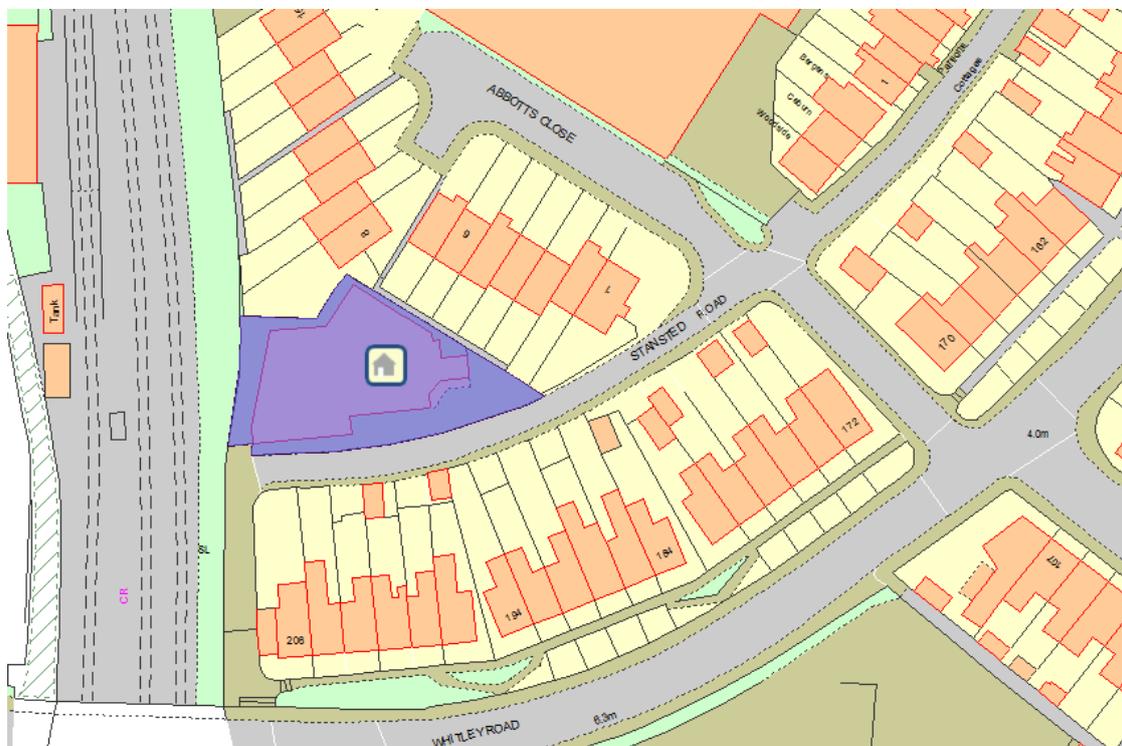


App.No: 180979	Decision Due Date: 8 th January 2018	Ward: Devonshire
Officer: James Smith	Site visit date: 15 th November 2018	Type: Outline (all reserved)
Site Notice(s) Expiry date: 18 th November 2018		
Neighbour Con Expiry: 18 th November 2018		
Over 8/13 week reason: Committee cycle		
Location: Westgate Motors, Stansted Road, Eastbourne		
Proposal: : Demolition of existing garage facility and erection of residential accommodation over 3 floors and roof space comprising 10 No - 2bedroom maisonettes.		
Applicant: Mr C. Thomson		
Recommendation: Refuse		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@eastbourne-lewes.gov.uk
Telephone number: 01323 415026



1 Executive Summary

- 1.1 This application has been brought to Committee as it involves a major planning proposal. The proposal involves the net gain of 10 residential units.
- 1.2 The application seeks outline permission, with all matters reserved. However, indicative drawings have been provided and the application description confirms that the proposed building would be a 3-storey structure, with additional accommodation included within the roof space.
- 1.3 The proposal involves the net gain of 10 residential units, meaning it falls below the threshold for the requirement for affordable housing provision (11 units). The residential units would be provided as maisonettes
- 1.4 Whilst the residential development of this site is considered to be acceptable, the scale of the development would be such that it would result in unacceptable harm towards the amenities of neighbouring residents.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a supply of sufficient homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Employment Land Local Plan 2016

