

<b>App.No:</b> 130397 (OSR)	<b>Decision Due Date:</b> 23 August 2013	<b>Ward:</b> Old Town
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 4 October 2013	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 27 August 2013 <b>Neigh. Con Expiry:</b> 27 August 2013 <b>Weekly list Expiry:</b> <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> To align with Planning Committee schedule		
<b>Location:</b> P R Autos, Downs Garage, 44-48 East Dean Road, Eastbourne		
<b>Proposal:</b> Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.		
<b>Applicant:</b> Mr Bell, Hweitt, Evan and Warren		
<b>Recommendation:</b> Refuse		

### **Planning Status:**

Business site, surrounded by predominantly residential

### **Eastbourne Core Strategy Policies**

#### **Relevant Planning Policies:**

Eastbourne Core Strategy Local Plan 2006-2027:  
B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C4: Old Town Neighbourhood Policy  
D1: Sustainable Development  
D5: Housing

Eastbourne Borough Plan 2001-2011

UHT1: Design of New Development  
UHT4: Visual Amenity  
HO2: Predominantly Residential Areas  
HO7: Redevelopment  
HO9: Conversions and Change of Use  
HO17: Supported and Special Needs Housing

HO20: Residential Amenity  
NE14 Source Protection Zone  
TR11: Car Parking  
BI1: Retention of Class B1, B2 and B8 Sites and Premises  
BI4: Retention of Employment Commitments

**Site Description:**

The application site is located on the north side of East Dean Road, close to the junction with Longland Road approximately 30 metres to the north east. The site is bounded by residential properties to the west, north and east and East Dean Road to the south. Access to the site is via a vehicular entrance from East Dean Road to the south east side of the site at the rear of no.42 East Dean Road. It is currently occupied a collection of single and two storey buildings in use as car repairs and body shop workshops and B8 warehouse storage incorporating an element of on site retail and deliveries from the site.

The site is an irregular shape and occupies approximately 0.34 hectares in area. The site is generally level but is located on a plateau where the levels slope steeply downwards from south west to north east. To the west, the land slopes steeply upwards to a height of 6 – 7 metres above the existing site levels to the side boundaries of nos.2 Downside Close and no.50 East Dean Road. To the north east of the site, the land slopes steeply downwards to the rear of the 2 storey houses along Longland Road where the existing ground level is approximately level with the eaves of these houses. The site is also set well below the level of East Dean Road and the houses to the south side of East Dean Road.

The existing boundary treatment around the site comprises a high flint and brick wall to the east side and a 1.5 metre high close boarded fence to the north east side where there is also a collection of 3 single storey storage buildings within an indented alcove to this boundary to the rear of nos. 5 and 7 Longland Road.

**Relevant Planning History:**

EB/2004/0804

Retrospective application under Section 73A, for the use of vacant land for parking of courtesy cars in connection with car body repair business.

Granted, subject to condition.

2004-12-10

EB/1999/0141

Erection of a single-storey extension at the rear of the property.

Granted (Five years).

1999-05-25

EB/1966/0651

Erection of a six-storey block, comprising 10 one-bed room flats, and a linked three-storey block, containing 18 bed-sittingroom flatlets, with garages under. Granted, subject to conditions.

1966-12-15

EB/1966/0598

Proposed re-development for a block of 42 residential flats (28 bed-sittingroom and 14 one-bedroom flats) partly three floors/partly five floors and partly seven floors, with 28 garages under.

Withdrawn - letter dd: 29/11/1966 refers.

EB/1966/0352

Erection of a car service station, a car showroom, a block of 15 flats, garages and parking space.

Refused, four reasons.

1966-09-08

**Proposed development:**

The proposal seeks outline planning permission for the demolition of the existing single and two storey commercial buildings to facilitate the erection of a 3 storey, 47 bedroom residential care home incorporating 2 storey and single storey sections to the east side of the site. All reserved matters except for landscaping are due for consideration.

The proposed building would incorporate a pitched tiled roof with a flat roof section to the central section of the building. Two dormer windows are proposed to the north and east roof slopes where the building steps down. South facing solar panels are proposed to be located on the flat roof section of the main building.

