



16 January 2019

Dear Members of the Eastbourne Borough Council Planning Committee

Planning Committee - 22 January 2019 – Late Report

I enclose, for consideration, the following agenda report for the above meeting, which was omitted from the original agenda pack due to a clerical error. The Chair has agreed that it is necessary for the application to be considered at this meeting rather than be deferred for a future meeting, and accordingly the report is attached.

**Item Item
No**

9 4 Denton Road, Eastbourne. Application ID: 181020 (Pages 1 - 8)

Yours sincerely

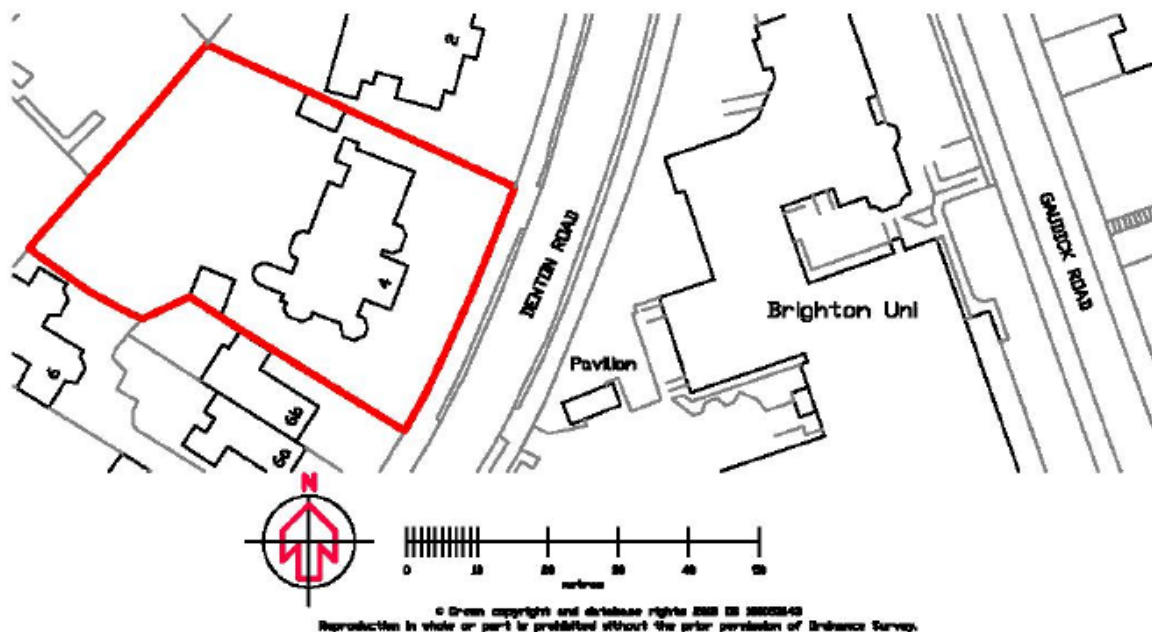
Committee Services
committees@lewes-eastbourne.gov.uk
01323 410000

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Agenda Item 9

App.No: 181020	Decision Due Date: 27 December 2018	Ward: Meads
Officer: Danielle Durham	Site visit date: 7 December 2018	Type: Planning Permission
Site Notice(s) Expiry date: Neighbour Con Expiry: Press Notice(s):		
Over 8/13 week reason: To allow the application to be discussed at planning committee		
Location: 4 Denton Road, Eastbourne		
Proposal: Proposed conversion of lower ground floor area to self-contained flat.		
Applicant: St Marys Homes		
Recommendation: Refuse planning permission		
<p>Reasons for recommendation The proposed development is discordant with policies B2 Creating Sustainable Development, whilst the proposal does provide space for Cycle storage space and a small outside amenity space for the occupiers it is considered that the proposed size of the internal amenity space, layout, natural light and natural ventilation is inadequate for a 2bedroom 2person dwelling. This level of amenity would be at such a level that the proposal would be discordant with Policy B2 Creating Sustainable Development as it would not provide adequate quality living environment for the future occupiers as a result.</p> <p>The proposed access to the proposed dwelling would provide a significant level of additional overlooking and loss of privacy habitable rooms in the flat above and as such is considered discordant with policy HO20 Residential Amenity.</p> <p>The proposed refuse storage location is considered in appropriate and discordant with policy B2 as it does not provide adequate waste storage facilities.</p> <p>The proposal has not satisfied the Local Planning Authority that there is adequate parking provision or suitable cycle storage and would be discordant with policy B2 Creating Sustainable neighbourhoods.</p>		

Contact Officer(s): **Name:** Danielle Durham
Post title: Customer Caseworker
E-mail: danielle.durham@eastbourne.gov.uk
Telephone number: 01323 415489