EL1: Economy and Employment Land

2.3 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C6: Roselands & Bridgemere Neighbourhood
- D1: Sustainable Development
- D2: Economy
- D5: Housing
- D10a: Design

2.4 Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE15: Protection of Water Quality
NE17: Contaminated Land
NE18: Noise
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
HO1: Residential Development Within the Existing Built-up Area
HO7: Redevelopment
HO20: Residential Amenity
BI1: Retention of Class B1, B2 and B8 Sites and Premises
TR11: Car Parking

3 Site Description

- 3.1 The site is currently occupied by Westgate Motors which is a vehicle repair and servicing garage. The premises consist of two main elements, a two-storey flat roof building towards the eastern side of the site, which also flanks the majority of the north-eastern site boundary, and a large connected single-storey storey structure with a corrugated metal roof that accommodates the main workshop area. The apex of the workshop roof reaches a similar height to that of the two-storey flat roofed element.
- 3.2 The buildings occupy the majority of the site envelope, with a modest set back from the highway maintained, on which hard surfaced car parking areas are provided.
- 3.3 The site is located at the end of a cul-de-sac which is lined by predominantly residential development in the form terraces of two-storey dwellings, as is the adjoining cul-de-sac, Abbotts Close, where dwellings back on to the site. The southern side of the road is backed on to by dwellings on Whitely Road, a number of which have garages which are accessed from Stansted Road.
- 3.4 The site is located at the end of Stansted Road, a narrow cul-de-sac which is lined by predominantly residential development in the form terraces of two-storey dwellings, as is the adjoining cul-de-sac, Abbotts Close, where dwellings back on to the site. The southern side of the road is backed on to by dwellings on Whitely Road, a number of which have garages which are accessed from Stansted Road.
- 3.5 Courtlands Road Industrial Estate extends to the north of the site, with a dairy distribution centre being nearby as well as water treatment works and electricity substations. The Eastbourne mainline passes the western site boundary, at a slightly lower level. The railway line is bordered by trees, some of which partially overhang the site. There are no other significant trees present within the site area.

4 Relevant Planning History

- 4.1 001264 - Former Site Of Llewellyn Joinery Works, Stansted Road

Proposed erection of fifteen two and part three-storey houses with 33 car parking spaces.
Approved Conditionally – 18/12/2000 – Development now completed (Abbotts Close)

5 Proposed development

- 5.1 The proposal involves the demolition of all existing buildings occupying the site and replacement with a 3-storey building that would also include accommodation within the roof space. The building would be divided into 10 new residential units, each of which would provide 2 bedrooms. The units would be provided in duplex form, distributed over two floors. The Planning Statement submitted with the application states that communal internal space would also be provided.
- 5.2 As this is an outline application, the submitted plans showing the elevations are indicative only. However, they show that the proposed development would require a building that would occupy a large proportion of the site, with some space retained to the front to provide 12 x car parking spaces and to the rear for use as communal amenity space.

6 Consultations

- 6.1 Specialist Advisor (Planning Policy)
- 6.1.1 Policy C6 of the Core Strategy explains that the vision for the 'Roselands and Bridgemere Neighbourhood' is 'Roselands & Bridgemere will support economic activity in the town and contribute to the delivery of housing, whilst increasing its sustainability through providing connections to other parts of town and addressing deficiencies in the provision of open spaces and allotments for the wider area'. One way of promoting this will be through delivering additional housing through making more efficient use of land. This application would be in accordance with this policy.
- 6.1.2 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 October 2018, Eastbourne is only able to demonstrate a 1.54 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply.
- 6.1.3 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. It also states that where relevant policies are out-of-date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole', (NPPF, para 11).
- 6.1.4 The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas.

Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is also considered a brownfield site and strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'. This application will result in a net gain of 10 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

6.1.5 It is important to note that as this application is for 10 units, it does not meet the threshold for contribution towards affordable housing. Also note that depending on the design and arrangement of the proposed building there may be a CIL liability.

6.1.6 To conclude, this application complies with national and local policy. The change of use from sui generis to C3 (Residential) has been considered, it is determined that in this case, the loss of the sui generis use class is outweighed by the positive contribution to and need for Residential development. Additionally, the NPPF supports sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application will result in a windfall addition of 10 dwellings.

6.1.7 Overall there is no objection to the proposal from a planning policy perspective, in principle. However any impact on residential amenity (Policy HO20 of the Eastbourne Borough Plan) and meeting the criteria set in the Nationally Described Space Standards will need to be considered.

6.2 Regeneration Officer

6.2.1 The proposal would result in the loss of a local business and employment opportunity. In the Statement for Outline Planning there is reference to restricted working times, limited expansion and residential location. However, there is no evidence regarding the marketing of the existing business or exploration of alternative business use. The current offer may be of interest to a business start-up or an existing/similar business wishing to re-locate.

6.2.2 In accordance with the Thresholds for Development detailed on page 11 of the Local Employment and Training Supplementary Planning Document adopted on 16 November 2016, the above proposal qualifies under Residential as a major development – 10 or more gross units.

6.2.3 In summary Regeneration has reservations regarding the loss of employment space and employment opportunities for the local economy. Regeneration requests that should outline planning permission be granted it be subject to a local labour agreement.

6.3 Environment Agency

6.3.1 This development is sited on the West Melbury Marly Chalk, which is designated as a Principal Aquifer and in a Source Protection Zone 1 for South East Water

Limited's public water supply, which lies within 150 metres of the site (referred to herein as "the Public Water Supply"). Groundwater in this area is very sensitive to contamination. In addition, the previous use of the site as a garage facility has the potential for land contamination to be present.

- 6.3.2 The details submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the Local Planning Authority.
- 6.3.3 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).
- 6.3.4 The previous use of the proposed development site as a garage facility presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 for the Public Water Supply and is located upon a Principal Aquifer.
- 6.3.5 In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. Therefore, we request that a planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.
- 6.3.6 A number of conditions (5 in total) are attached to the Environment Agency comments and would be required to be included on the decision notice should the application be approved. These relate to a Remediation Strategy and subsequent Verification Report, Remediation works for any previously unidentified contamination encountered during works, the prohibiting of the use of surface water infiltration for drainage purposes and a request for further details of any piling that may take place as part of the construction works.
- 6.4 SUDS
- 6.4.1 The information submitted by the applicant in support of this planning application has not fully satisfied the Lead Local Flood Authority and does not assure us that surface water and local flood risk have been adequately taken into account. Nevertheless, given the site characteristics and the proposal in question, we are content that these matters can be addressed through suitably worded planning conditions, should planning permission be granted.
- 6.4.2 Other than an indication on the application form that the public sewer network

will be used to dispose surface water runoff from the application site, the applicant has not provided any information on the existing/proposed discharge rates, volumes and drainage system. At this stage, we would expect the applicant to submit a drainage strategy together with preliminary hydraulic calculations and drainage layout.

- 6.4.3 The British Geological Survey data shows the site within an area at risk of groundwater flooding to occur at surface and that groundwater on site is less than 3m below ground level. Therefore, high groundwater should be taken into consideration in the design of any surface water management measures. No information has been provided to assure us that the impacts of high groundwater on the development, surface water drainage proposals and consequential impacts on offsite area will be managed properly.
- 6.4.4 It is noted that the application site drains to the Pevensey and Cuckmere Water Level Management Board's drainage district. It is therefore suggested that the applicant contacts the Water Level Management Board to understand requirements that they may have.
- 6.4.5 Nevertheless, the public sewer records we hold show a public surface water sewer in Stansted Road adjacent to the application site. Therefore, there is potential for the applicant to discharge surface water runoff to the public surface water sewer, subject to agreements with Southern Water.

