

App.No: 170725	Decision Due Date: 3 rd August 2017	Ward: Devonshire
Officer: Luke Simpson	Site visit date: 1 st August 2017	Type: Planning Permission
Site Notice(s) Expiry date: 2 nd July 2017		
Neighbour Con Expiry: 2 nd July 2017		
Press Notice(s): N/A		
Over 8/13 week reason: Cycle of Planning Committee meetings and being deferred at August committee for additional information		
Location: 21 Susans Road, Eastbourne and 10 Pevensey Road		
Proposal: Full height extension to side of Susans Road elevation (north west elevation) with false pitch roof and front facing windows and door to street, infilled shop window on Susans Road elevation to be replaced with door to street and window, two roof lights to rear, reinstatement of light wells with associated lower ground floor door and window configurations and decorative railings to be installed along road- facing frontages. Conversion of shop unit to residential with all associated internal alterations and removal of shopfront on Pevensey Road elevation to provide bay window. Development will result in net increase of three dwellings, 6 to 9 (revised description)		
Applicant: Mr Perkins		
Recommendation: Approve conditionally and subject to a Section 278 Legal Agreement between the applicant and East Sussex County Council		

Executive Summary:

This application was reported to Planning Committee in August 2017 and was deferred for two reasons:-

- **Clarification on light-well construction (Highway structural integrity).** Details have been supplied and are deemed acceptable (full approval rests with ESCC Highways)
- **Clarification over the layout of the size of the apartments (existing and proposed)** For the reasons outlined within this report the proposed accommodation is deemed to be acceptable.

Proposed development includes the reconfiguration and extension of a building currently in mixed use to provide all residential units with a net gain of three new residential flats.

The scheme has been amended since its last submission to provide a more visually harmonious development befitting the street, with less opportunity for overlooking and improved internal reconfiguration with a reduction in numbers of bedrooms. As such, it is considered that the proposed scheme is appropriate and is recommended for approval subject to conditions and informatives.

Planning Status:

Mixed use property located within a Conservation Area and adjacent to a Grade II Listed Building

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
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- D1: Sustainable Development
- C1: Town Centre Neighbourhood Policy
- D10: Historic Environment
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO6: Infill Development
- HO20: Residential Amenity
- NE14: Source Protection Zone
- TR2: Travel Demands
- TR7: Provision for Pedestrians
- TR11: Car Parking
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT15: Conservation Area

Site Description:

The application property is a three storey property which stands on the corner of Susans Road and Pevensey Road.

The bulk of the 21 Susans Road frontage has the general appearance of a residential property, with the corner on the crossroads at ground floor level given over to a shopfront and associated advertisements. The front elevation is stepped (difference of approx. 0.45m); with a portion of the building at the Pevensey Road end projecting slightly further forward than the bulk of the elevation. To the north is a void between nos. 21 and 23 Susans Road and enclosed by a wall and double gates at ground floor level. The side elevation (facing 23 Susans Road) is free from adornments or features, except for a window serving each of the storeys towards the rear.

A canted elevation addresses the corner at the crossroads, enhancing the prominence and subtle design influences of the building when viewed from the direction of the crossroads.

The Pevensey Road elevation appears to be more of a mixed use, with full width retail unit to the ground floor and two storeys of residential above.

The building is rendered and painted white and the windows appear to be uPVC units.

Approximate details of the existing units within the building appear below:

TABLE 1

Unit	No. of bedrooms	Internal floor space
Shop (over basement and ground floors)	N/A	124m ²
Basement Flat	1	38m ²
Ground Floor Flat	1	31m ²
Flat 1	1	30m ²
Flat 2	1	56.5m ²
Flat 3	1	54.5m ²
Flat 4	1	30m ²

Relevant Planning History:

A number of applications are related to the commercial property at the site. The most recent relevant applications are reported below:-

EB/1990/0174

Change of use from Guest House to flats on the first and second floor Approved Conditional
1990-05-22

EB/1993/0361

Formation of self-contained flat to lower ground floor Approved Conditional
1993-10-12

940124

Change of use of maisonette on first and second floors to two self-contained flats, together with alterations to existing shopfront.

Planning Permission

Approved conditionally

26/01/1995

940269

Formation of self-contained flat to the upper ground floor.

Planning Permission

Approved unconditionally

20/04/1994

160376

Four storey extension to North-west elevation and conversion of retail unit to residential accommodation. Use of extended building as 9 residential units.