The proposed building would be centrally located within the site with 21 car parking bays located to the south and east side of the site and amenity garden area to the north side.

The likely number of staff that would be employed would amount to some 10 full time equivalents, at the normal ratio of staff in this sector at 1 per 5 bedrooms,

The majority of trees on site are to be retained with the exception of four trees which are to be removed in the interest of good arboricultural practice.

The existing access into and out of the site is to be retained and unaltered.

## **Consultations:**

Planning Policy Manager –

National and Local Plan policies support the proposed change of use. There is a local need for C2 residential care facilities and thus demonstration of genuine redundancy is not required.

Cleansing – No objection. 2 x 1100 litre communal bins would be sufficient.

Highways Dept. –

No objection subject to conditions. The number of car parking spaces accords with the ESCC Parking Standards. The proposed use would result in fewer vehicle trips than the current use based on the TRICS database. There have been no reported incidents at this access in the last 10 years. Also the Manual for Streets has considered this issue and concluded that parking in visibility splays in built up area is common yet does not appear to create significant problems in practice.

Downland, Trees and Woodland Manager – No objection subject to conditions.

Economic Development –

Support. Proposal would upgrade an existing employment site in need of attention to provide 10 full time staff.

Environmental Health – No objection subject to conditions.

Estate Manager – No response

Southern Water – No response

South East Water – No response

### Neighbour Representations:

15 objections have been received and cover the following points:

- Overdevelopment of the site, massively oversized and would tower over the houses along Longland Road.
- Too close to the boundary with Longland Road gardens.
- Not a suitable location for a care home and would be out of keeping with the surrounding area, operating 24 hours, 7 days a week.
- A 3 storey development is too high and would be overbearing. Would dwarf houses to the east due to them being at a much lower level and is out of scale with the rest of the neighbourhood.
- Overlooking and loss of privacy to rear habitable rooms of houses on Longland Road. Private rear gardens would also be completely overlooked.
- Loss of sunlight and overshadowing to the rear of Longland Road houses particularly in the winter months when the sun is low.

- Design is out of keeping with surrounding area and would be an eyesore.
- The majority of traffic movements would be visitors in the evenings and weekends resulting in loss of amenity through increased noise where the existing use operates during the week within normal working hours.
- Will create more traffic congestion on East Dean Road.
- The use of the existing access would compromise pedestrian safety.
- Parking is insufficient for staff and residents and will overspill onto the heavily parked surrounding residential roads.
- Stability of the high bank to the west is a concern.
- Inaccuracy in the drawings to the north west elevation where a window is missing on the elevation and roof profile would appear to be incorrect.
- Preparation of meals throughout the day could cause unacceptable odours from the kitchen.
- External lighting would have an adverse impact on night time environment.

### **Appraisal:**

The main considerations in the determination of this application are the acceptability of the change of use from employment uses to residential care home, the impact of the height, scale and massing of the proposed building on surrounding residential amenity, its impact on the character and appearance of the area, highway safety considerations and the provision of sufficient car parking spaces for staff and residents.

### Change of Use

Policies BI1 and BI4 of the Eastbourne Local plan aim to prevent the loss of land or buildings currently or last in class B1, B2 or B8 use for non-employment use will not be granted unless the site or premises is genuinely redundant and is unlikely to be re-used or redeveloped for industrial or commercial use.

However, paragraph 51 of the National Planning Policy Framework states that planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area should be approved provided that there are not strong economic reasons why such development would be inappropriate.

Paragraph 50 of the National Planning Policy Framework states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land

that has been previously developed (brownfield land), provided that it is not of high environmental value.

Policy C4 of the Eastbourne Core Strategy sets out the vision for the Old Town neighbourhood will be promoted by delivering some housing through infill and redevelopment of commercial premises.

The proposal would provide C2 residential housing for the elderly. The Planning Policy manager has advised that this is in need locally and in line with paragraph 50 of the NPPF. As such, it is considered that evidence of genuine redundancy of the current business premises is not required as per paragraph 51 of the NPPF. The proposed change of use is therefore supported by National Planning Policy and Policy C4 of the Eastbourne Core Strategy.