6.5 ESCC Highways

- 6.5.1 The applicant has not submitted trip generation analysis. Having undertaken my own analysis using the TRICS software, the estimated number of trips by the existing garage is approximately 90 trips per day. The proposed flats would generate approximately 30-40 trips per day. As such, the proposals are not expected to result in a significant impact on the local highway network.
- 6.5.2 The applicant is proposing to provide 12 parking spaces in front of the proposed flats. Due to existing parking pressures and the narrow nature of the surrounding roads, there does not appear to be scope for on-street parking on local roads. Using the ESCC parking calculator, it is estimated that 10 two-bedroom flats in this location would have a parking demand for 7 vehicles if unallocated or for 14 vehicles if each flat is allocated one parking space. As such, if the spaces were unallocated, then the proposed parking layout would be acceptable. If each flat were allocated one space, then any plans submitted at reserved matters stage should show parking capacity in line with the County Council's standards. The applicant should clarify the proposed car parking arrangement at reserved matters stage.
- 6.5.3 The applicant has shown an area to be dedicated to a cycle store. This is acceptable, though further details regarding the form and security of cycle store should be provided at reserved matters stage.
- 6.5.4 The location of a refuse store is not apparent from the submitted plans. Furthermore, Stansted Road is narrow in this location, and has limited turning facilities. As such, any reserved matters application should include details

regarding refuse collection in line with the County Council's Good Practice Guide for Property Developers: Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas.

6.5.5 Due to the restricted width of Stansted Road, a Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission.

6.5.6 It should be noted that the proposed development shown in the submitted plan appears to encroach on land that is designated as public highway. In the event that this application is approved, the existing highway land within the development must be formally stopped up prior to any highway land being enclosed within the development. The applicant is advised to contact the Highways Land Information Team on 01273 482316 or by email at highwaysearches@eastsussex.gov.uk for further details.

6.6 Southern Water

6.6.1 No development or new tree planting should be located within 3 metres either side of the external edge of the surface water sewer. No new soakaways should be located within 5 metres of the public sewer. All existing infrastructure should be protected during the course of construction works.

6.7 Network Rail

6.7.1 No response has been received to date.

7 **Neighbour Representations**

7.1 Following public consultation, seven letters of objection have been received. Concerns raised within these letters are summarised below:-

- The proposed building is taller than the existing garage and will cause overshadowing of neighbouring properties;
- Would result in a loss of privacy at neighbouring properties;
- Would result in increased noise and activity as the hours of operation of the garage are restricted to business hours only.
- No outdoor space is provided for children to play in and so they would use the cul-de-sac;
- Would put pressure on parking and result in additional traffic;
- Construction works would cause disruption;
- Would overload the drainage system;
- Design is out of keeping with surrounding development. New houses would be more reasonable;
- Footpath access would be hazardous due to amount of parked cars on

road and the narrowness of the road;