Reinstatement of light wells with decorative railings. Associated internal and external works .

Planning Permission

Refused

27/05/2016

Proposed development:

The applicant seeks planning permission to internally and externally reconfigure the building and build a full height extension to the side which would accommodate a maisonette and bin stores (separate, with access gate) for the building.

Some excavation work (adjacent to the adopted pavement) would be required in order to reconfigure and extend the basement level and to provide access.

The development would result in the net gain of three dwellings and the existing retail unit operating at ground floor level would be lost. According to the application documents, six flats exist at the property currently.

The proposed side extension would have a false pitch roof, the ridge height of which would sit slightly below the existing ridge height, giving it the appearance of being subordinate to the existing building. Further to this, the front elevation of the extension is to be set back from the existing front elevation by approx. 0.35m.

The building would be served by three principle accesses, all of which would be on Susans Road. The two basement flats would have ancillary accesses via patio doors at a subterranean level. Steps ascend from here to street level on the Pevensy Road side. A bay window is to be constructed on the Pevensy Road side to replace the shopfront. The bay is to continue down to basement level also. It is proposed that metal railings are installed along the street frontages. It is suggested within the applicant's Design and Access Statement that railings were in place historically.

Further detail regarding the proposed development appears below (measurements are approximate):

Table 2

<u>Unit</u>	<u>No. of bedrooms</u>	<u>Proposed total internal floor space</u>	<u>Total internal floor space required by the Nationally Described Space Standard (based on minimum occupancy)</u>	<u>Complies</u>
Flat 1 Extended basement flat	1	43.8m ²	58m ²	No but is proposed to be 10sqm greater than the existing accommodation
Flat 2 Basement to former shop	2	67.2m ²	61m ²	Yes
Flat 3 Extended ground floor flat	1	39m ²	39m ²	Yes
Flat 4 Former Ground floor shop	1	54.6m ²	39m ²	Yes
Flat 5	1	32.3m ²	39m ²	No Existing and unaltered
Flat 6	2	56m ²	61m ²	No Existing and unaltered
Flat 7	1	34.7m ²	39m ²	No Existing and unaltered
Flat 8	2	54.2m ²	61m ²	No

				Existing and unaltered
Maisonette New	1	45.9m ²	58m ²	No But ground floor space used for bin/refuse enclosure to protect street scene impact

Consultations:

Internal:

Specialist Advisor (Planning Policy) – no objection

- The vision for the Town Centre neighbourhood is to maintain its status as a sustainable centre including delivering new housing through conversions, infill development and redevelopment
- The proposal would result in the loss of a retail unit in the Town Centre Neighbourhood. However the proposal site is not within a designated shopping centre
- The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of two dwellings
- Public Realm Quality and Priorities policy (TC13) of the Town Centre Local Plan states that Susans Road is a location which will form the priority for public realm enhancements within the Town Centre. Susans Road forms an important linkage into the town centre and is one of the main streets that many visitors experience first. The proposal would enhance the overall appearance of the proposal site and would therefore be in accordance with TC13
- Town Centre Local Plan Policy TC24: Potential Areas of Change supports redevelopment of the area at Langney Road and Pevensey Road for a mix of town centre uses with a focus on A1 retail etc. The proposal would lose the retail provision but increase the net residential dwellings by two.
- The net additional residential units will count as a windfall contribution towards meeting the town's housing target set out in the Core Strategy
- It should be noted that one of the proposed dwellings is below the size recommended by the DCLG technical housing standards

Specialist Advisor (Conservation) – Little impacts upon the conservation area and as such no specific comments to make.

External:

Environment Agency – no comments have been received

Highways ESCC – no objection subject to conditions and planning obligation

- A similar application for fewer units on the site had been submitted and met with approval
- The site is well connected to shops, services and public transport
- Main issue is the narrowing of the footway as a result of creating the basement level. The footway must be maintained to a minimum of 2m.
- A stopping up order will be required to free up the part of the footway to be included in the development to release highway rights. The best way to obtain this order is by making an application to the Department for Transport, National Casework Team, if planning consent is granted.
- Further details will be required prior to demolition, commencement or occupation (see attached conditions)
- Subject to a stopping up order being granted and design of the basement being accepted by Highways the applicant will need to enter into a Sec 278 legal agreement with East Sussex County Council to enable the works to take place within the highway.
- The existing section of dropped kerb leading to the rear of the property should be removed and kerbing and footway reinstated.