Policy HO17 states that planning permission will be granted for residential care homes (rest and nursing homes), by both conversion and new build, subject to a location in close proximity to public transport, shops, open spaces, entertainment and community facilities and the suitability of the property and its design, in relation to the needs of occupants, for instance the adequacy of disabled access.

The proposal generally meets the prescribed criteria set out in Policy HO17 in that the site is located in a sustainable and accessible location near to public transport routes, and the scheme's design is functional to the needs of its occupants.

As such, it is considered that the proposed change of use accords with the requirements of the NPPF and Policies HO17 of the Eastbourne Local Plan and Policy C4 of the Eastbourne Core Strategy.

#### Layout, Siting and Design

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The current site is occupied by modest single storey and two storey buildings which sit comfortably into and around the site and are not highly visible from the public realm or from surrounding residential properties. The proposal involves the provision of a predominantly 3 storey building with pitched roof which extends over most of the width of the site. Due to the difference in ground levels of 2-3 storeys between the application site and the ground to the west occupied by nos. 50 East Dean Road and 2 Downside Close, it is considered that 3 storeys within

this part of the site is appropriate as the building would not be any higher than these adjoining houses. However, as the building extends to the north east side of the site, the north east corner of the building would be sited within 3 metres of the north east site boundary which is the rear garden boundary to no.9 Longland Road. At this point, the design of the roof is shown to step down by approximately 1.4 metres to address this issue and the north east elevation plan shows the relationship with no.7 Longland Road. However, the perspective on this elevation has not been shown correctly as the proposed building is set at a 45 degree angle and does not adequately demonstrate its siting or relationship with no.7 Longland Road. In any event, it is the rear of nos.9 and 11 Longland Road which are most affected by the proposal as they are closer to the north east corner of the building.

The plans show the ground level of the application site would be approximately level with the eaves of the rear of the 2 storey houses along Longland Road. The north east corner of the proposed building would be sited approximately 16.8 metres from the rear elevation of no.9 Longland Road. Given that the existing ground level is 2 storeys in height above the houses along the south west side of Longland Road and within a distance of 18 metres, the addition of a 2/3 storey building within 3 metres of the boundary with no.9 Longland Road would constitute a significantly overbearing and dominant structure when viewed from the rear garden and windows of this property and neighbouring houses either side.

The existing 2 storey building on site in this location is set back by approximately 7.4 metres from the north east boundary. As such, it is considered that the difference in mass and bulk between the existing and proposed situation created by the proposed development would be excessive to a point where it would have a significantly detrimental impact on outlook where uninterrupted views of the sky and early evening sun above the boundary fence currently exist.

As such, it is considered that the siting and scale of the proposed building towards the north east part of the site does not adequately address the difference in ground levels between the site and that of the houses at lower level on the south west side of Longland Road. The proposal would, therefore, constitute a visually dominant and unneighbourly form of development which would be significantly overbearing in scale when viewed from the rear gardens and windows of houses along Longland Road. The proposal would, therefore, be contrary to Policies UHT1 and UHT4 of the Eastbourne Local plan and Policy B2 of the Eastbourne Core Strategy.

It should be noted that there is an inaccuracy in the drawings to the south west elevation where a window is missing at second floor level on the elevation plan and roof profile does not appear to be high enough to accommodate head height within the stairwell shown on the second floor plan.

### Residential Amenity Impact

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The residents most affected by the proposal are the occupiers of the houses along the south west side of Longland Road. The overly dominant and overbearing scale of the north east side of the building set out above would significantly impact on residential amenity with particular regard to visual amenity, overlooking and loss of privacy, loss of sunlight and overshadowing of rear gardens.