8 Appraisal

8.1 Principle of development

- 8.1.1 The site is located within the built-up area, as defined by Policy HO1 of the Eastbourne Borough Plan, where the general principle of development is deemed to be acceptable.
- 8.1.2 The proposed development would result in the loss of an existing B2 use, provided by the motor vehicle repair and serving garage. The site does not fall within the Courtlands Road Designated Industrial Area and, as such, its continued employment use is not protected by Policy EL2 of the Eastbourne Employment Land Local Plan (2016). Nevertheless, saved Policy BI1 of the Eastbourne Borough Plan seeks to prevent the loss of employment uses unless there is justification due to a lack of use, or demand for use, of the facility, the suitability and adaptability of the site for continued employment use, unacceptable impacts on highways or if the continued use for employment purposes would cause undue disturbance to neighbouring residents.
- 8.1.3 The site is detached from the industrial estate to the north and is bordered, on three sides, by residential development. It is considered that the existing use is not fully compatible with the surrounding residential environment due to the nature and intensity of the operations carried out by it. It is considered that continued use of the facility has the potential to result in undue disturbance of neighbouring residents which could ultimately impede on the ongoing use of the facility, particularly if additional flexibility is sought in terms of hours of operation. The difficulty of operating a B2 use in a residential area is acknowledged by para. 3.9 of the Employment Land Local Plan.
- 8.1.4 Given the availability of suitable sites within designated industrial areas, it is considered that the existing business could relocate to a more appropriate site. Para. 3.7 of the Employment Land Local Plan states that there are a number of vacant and under-utilised sites within existing designated industrial areas.
- 8.1.5 Furthermore, the Borough is currently not able to identify a five year supply of housing land. Para. 11 (d) of the Revised National Planning Policy Framework (2018) instructs that, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes applications for housing where the LPA is unable to demonstrate a 5 year supply of deliverable housing sites – as per footnote 7), applications should be approved unless 'the application of policies in this framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'
- 8.1.6 Para. 121 of the Revised NPPF states that 'Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.' It then instructs that particular

encouragement should be given to proposals that 'use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites.'

- 8.1.7 It is therefore considered that the redevelopment of the site for residential purposes is acceptable in principle, subject to compliance with other relevant planning policies, against which the proposed development will be assessed in the main body of this report.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.2.1 The proposed development as shown on the illustrative drawings would involve the construction of a three-storey building, with additional accommodation within the roof space, in place of the existing two-storey flat roof building and high roofed workshop. The assessment below has been made based on a review of the illustrative information.
- 8.2.2 Whilst a building of this height may be visually compatible with the existing street scene, it does represent an increase in height over that of the existing building and the general scale of surrounding residential development. This increase, coupled with the close proximity to surrounding dwellings, especially those on Abbots Close, would result in the proposed building appearing overbearing and oppressive towards the occupants of these properties. This impact would be particularly harmful towards the occupants of 8 Abbots Close where the rear elevations of the proposed building would flank the majority of the side boundary of the rear garden.
- 8.2.3 For similar reasons, compounded by the positioning of the proposed building to the south of properties on Abbots Close, it is considered that the development would result in undue levels of overshadowing towards the rear gardens and habitable room windows of neighbouring properties, particularly numbers 6, 7 and 8 Abbots Close, exacerbating the overbearing impact of the development as a whole.
- 8.2.4 As this is an outline application, there are no details of the internal layout of the development. It is considered that any windows on the rear (northern) and side (north-eastern) elevations of the building would allow for intrusive views towards gardens and windows of properties on Abbots Close, particularly numbers 6, 7 and 8. Given the intended duplex configuration of the building, it is considered that it would be possible to arrange the interior in a manner that would allow windows to be concentrated to the front of the building, thereby allowing any rear facing windows to serve secondary rooms that would not require clear glazing. However, the presence of substantial side and rear elevation walls containing either obscure glazed openings or no openings at all would heighten the oppressive nature of the building already identified in para. 8.2.2.
- 8.2.5 In addition, it is considered that a concentration of clear glazed windows on the front elevation of the building, combined with the distribution of the windows over

four levels, would result in a considerable and harmful perception of overlooking towards the rear gardens and windows of properties on Whitley Road.

8.2.6 It is therefore considered that the proposed development would be likely to have a significantly harmful impact upon the amenities of neighbouring residents and, as such, is in conflict with saved policy HO20 of the Eastbourne Borough Plan as well as para. 127 f) of the Revised NPPF which requires that developments create a high standard of amenity for existing and future users.

8.3 Living conditions for future occupants

8.3.1 Whilst the internal layout of the building has not been presented at outline stage, it is considered that a building of the size shown on the submitted layout plan could accommodate suitably sized units that would accord with the Nationally Described Space Standards (2015). It is also considered that the building could be configured to provide adequate levels of natural light and ventilation to habitable rooms, albeit to the detriment of the amenities of neighbouring residents, as set out in para. 8.2.4.