1 Executive Summary

- 1.1 This application is being reported to committee given the number of objections received and at the request of the ward councillor for the application to be discussed in a public forum.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
Paragraph 102 promoting Sustainable transport
Paragraph 117 Making effective use of land
Paragraph 122 Achieving appropriate densities
Paragraph 124 Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C11 Meads Neighbourhood Policy
D5 Housing

D10 Historic Environment
D10a Design

- 2.3 UHT16 Area of High Townscape Value
HO2 Predominantly Residential Areas
HO20 Residential Amenity
UHT1 Design of New Development
UHT2 Height of buildings
UHT4 Visual Amenity

3 Site Description

- 3.1 The site consists of a large detached Victorian style building which has been subdivided into flats during the 1980's. The property has a large off street parking area to the front of the building with two entrances and two garage blocks.
- 3.2 The site has a basement area/ coal storage area which is currently accessible from the rear of the building via a small entrance and steep steps. The area is currently used as a meter cupboard for the purpose of all the flats in the block and storage.

4 Relevant Planning History

- 4.1 No relevant planning history.

5 Proposed development

- 5.1 The applicant is seeking planning permission to convert the existing cellar into a two person one bedroom self-contained flat. This would be achieved by way of alterations to the existing internal layout, removing internal walls from the coals stores and store rooms and creating a dividing wall separating the meter cupboard from the proposed flat.

The flat is proposed to have a sole entrance from the front of the building by way of excavating an area to the front of the proposed flat. The flat is proposed to have a studio layout with a separate kitchen dining room and bathroom.

6 Consultations

- 6.1 Specialist Advisor (Conservation)
The application does not create any challenge to the character and appearance of the conservation area setting- no objection
- 6.2 CIL
The proposal would not be CIL Liable
- 6.3 Highways ESCC
It is not necessary to provide highway authority comments. Please consult the

minor planning application guidance.

7 Neighbour Representations

7.1 Objections were received from 7 neighbours and cover the following points:

- Loss of privacy
- light nuisance from stairwell is not provided
- inappropriate materials
- flooding risk
- refuse and recycling provisions proposed location would create smell impact to adjacent flats.
- parking provision
- lack of light to proposed flat further reduced as a result of parked cars in car park

The representations included in this summary only include material planning considerations that can be taken into account when deciding a planning application.

8 Appraisal

8.1 *Principle of development:*

There is no objection in principle to the creation of new dwellings on brownfield land on the basis that it does not materially impact of the visual and residential amenities of surrounding properties and complies with local and national planning policies.

8.2 *Amenity of future occupiers:*

The proposed flat is single storey and for 2 occupants it is also proposed to have bin storage available within the excavated courtyard and bike storage proposed inside the flat.

The studio room area to the front of the proposed dwelling would be approx. 14m² which is larger than the guidelines set out by the Nationally described space standards which indicated that bedrooms should be a minimum of 11.5m². The overall space of a 2 person 1 bed property should be 50m² as a minimum as set out by the Nationally described space standards the proposed dwelling would be 62m² which exceeds the guidance.

The proposed bedroom/ living room would be approx. 14.m squared in the main part of the room with an additional 5m from the existing hallway that is partially separated by elements of the existing internal walls. It is considered this space is larger than needed by the technical space standards but is not considered to provide appropriate living accommodation for future occupiers in accordance with Policy B2 on the basis that it only benefits from a single window below ground level, due to the orientation of the property, from late morning onwards there would be limited natural light as the flat will be in the shadow of the building.

It is considered that the proposed layout would provide for one access into the property, this would be through the bedroom/ living room. To access the bike storage internally bike would need to be taken down the access step then through the bedroom/ living room to the storage area. This is considered an inappropriate location for cycle storage and is unlikely to be used as such by future occupiers.

The storage area proposed is 12.3m squared and this is considered an excessively large storage area that would have potential of being used as a bedroom or such like, as the guidance size for a single bedroom is that it should be 7.5m squared in floor space. This space would be inappropriate to use as anything other than storage in the basis that there is no windows, ventilation or natural light. Building Control would also likely have concerns about this room being used for anything other than storage due to the layout and fire risk.

It is also considered that the proposed refuse and recycling storage area for two wheelie bins is proposed in an unsuitable location at the bottom of the low level courtyard as the occupants would need to carry full bins up these steps.

In summary the proposed new dwelling is considered discordant with policy B2 on the basis that it would provide substandard levels of natural light, outlook and residential amenity space for the future occupiers. Although the proposed dwelling would provide 62m squared of internal floor space 12.3 of those meters squared are for storage that cannot be expected to be used as part of the dwelling space.

