

App.No: 190734	Decision Due Date: 6 December 2019	Ward: Upperton
Officer: Anna Clare	Site visit date: 5 November 2019	Type: Planning Permission
Site Notice(s) Expiry date: 2 November 2019		
Neighbour Con Expiry: 2 November 2019		
Press Notice(s): n/a		
Over 8/13 week reason: To negotiate redesign and bring before committee		
Location: 4 The Avenue, Eastbourne		
Proposal: Proposed change of use of 3No. garages to 1No. 1bed self-contained dwelling with the replacement of garage doors with grey cladding and formation of 3No. windows along with provision of allocated disabled parking space.		
Applicant: Mr Andrew Mackelden		
Recommendation: Grant Planning Permission subject to S106 (offsite affordable contribution) and conditions as listed within report.		
Contact Officer(s):	Name: Anna Clare Post title: Specialist Advisor Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	
Map location		

1 Executive Summary

- 1.1 The proposal will provide an additional flat within this existing purpose built block. The design will not detract from the appearance of the existing building and on balance the proposal will provide an adequate standard of accommodation for future occupiers. The site is within a highly sustainable location and as such it is not considered the loss of the garages, and therefore the resultant impact on demand for on street parking could be substantiated as a reason for refusing planning permission.
- 1.2 Given the relatively recent completion of the existing building, in order to comply with Policy D5 the applicant has offered a contribution towards off site affordable housing by way of a commuted sum. Therefore in principle there are no objections to the proposal and as such it is recommended that planning permission is granted subject to conditions and completion of the S106 agreement.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2019
2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan 2006-2027
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C1 Town Centre Neighbourhood Policy
D1 Sustainable Development
D5 Housing
D10a Design
- 2.3 Eastbourne Borough Plan 2001-2011
UHT1 Design of New Development
UHT4 Visual Amenity
UHT7 Landscaping
NE4 Sustainable Drainage Systems
HO1 Residential Development Within the Existing Built-up Area
HO2 Predominantly Residential Areas
HO7 Redevelopment
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking

3 Site Description

- 3.1 The site refers to an existing purpose built, 5 storey block of 11 self-contained flats over the upper 4 storeys with ground floor lobby and garages. The building

was completed in late 2018.

- 3.2 The site is situated on a corner position with a rear access lane to the north-east which runs to the rear of properties of Upperton Gardens.
- 3.3 The site is not situated within a conservation area, however the border of the Upperton Conservation Area runs to the centre of the lane adjacent the site.

4 Relevant Planning History

- 4.1 The original consent for the development of the site was:

070350

Erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor.

Planning Permission

Approved conditionally

07/08/2007

This consent was extant by the demolition of the building at the time of the permission, however the build was actually completed in late 2018 with occupation commencing in January 2019. It is understood that all flats are now occupied.

- 4.2 161499

Non-material amendments to drawings of planning permission granted 07 August 2007 for the erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor (Ref: EB/2007/0362).

Issued

12/01/2017

- 4.3 180283

Application to vary the approved details of permission granted 7 August 2007 for the erection of a five storey block of 11 Flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor (Ref: EB/2007/0362) non materials amendments approval dated 17 January 2017 (Ref: 161499) and approved discharge of conditions dated 9 February 2017 (Ref: 161500).

Issues

05/06/2018

5 Proposed development

- 5.1 The application is proposing the conversion of three of the seven garages at ground floor, into an additional one bedroom, 2 person occupancy flat.
- 5.2 The internal layout, and the external design and materials were amended following advice that the application was not supportable in its submitted form. It was also originally proposed to provide a disabled parking space adjacent to the building in the existing service lane, however following advice that this was not

going to be acceptable from highway safety point of view this was removed from the scheme.

6 Consultations

- 6.1 East Sussex County Council Highways
Taking into account the fact that the lane is private, the parking restrictions in the area and location of the site within recommended walking distance [less than 400m] to both public transport and the town centre facilities I would not wish to refuse [or defend at appeal] an application on the issue of reduction in parking on the site.

7 Neighbour Representations

- 7.1 Objections have been received from 4 properties, including three within No.4 itself for the following reasons;

- Loss of parking for the development
- Increase in density
- Creation of conflict between the new dwelling and existing garages
- Disabled space will restrict access to the other garages
- Parking space in the lane will narrow the road impact on access and safety
- Design will impact on the appearance of the building

Following consultation on the amendments to the application, 2 of the 3 objectors from within the building have confirmed their objections have not been overcome by the amendments making the following comments:

- Removal of the proposed parking space still results in a lack of parking for the proposed additional dwelling
- Design is not in keeping with the original building design

8 Appraisal

- 8.1 Principle of development:

- 8.1.1 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. Eastbourne is currently only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development', as described in paragraph 14 of that document. Therefore in accordance with paragraph 11 of the NPPF planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.

