App.No: 161339  
Decision Due Date: 10 January 2017  
Ward: Meads

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

Site Notice(s) Expiry date: 10 December 2016  
Neighbour Con Expiry: 10 December 2016  
Press Notice(s): 22 November 2016

Over 8/13 week reason: To report to Conservation Area Advisory Group, assess neighbouring objections and report to planning Committee

Location: 3-5 Carlisle Road, Eastbourne

Proposal: Proposed extension to rear of property to create enlarged kitchen and restaurant and repositioning of female WC.

Applicant: Zia Kahademi

Recommendation: Approve conditionally

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.