As already alluded to above, it is considered that the excessive height, bulk and mass and inappropriate siting of the north east side of the building would constitute unneighbourly development which would significantly affect the visual amenity at the rear of houses along the south west side of Longland Road. Views of the sky to the south west which currently exist would be unduly lost from the rear of these houses. In addition, combined with the siting of the building to the south west of Longland Road, within 3 metres of the boundary with no.9 Longland Road, it is considered that the building would result in loss of sunlight which would significantly overshadow the rear gardens of these houses, especially those of nos.9 and 11 Longland Road, during the early evening hours to sunset, particularly during the winter months when the sun is lower in the sky. It is considered that this would have a detrimental impact on the use of and enjoyment of the south west facing gardens of these houses and would be contrary to Policy HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

With regards overlooking from the proposed building, it is considered that there are a number of windows to the north east corner of the building at first and second floor level which would cause direct overlooking of the rear gardens and habitable windows of houses along Longland Road. Those houses particularly affected are nos.7 – 13 Longland Road being the closest houses to the proposed building.

Two windows to the first floor dining room directly overlook the rear gardens of nos.9 and 11 Longland Road and are shown on the plans to be 19.1 metres and 18.1 metres from the rear elevation of no.9 Longland Road. This separating distance is not considered sufficient to protect privacy where no overlooking currently exists. However, the direct overlooking of the private rear gardens is significantly more harmful where the building is within 3 metres of the boundary fence. Bedrooms 213, 214 and 215 at first floor level are at a slightly more obscure angle, however, they would still directly overlook the rear gardens of



nos.11 and 13 Longland Road. At second floor level, there are 2 dormer windows proposed to the north east corner roof slopes. These would serve 2 bedrooms of which bedroom 315 (facing north west) would be set approximately 21.6 metres from the rear elevation of no.9 Longland Road and bedroom 316 (facing north east) would be set approximately 23 metres from the rear of no.7 Longland Road. Although these windows are slightly further away than the first floor windows, being at a floor higher, they would have a significantly higher impact on looking down to these houses and over the rear gardens. The plans do not indicate that any of these windows would be obscure glazed and it is therefore assumed that they are proposed to be clear.

As such, it is considered that the positioning of the windows, which arises from the inappropriate scale and siting of the building, and their proximity to the rear windows and gardens of houses along the south west side of Longland would result in significant overlooking and loss of privacy which would adversely affect the amenities of the residential occupiers affected. In this respect, the proposal would be contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

Objections have been received from residents concerning potential noise and disturbance from cars entering and exiting the site on a 24 hour basis especially during the evening and early morning hours. It is not thought that there would be many journeys undertaken during the night for the proposed residential use, however, there may be comings and goings up until late night. There are 3 parking spaces (nos. 18, 19 and 20) located close to the north east boundary with nos. 5 and 7 Longland Road where 3 single storey storage buildings are currently located. Space no.20 is located approximately 8.3 metres from the rear elevation of no.7 Longland Road where there is likely to be rear first floor bedrooms which would benefit from a significantly lower background noise level at night away from the road. These parking spaces would be sited very close to the first floor rear windows of these properties but also at an elevated level which could potentially cause noise and disturbance from revving engines, doors closing, beaming headlights and noise emanating from drivers and passengers. As such, it is considered that these parking spaces are inappropriately located close to the rear of these residential houses at an elevated level and could potentially impact adversely on the occupiers of nos.5 and 7 Longland Road and neighbouring houses during the evening and early morning hours, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

#### Access, Car Parking and Highway Considerations

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

The proposal involves the provision of 21 parking bays of which, 2 would be disabled spaces and 1 would be an ambulance space. The remaining spaces would be utilised by residents, visitors and staff. Provision of a cycle store for 6 bicycles is shown to be provided within a store to the east of the site.

Objections have been received concerning insufficient parking provided for such a large proposal and that overspill would be accommodated within the surrounding residential streets.

The applicants have provided a Transport Assessment which shows that the existing use of the site would involve some 163 movements a day and the proposed use would reduce this to 106 such trips based on the Trip Rate Information Computer System (TRICS) database.

The East Sussex County Council Highways Manager has been consulted and considers that the level of on site parking is in accordance with ESCC, Parking Guidelines and appropriate for the site being utilised as either a Care Home or Nursing home. The parking layout is acceptable and has been considered with regard to Manual for Streets. The cycle parking is also appropriate in terms of the number and facilities as they are to be both covered and secure and therefore suitable for long term use. The site is located close to a well served bus route linking the site to Eastbourne town centre as well as the coastal strip to Brighton. The site is therefore located in a reasonably sustainable area in transport terms.

