principle of the Framework that planning should seek to secure high quality design.

11. I note that a previous application for an extension and decking was refused with the subsequent appeal being dismissed. The Council’s report indicates that the decking in this case was adjacent to the boundary, as opposed to the current scheme where it would be set back significantly. In any event, I must consider this appeal on its own merits.

12. Taking account of all other matters raised, there is no reason to reject the proposal given the absence of harm and the appeal succeeds. In reaching this decision I have considered the representations made by residents.

13. A condition specifying the approved plans is necessary to provide certainty in addition to that concerning the privacy screens referred to above.

\textit{M Evans}

INSPECTOR
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