

Application No. PC/210789

BUILDING PLAN DESIGN LTD
25 Long Beach Close
Sovereign Harbour North
Eastbourne
BN23 5QA

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION TO DEVELOP LAND SUBJECT TO CONDITIONS**

Location: Derry Down, 367 Victoria Drive, Eastbourne
Proposal: Garage conversion and erection of a first floor side extension, erection of front porch and raised rear terrace
Decision Date: 19th October 2021


In pursuance of their powers under the above Act, the Council as Local Planning Authority hereby permit you to develop land in accordance with the proposals set out in your application and shown on the plan(s) listed, subject to the conditions as specified hereunder:-

SEE SCHEDULE OF CONDITIONS AND REASONS ATTACHED

This permission must **not** be treated as an **approval under the Building Regulations** which may require **a separate application** and is granted subject to due compliance with the general statutory provisions in force in the Borough and nothing herein shall be regarded as dispensing with such compliance.

Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

This permission does not convey any approval to carry out alterations to the public highway, which will require separate consent from the Highway Authority.



Leigh Palmer
Head of Planning

EAST SUSSEX ACT 1981
SECTION 35

- (1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show:
 - (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended; and
 - (b) that the building or, as the case may be, the extension of the building, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 64(2) and section 65(2) to (5) of the Act of 1936; (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.
- (4) Any person aggrieved by the action of the District Council in rejecting plans under this section may appeal to a Magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the Fire Brigade shall be construed as reference to a means of access adequate, or, as the case may be, inadequate for use for fire-fighting purposes by means of one or more Fire Brigades and their appliances.

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

Appeals

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990; within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at: Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN
or online at: www.gov.uk/government/organisations/planning-inspectorate.

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Authority based its decision on a direction by the Planning Inspectorate.

Purchase Notices

If either the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

In these circumstances, the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, the National Park authority for that Park), or in any other case the district council (or County Council which is exercising the functions of a district council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.

Statement of positive and proactive action

The Council has published its saved policies of the Borough Plan 2007 and the Core Strategy Local Plan 2013 on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The Council also offers a pre application advisory service which applicants are encouraged to engage with prior the submission of any application.

Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

SCHEDULE OF CONDITIONS AND REASONS

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on **07th September 2021**:

- Drawing: 51-21 rev A

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

- 3) The external finishes of the development, hereby approved, shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan and policy D10a of the Eastbourne Core Strategy.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order or revoking and re-enacting that order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern (side) elevation of the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

Reason: To protect the amenities of adjoining residential properties in accordance with saved policy HO20 of the Eastbourne Borough Plan.

- 5) Prior to the first use of the raised terrace hereby approved, privacy screens shall be in place in accordance with the details shown in the approved plans and shall remain in place thereafter for the lifetime of the development.

Reason: In the interest of environmental and residential amenities in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

Informatives:

- 1) The material considerations in the determination of this application were:

- Design and the impact upon the character of the area; and
- Amenity of neighbouring occupants;

In determining this application, Officers consider that the development, hereby approved, is acceptable in terms of the above material considerations and meets the requirements of adopted and emerging Development Plan policy.

- 2) In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework.

- 3) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You are advised that carrying out any building works that can be heard at the boundary of the site, including demolition, site clearance or building operations, should only take place only between the hours of 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays.
- 4) Your proposals may be subject to control under the Building Regulations which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings.
- 5) This permission may be Liabile for CIL (Community Infrastructure Levy) and would advise you to contact the CIL Team at CIL@lewes-eastbourne.gov.uk prior to work starting on site to ensure that the CIL Regulations have been complied with. Failure to comply may result in surcharge, immediate payment of the outstanding Liability and loss of opportunity to apply for any relief.
- 6) The impacts of the proposal have been fully assessed as part of the application process. Public consultation has been undertaken in accordance with statutory requirements. The human rights considerations have been taken into account fully in balancing the planning issues and the proposals will not result in any breach of the Equalities Act 2010.
- 7) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. 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.



Leigh Palmer
Head of Planning