The Highways Manager has undertaken their own analysis through the TRICS database limiting the analysis to sites in England, excluding Greater London, and the figures obtained are almost identical to those in the submitted transport assessment which concludes that the proposal would result in fewer vehicle trips than the current use and thus would be acceptable on transport grounds.

It has also been confirmed from Police accident records that there have been no reported incidents at this access in the last 10 years. As such, it is considered that the proposal would accord with Policy TR11 of the Eastbourne Borough Local Plan and East Sussex County Council parking standards SPG.

#### Sustainable Development

Policy D1 requires all new development to be sustainable and be well designed and constructed and demonstrate that it has taken account of the principles of sustainable development. All new residential developments should demonstrate that they meet the minimum requirement of Code Level 4 for all new homes from April 2013.

The application has been accompanied by a BREEAM report which confirms that the proposed building would achieve a rating of 'very good'. As such, it is considered that the proposal would meet the aims of sustainable development and accord with Policy D1 of the Eastbourne Core Strategy.

**Human Rights Implications:**

None

**Conclusion:**

The proposed 3 storey residential care home to replace the existing commercial uses on the site is acceptable in principle and would meet a local need for residential care for the elderly in line with the aims of the NPPF, Policy H017 of the Eastbourne Local Plan and Policy C4 of the Eastbourne Core Strategy.

Access and car parking provision is also considered acceptable and would meet the standards set out in the ESCC, Parking Guidelines. The proposal would result in fewer trips to and from the site and would be located close to a well served bus route linking the site to Eastbourne town centre as well as the coastal strip to Brighton. As such, it is considered that the proposal would accord with Policy TR11 of the Eastbourne Borough Local Plan and East Sussex County Council parking standards SPG.

No objection is raised to the traditional design concept for the proposed building. However, it is considered that the proposed building would be inappropriately sited, visually dominant and overbearing in scale in relation to houses along the south west side of Longlands Road which are situated approximately 2 storeys lower than the application site ground level. The excessive mass and bulk combined with the inappropriate siting would result in loss of sunlight to the rear of houses on Longlands Road and overshadowing of the rear gardens after early evening hours and earlier in the winter months when the sun is lower in the sky. Windows at first floor level to the north west and north east elevations would directly overlook the rear of houses along Longlands Road with views towards rear habitable rooms and private gardens resulting in a significant loss of privacy to the residents of these houses.

As such, the proposal, with respect to scale and layout, would be contrary to Policies UHT1, UHT4, H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

**Recommendation: Refuse****Reasons For Refusal:**

1. The proposed development is considered unacceptable by virtue of its inappropriate siting, excessive footprint, height and massing which fails to adequately address the difference in ground levels and proximity between the application site and the rear of houses along the south west side of Longlands Road where it would result in a visually dominating and overbearing structure in relation to these houses. As such, it is considered that the proposal would be

contrary to Policies UHT1 and UHT4 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

2. By virtue of the inappropriate siting, excessive footprint, height and massing, it is considered that the proposed development would result in an unacceptable loss of sunlight in the early evening and overshadowing to rear windows and gardens of houses on the south west side of Longlands Road. As such, it is considered that the proposal would be contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

3. The proposed development is considered unacceptable by virtue of its inappropriate positioning of windows at first and second floor level to the north east corner of the building which would directly overlook the rear gardens and habitable rooms of houses along the south west side of Longlands Road. As such, it is considered that the proposal would result in an unacceptable loss of privacy to these houses, adversely affecting the amenities of the residential occupiers, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

4. The positioning of parking spaces adjacent to the north east boundary to the rear of nos. 5 and 7 Longlands Road is considered to be unacceptable by virtue of their inappropriate location and close proximity to the rear elevations of these residential houses at an elevated level which could potentially cause noise and disturbance to the residential occupiers from revving engines, doors closing, beaming headlights and noise emanating from drivers and passengers. As such, it is considered that the proposal would adversely affect the amenities of adjacent residential occupiers, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

## **Informatives**

**Appeal:** Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**