8.3.2 Approximately 110 m² of outdoor communal space would be provided to the rear of the building for use by future occupants. This is considered to provide a suitable area for use by future occupants although it is considered that its amenity value would be inhibited by its narrow width, which would be no greater than approximately 5 metres.

8.4 Design and impact on surrounding area

8.4.1 As this is an outline application, no firm details of the design of the building have been provided, save for an indicative drawing showing the front elevation. However, the application description confirms that the building would be a three-storey structure with a roof form large enough to accommodate living space. Surrounding residential development consists of two-storey terraced dwellings although those on Abbots Close incorporate additional accommodation within the roof space, served by rear facing roof dormers.

8.4.2 Whilst the proposed building would be taller than neighbouring residential dwellings, this would effectively be by a single-storey only and, as such, it is considered it would represent an incremental increase that would ensure that the building would not appear incongruous or overly dominant within the street scene. The sites positioning at the end of the road also allows for a degree of flexibility in height whilst the overall size of the site would allow for a development that would justify having its own distinctive character rather than being required to replicate surrounding development.

8.4.3 The residential use of the site is considered to be compatible with the surrounding residential uses and it is considered that it would result in a significant reduction in disturbance caused by noise generation over that generated by the existing use of the site. The site area is approximately 766 m², meaning that the density of the proposed development would equate to approximately 130 dwellings per hectare. Whilst this density is greater than that of neighbouring development, which typically ranges between 75 and 120

dwellings per hectare, the more efficient use of land is encouraged by NPPF para. 123. Given that the units provided are fairly small 2 bedroom maisonettes and that there is no requirement for significant outdoor amenity space, it is considered that the density of the proposed scheme is acceptable and represents an optimal use of the site.

8.5 Impacts on highway network or access

8.5.1 The proposed development would be likely to generate significantly fewer daily vehicular trips than the existing use as a motor vehicle repair and servicing garage (30-40 daily trips predicted as opposed to 90 daily trips associated with the existing use). As such, it is considered that vehicular movements on the narrow cul-de-sac would reduce as a result of the proposed development.

8.5.2 Stansted Road is a narrow cul-de-sac and there are double yellow lines in place on one side of the road. Furthermore, the side of the road opposite the proposed development is largely bordered by dropped kerbing used to access parking to the rear of properties on Whitely Road. As such, there is little opportunity for on-street car parking. The proposed development includes the provision of 12 off-street car parking spaces, accessed directly from Stansted Road. This quantum of parking exceeds the minimum amount required for a development of this nature, provided individual spaces are not allocated to specific flats. It is therefore considered that the parking provided is sufficient to prevent any increase in parking stress on the surrounding highway network and to reduce the likelihood of on street car parking that would pose a safety risk and disrupt the free flow of traffic.

8.5.3 There is no turning head provided at the end of Stansted Road nor is there considered to be any feasible way to provide such a feature owing to the location of surrounding development and the railway line. As such, it is considered that any subsequent reserved matters application would need to be able to demonstrate that servicing vehicles could access the site.

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 **Conclusion.**

10.1 Whilst the redevelopment of the site for residential use is acceptable in principle, it is considered that the scale of the proposed development would result in significant detrimental impact upon the amenities of neighbouring residents and, as such, it is recommended that the application is refused for the reason set out

below.

10.2 **Recommendation**

Refuse Planning Permission

The proposed development, by reason of its scale and positioning, would have an unacceptable adverse impact upon the amenities of neighbouring residents by way of representing an overbearing and oppressive feature that would be the cause of increased and undue levels of overshadowing towards gardens and rear facing windows of properties on Abbots Close. The proposed development is therefore in conflict with saved policy HO20 of the Eastbourne Borough Plan (2007) and para. 127 f) of the Revised National Planning Policy Framework (2018).

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.