Neighbour Representations:

Three objections have been received and cover the following points:

- The area is already overdeveloped and this proposal will worsen the situation
- A neighbour wishes to install windows in the side elevation in the future, which would likely not be possible if the development goes ahead
- Excavation as part of the development may compromise nearby buildings
- The applicant has failed to deliver on previous issues and if there are problems, may not attend to them
- One parking space will be lost
- Loss to light to properties on rear of Pevensey Road
- Air circulation will be reduced following development
- Emergency escape would be lost as a result of development

Appraisal:

Principle of development:

The principle of extending an existing building to provide additional residential units in a Conservation Area is considered appropriate subject to compliance with adopted policies including those covering requirements for appropriate development within a Conservation Area and adjacent to a Listed Building (Central Methodist Church).

Design issues:

The proposed design is considered to generally fit in with the character of the existing building and wider area. Previously, a similar scheme had been refused planning consent (Ref: 160376), partly due to the impact of the visual bulk on the street scene and subsequently the Grade II Listed Building (Central Methodist

Church). An element of one of the reasons for refusal of this previous scheme was that the loss of the gap would be visually unacceptable. However, the current scheme has set the front elevation of the proposed extension slightly back from the principle elevation on Susans Road. As such, it is considered to be in keeping with the appearance of this road facing elevation in continuing the stepped character.

A small portion of wall protruding from the front of 23 Susans Road will lessen the visual impact of the reduced size extension when viewed from the junction of Langney Road and Susans Road (to the North West) and road users at street level. This portion of wall protrudes further into the street than the existing front elevation and as such will protrude even further forward than the proposed extension. Therefore, at street level, the impact of the extension is not likely to be significant.

It is noted that the visual gap (approx. 4.5m) between nos. 21 and 23 Susans Road will be lost as a result of development. However, this gap does not appear to provide any significant visual relief as it is not part of a regular rhythm of the built form and nor is it even easily visible in the street scene unless viewed from directly opposite. As such, this current proposal (the extension element in particular) is considered to develop this area appropriately without negatively encroaching on the street scene.

The reinstatement of railings are noted as being features that are common elsewhere in this part of the Town Centre (Devonshire Ward) and as such are welcome additions, subject to requirements for Highway safety. In addition, the railings provide an additional aesthetic element to the appearance of the building, which actually reflect the building's heritage. Following the earlier deferral from committee the applicant has submitted further details as to the potential structural design solution for opening up of the light-wells. It is considered that the proposed details are satisfactory and would provide a suitable design solution; conditions are recommended outlining that the applicant requires the consent from ESCC Highways Department to ensure that the works pass their scrutiny.

Residential amenity for future occupiers

See Table 2 above:

It is noted that certain parts of the scheme fall short of the requirements set by the Nationally Described Space Standard however:-

- flats numbers 5-8 are existing and unaltered within the building and as such it would not be appropriate to assess these against the new standards,
- the flats that are accommodated within the former shop building exceed the standard and

- The proposed maisonette falls short but is considered acceptable as it retains suitable accommodation over two floors and it is considered an appropriate compromise to lose some ground floor accommodation to provide a bin/refuse enclosure.

It is clear that the proposed development as a whole would allow for better levels of internal floor space than currently exist and as such, the proposed scheme is considered to make an improvement on the existing situation as well as providing three new residential units.

Despite the removal of some windows to the rear (reducing the possibility for overlooking), the scheme is considered appropriate in terms of the delivery of natural light into the proposed units. There are not any related concerns with regard to this matter. It is noted that basement flats will have less access to direct natural light, but it is not considered in this case to be substandard. The prevalence for basement flats are already set across the town and particularly in this area and it is considered that the inclusion of basement flats adds to the diversity of the residential offering for the town.

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

An objection has raised a concern that light would be lost to the rear of 12 Pevensey Road if the development goes ahead. Due to the orientation of the existing built form and the height of existing buildings, it is not considered possible that this rear facing window would be capable of receiving direct sunlight. As such, it is considered unlikely that any substantial light loss would occur as a result of the development. This refers to not only no. 12 Pevensey Road, but the rear elevation of the whole section of Pevensey Road.

