

## Delegated Officer Report -

<b>App.No:</b> 240386 (PPP)	<b>Decision Due Date:</b> 28 August 2024	<b>Ward:</b> Upperton
<b>Officer:</b> Emma Wachiuri	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 1 August 2024 <b>Neighbour Con Expiry:</b> 1 August 2024 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> South View, 40-42 Upperton Road, Eastbourne		
<b>Proposal:</b> Replacement of existing balconies to front elevation		
<b>Applicant:</b> Prideaux House Ltd		
<b>Recommendation:</b> Approve conditionally		

### **Planning Status:**

Block of residential flats

### **Constraints:**

#### **Convenants**

Gilbert Estate

### **Source Protection Zones**

3

### **Relevant Planning Policies**

#### **NPPF 2023**

#### **Eastbourne Core Strategy Local Plan 2006-2027**

B1 Spatial Development Strategy and Distribution

C2 Upperton Neighbourhood Policy

D5 Housing

D8 Sustainable Travel

D10 Historic Environment -Archaeological Notification Area

#### **Eastbourne Borough Plan 2001-2011**

TR4 Quality Bus Corridors

HO2 Predominantly Residential Areas

NE14 Source Protection Zone

**Site Description:****Application site:**

The site comprises a 12-storey block of residential flats located to the north side of South View.

The building has balconies in the front elevation constructed of facing glass balustrade with white metal.

The site is neither located within a designated Conservation Area, nor is the building statutorily listed.

The surrounding streetscene is varied.

**Relevant Planning History:**

EB/1977/0227

PROV OF SUN BLIND OVER F/BALCONY ON 10TH/FL

Approved Unconditional

1977-06-21

EB/1970/0482

PROV OF SUN BLIND OVER FRONT BALCONY ON 10TH/FL

Approved Unconditional

1970-10-08

EB/1966/0172

ERECTION OF 11/ST BLOCK OF 44 FLATS & PENTHOUSE WITH 2 INTEG GARAGES & BLOCK OF 23 GARAGES & 19 PARKING SPACES

Approved Conditional

1966-04-07

EB/1964/0404

ERECTION OF 11/ST BLOCK OF 42 FLATS TOG WITH BLOCK 23 GARAGES, 19 PARKING SPACES

Approved Conditional

1964-08-13

EB/1963/0476

ERECTION OF 11/ST BLOCK OF 42 FLATS TOG WITH 23 GARAGES & PARKING FOR 22 CARS

Approved Conditional

1963-12-02

EB/1962/0338

ERECTION OF 8/ST BLOCK OF 51 FLATS & A PENTHOUSE

Refused

1962-08-09

EB/1959/0581

DEM & ERECTION OF A 5/ST BLOCK OF 20 FLATS WITH 2 PENTHOUSES, 12 GARAGES AT REAR

Approved Conditional

1960-01-07

EB/1959/0212

4/ST BLOCK OF 20 FLATS & BLOCK OF 10 GARAGES WITH STORE

Approved Conditional

1959-06-25

EB/1958/0379

DEM & ERECTION OF 4/ST BLOCK OF 8X2 BED FLATS & 6 GARAGES

Approved Conditional

1958-09-11

EB/1958/0302

A) CONV OF 2 S/C FLATS, B) ERECTION OF BUNG & GARAGE ON REAR MOST OF  
BACK GARDEN

Approved Conditional

1958-07-24

EB/1950/0429

CONT OF USE AS PRIVATE GUEST HOUSE

Approved Unconditional

1950-12-21

020356

Replacement of all windows in block.

Planning Permission

Approved unconditionally

23/09/2002

020358

Change existing window and door with PVCu.

Planning Permission

Approved unconditionally

16/09/2002

060036

Installation of replacement UPVC windows and doors.

Planning Permission

Approved unconditionally

27/02/2006

060391

Installation of UPVC French doors to balcony

Planning Permission

Approved unconditionally

14/08/2006

060725

Installation of replacement double glazed windows and doors in white  
UPV C

Planning Permission

Approved unconditionally

11/12/2006

120355

Retrospective application under section 73a for the installation of  
replacement windows.

Planning Permission

Approved unconditionally

03/10/2012

120650

Installation of replacement windows (F I at 34)

Planning Permission

Approved conditionally

04/12/2012

190037

Conversion of 2 existing flats into 4 x 1-bed flats, including  
alterations to 3rd floor fenestration

Planning Permission  
Approved conditionally  
28/03/2019

960344

New PVCu windows in south east elevation.

Planning Permission  
Approved unconditionally  
22/08/1996

960437

Provision of 20 parking spaces on the site of a disused tennis court, involving the demolition of one existing garage to provide access.

Planning Permission  
Withdrawn

27/02/1996

960518

Change Crittall windows to PVCu double glazed windows in keeping with the same pattern.

Planning Permission  
Approved unconditionally  
04/04/1996

970173

Change all windows and doors on east elevation from timber single-glazed to UPVC double glazed units (as already provided to central penthouse and on south elevation).

Planning Permission  
Approved unconditionally  
28/08/1997

**Proposed development:**

Replacement of existing balconies to front elevation

The applicant states that the existing set of balconies is suffering from structural deterioration hence the need for replacement.

**Consultations:**

**Internal:**

None

**External:**

Building Control Manager – No comment received

**Neighbour Representations:**

Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the application site;
- A site notice has been displayed in the vicinity of the application site;

Eight comments have been received following public notification regarding the application, which raise objection on the following concerns, but which are not material planning considerations that cannot be taken into account in determination of this application:

1. Construction related disturbances  
(Officer comment: These matters are covered by Environmental Health legislation)
2. Cost of repairs vs replacement
3. Costs to be borne by leaseholders
4. Damage to apartments
5. Failure to insure the building
6. Failure to maintain the building, resulting in the proposed works.

### **Appraisal:**

#### **Impact upon the amenity of neighbouring occupants**

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.

The proposal relates to the replacement of existing balconies on the exact position of the existing and therefore would not introduce any new impact on neighbour amenity in terms of loss of privacy, outlook or loss of daylight.

#### **Design quality and impact upon the street scene and visual amenity of the area:**

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and paragraph 135 of the NPPF

The existing balconies comprise of glass balustrade set on a painted white metal frame. The proposed materials and finishes are aluminum vertical bar balustrade with 15-degree inward slope handrail.

The proposed materials and design are considered acceptable in the streetscene.

#### **Ecology and Biodiversity:**

The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require at least 10% biodiversity net gain (BNG) for all new development to be delivered as a condition of a planning permission. However, some developments are exempt from BNG requirements.

The site's landscaping will be left largely unchanged, except for a 1.1 m wide stripe of soft landscaping directly in front of the building, which is proposed to be put to hard standing to move the existing driveway away from the structural elements of the new balconies to retain suitable access width and parking. To offset this the existing area of hard landscaping now between the central balconies in front of the ground floor units will be laid to soft landscape.

7no new raised planter beds are proposed at the base of the supporting columns. The raised beds are proposed to be planted with native flowering plants.

The area proposed to be put to hard standing is 24.88 m<sup>2</sup> of managed lawn

The proposed development given it's nature and scale is not considered to decrease the biodiversity value of the site nor impact a priority habitat and is thus exempt from the Biodiversity net gain (BNG) rules.

#### **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:**

Approve conditionally

**Recommendation:**

As discussed above the proposed development would not result in material harm to the character and appearance of the area or to neighbours' living conditions and there would be no harm in relation to highway safety.

The scheme therefore would represent sustainable development and would comply with the Local Plan as a whole and the guidance in the NPPF and is recommended for approval.

**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**.