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

The proposed windows to the new dwelling would be below ground level and would as such not cause an impact of overlooking to neighbouring properties as they do not face into or overlook a window serving a habitable room. Loss of privacy under Policy HO20 requires that development does not provide a substantial loss of privacy or overlooking of habitable rooms. Overlooking into a car park would not create a substantial impact of overlooking. It is however considered that the proposed access and the steps to the access would run alongside the front elevation of the building and there is two existing windows serving a separate flat adjacent to the proposed access on this elevation. There is no information provided with this application to demonstrate that these do not serve habitable rooms. Objections have been received from the resident of this flat identifying these windows to be serving bedrooms. It is considered that to access the flat the entrance would provide a significant level of overlooking into these rooms to a level that is not currently possible as there is existing trellising and foliage which prevent people from getting as close to the windows as would be necessary to enter the proposed new flat. It is considered that on this basis the proposal would be contrary to policy HO20 as it would result in substantial loss of privacy to the flat above the proposed dwelling.

8.4 *Design issues:*

It is considered that the proposed development would have limited visibility to

the street scene as it would be primarily subterranean except the proposed railings surrounding the sunken courtyard. It is considered that the proposal would be in accordance with policy D10a Design.

8.5 *Impacts on highway network or access:*

There is proposed to be cycle storage at the property but no provision for parking. Highways Guidance provides that a new dwelling must provide cycle storage for 1 bike for a 2 person 1 bed dwelling. This has technically been provided however to use this storage the bikes must be taken down a set of stair and then through the entirety of the flat. It is considered that the location of the proposed cycle storage will not promote the use of a bike and cycling. Based on the comments received from neighbours the parking on site is allocated already and as such there is insufficient evidence to demonstrate there is sufficient parking facilities available on street with the high demand due to the university.

8.6 *Other matters:*

Objections have been received objecting to the proposed flat encroaching into land owned by another leaseholder. Ownership of the land is a private matter to be arranged between the parties and not a planning matter as planning applications can be submitted on land not owned by the applicant on the basis the appropriate notifications are undertaken.

Objections have been raised regarding plans not being available to view, these have been posted out to neighbours when requested and are available online.

Objections have been received regarding the disruption potential that would be caused as a result of the proposed development. The disruption of building works is not a material planning consideration that can be taken into account when deciding planning applications.

Comments have been raised about possible damage to the building as a result of the works, this is a private matter that should be dealt with by the parties involved and they third party wall act. Damage to neighbouring properties/ flats or subsidence as a result of the works is not a material planning consideration that can be taken into account.

Objectors have also raise concerns over the lack of pre-application consultation and discussion between the applicant and leaseholders in the building. Pre-application discussions and not a legal requirement however the applicant is required to serve a notice on the other leaseholders and complete the appropriate certificate of ownership which has been undertaken.

8.7 *Sustainable development:*

The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of housing. As of 1 April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals.

The National Planning Policy Framework (NPPF) supports sustainable residential development and planning permission should be granted to meet local and national housing needs. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 1 dwellings.

This application complies with many national and local policies. This is a brownfield, windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. Currently the Borough does not meet the required 5 years' worth of housing land supply and this application would contribute a net gain of 1 dwellings towards this.

8.8 *Summary:*

It is accepted that Eastbourne are unable to demonstrate a 5 year housing land supply and as such in accordance with the National Planning Policy Framework sustainable residential development should be supported unless the impacts of doing so in terms of policies of the framework as a whole would demonstrably outweigh the benefits of granting consent. In this instance the proposal would cause harm that would outweigh the benefit of the development and therefore it should be refused.

9 Human Rights Implications

9.1 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.

10 Recommendation

10.1 Refuse Permission

The proposed development is discordant with policies B2 Creating Sustainable Development, whilst the proposal does provide space for Cycle storage space and a small outside amenity space for the occupiers it is considered that the proposed size of the internal amenity space, layout, natural light and natural ventilation is inadequate for a 2bedroom 2person dwelling. This level of amenity would be at such a level that the proposal would be discordant with Policy B2 Creating Sustainable Development as it would not provide adequate quality living environment for the future occupiers as a result.

10.2

The proposed access to the proposed dwelling would provide a significant level of additional overlooking and loss of privacy habitable rooms in the flat above and as such is considered discordant with policy HO20 Residential Amenity.

10.3

The proposed refuse storage location is considered in appropriate and discordant with policy B2 as it does not provide adequate waste storage facilities.

10.4

The proposal has not satisfied the Local Planning Authority that there is adequate parking provision or suitable cycle storage and would be discordant with policy B2 Creating Sustainable neighbourhoods.

11 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.