There are no existing windows nor accesses from the side elevation of 23 Susans Road which would be compromised as a result of development.

Impact on character and setting of a listed building or conservation area:

Unlike the former proposal (ref: 160376), it is not considered that the proximity of the Central Methodist Church – a building which has since been subject to a Planning Committee resolution to partly redevelop to provide residential flats (refs: 170033 & 170036) – will be affected by the granting of consent for this scheme for a building located opposite its flank wall elevation.

It is noted that the side extension will be visible from Susans Road to the North West (looking south east). Prominent in the built form of this street scene and the longer view towards the application site is the part of the Central Methodist Church subject to the redevelopment. Looking from the south on Susans Road (past the junction with Pevensey Road) the prominent tower occupying the corner of the church site will not be compromised by the extension as it is

unlikely that the extension would even be visible. Therefore, there is not considered to be any demonstrable harm from this angle.

Impacts on trees:

There are street trees lining Pevensey Road. It will be necessary to demonstrate within the Traffic Management Scheme (required by condition) as to whether street trees are likely to be affected by the construction of the development and if so what protection shall be implemented to ensure the safety of said street trees.

The above point aside, it is not considered that any other arboricultural issues are likely to result from the development.

Impacts on highway network or access:

The existing void between nos. 21 and 23 Susans Road appears large enough to accommodate a car; however, the gates in place there would not meet Highways standards as they do not allow 5.5m between them and the Highway. As a result, it is not considered that this space can be fully considered to be a parking space and as such, the development would not lose a parking space. It is noted that the space could potentially be used for parking if the gates were removed.

The scheme provides no off-street car parking. However, it is considered that due to its sustainable location, the development, which increases the number of residential dwellings on the site by three, will not result in a severe detrimental impact on the Highway as a result of a lack of parking. Locally there are still unrestricted parking bays and occupiers of flats are less likely to own cars. This being the case, parking is not considered to be a significant issue in this case.

It is noted in the response from ESCC Highways that in order to make the development acceptable, there are many details which are still required. These will be delivered by planning condition discharge applications.

Sustainable development implications:

The new residential units are considered to be located in a sustainable location, with easy access to amenities and public transport routes. Therefore, in this respect the development is considered to make good use of a central location in contributing to the Council's shortfall in meeting its five year housing land supply.

Other Matters:

An agreement with the Highway Authority would be required in order to carry out works to the Highway. This agreement can only be sought following other processes (stopping up order) required by that Authority and those other processes are open to public consultation and as such are not controlled by the granting of this permission. However, to make this scheme acceptable, requirements made by the ESCC Highways department should be delivered and this process will be controlled by planning conditions and planning obligations (Section 278 Agreement) associated with this consent.

It is not considered that a speculative proposal or new windows in the side elevation of an adjacent property can be considered to be a constraint to development.

Any excavation required would need to be carried out in a safe way. However, it is considered that the additional information required as part of recommended conditions will be sufficient. In addition, the scheme will require Building Control approval, which will ensure compliance with the Building Regulations.

It is not considered that private matters between the applicant and other parties outside of this planning application process can be given any weight when forming a decision.

A concern has been raised by a member of the public concerning the potential loss of an emergency access by closing the void between nos. 21 and 23 Susans Road. However, on closer inspection, it would appear that this area is sealed off by high walls with no through access and would not provide a useful escape route in an emergency. This being the case, it is not considered that this should constrain development.

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 development is not considered likely to result in a significant reduction in levels of residential amenities for surrounding occupiers, nor is the overall design likely to compromise the character of the street scene or adjacent Listed Building. Amenity for future occupiers is generally found to be acceptable and as such, the scheme is recommended for approval subject to conditions and planning obligations relating to the Highway. For the avoidance of doubt, the reasons for refusal of the previous scheme are considered to have been appropriately overcome.

Recommendation:

Approve conditionally including

Conditions:

1. Time
2. Drawings
3. Construction Method Statement
4. Hours of Development

5. Matching materials
6. Traffic Management Scheme & Associated Tree Protection
7. Detailed drawings of levels, sections and structural calculations
AIP document (Highways)
8. No occupation until existing vehicular access is physically closed
9. No contaminated materials onsite

Informatives:

Party Wall Agreements may be required
Stopping up Order
Section 278 Agreement with ESCC Highways
Licence to remove access and kerb required from ESCC Highways

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**.