- 8.1.2 Permission was granted originally in 2007 for the development of the site for 11 residential flats. The building was actually built in 2018, at the time of building

the development would have been subject to consideration in relation to our Affordable Housing policy as the proposal was for 11 units. The threshold for the provision of affordable housing is now set at 10 units by the revised National Planning Policy Framework 2019. This application would bring the building upto a total of 12 units.

- 8.1.3 Prior to the construction of the building in 2018, two rounds of non-material amendments were sought to the scheme in 2016 and early 2018. At this time submission of a new application for the amendments, and the inclusion of this additional unit would have been the development being liable for the provision of affordable housing on site.
- 8.1.4 No evidence has been submitted showing how the development meets the requirements of policy D5 housing. However discussions with the applicant have taken place.
- 8.1.5 When considering the building as a whole the development of 12 flats would, at 40% affordable housing as per Policy D5, be required to provide 4.8 units as 'affordable' units. Obviously the applicant can no longer provide such as most have been sold. Therefore we could consider a commuted sum in lieu of an on site provision of affordable housing in line with the Affordable Housing Supplementary Planning Document.
- 8.1.6 If you consider this one unit in isolation a commuted sum of £29,859 would be required in lieu of the on site contribution. The applicant has indicated that they will enter into a S106 legal agreement for this amount. Therefore the application is considered compliant with policy D5 of the Core Strategy.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
 - 8.2.1 The location of the new dwelling is such that it is considered there would not be significant impacts on surrounding existing properties in terms of amenity impacts.
- 8.3 Amenity of future occupiers of the development:
 - 8.3.1 The proposed flat would provide 53.5m² of floorspace, the layout proposes a large double bedroom, a kitchen/living room, bathroom and a storage room within the access lobby.
 - 8.3.2 The Nationally Described Space Standards recommend such a flat should provide 50m² of accomodation, the proposal is therefore in excess of the recommendation.
 - 8.3.3 The location of the proposed flat does raises concerns. Two windows to the living room would be provided in the front elevation, but side elevation windows would be directly onto the lane, which is not ideal given there is no defensible space.
 - 8.3.4 The side elevation windows are narrowed to reduce overlooking, there would be

limited outlook from the windows, however they will provide natural light and ventilation. Therefore on balance given the flat is a reasonable size the proposal is considered to provide an adequate standard of accommodation for future occupiers.

8.4 Design issues:

8.4.1 The building as completed is brick at ground floor, with rendered upper floors. The building being brand new is crisp and fresh and provides a characterful entrance to the Avenue.

8.4.2 The loss of the garages at ground floor, whilst part of the design concept of the building will not detract from the appearance providing the gaps are infilled in a suitable material. The soldier course of bricks existing above the garage openings is shown to be removed and only be evident above the proposed window openings. This is considered important to ensure the proposal does not read as a later afterthought, or infill. Therefore this is proposed to be conditioned.

8.4.3 On balance the impacts of the proposal are not considered to detract from the design of the building to warrant the refusal of the application.

8.5 Impacts on highway network or access:

8.5.1 At the time of the original application the 7 garages for the 11 flats were considered acceptable in terms of parking demand. The application would result in the loss of 3 garages and therefore car parking spaces for the existing flats.

8.5.2 The applicants submission states that the garages remain vacant having not been purchased with the residential flats. However comments to the consultation refute this and state that the garages were not offered for sale. Whilst this is unfortunate, it is not considered this can be considered a reason for refusing the application. There were no conditions requiring the retention of the garages, or how they must be used/allocated.

8.5.3 The site is situated within a highly sustainable location, and reducing on site car parking should encourage more sustainable transport options. It is therefore not considered that a reason for refusal on this basis could be substantiated given the sustainable location and number of flats.

8.6 Conclusion:

8.6.1 It is accepted that Eastbourne cannot demonstrate a five year housing land supply, therefore there is a presumption in favour of sustainable development. The site is situated within a highly sustainable location, and will provide an adequate standard of accommodation for future occupiers therefore it is considered any harm caused by the loss of the garages would not outweigh the benefit of this additional unit.

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 Grant planning permission subject to the following conditions and completion of a S106 agreement for commuted sum towards off site provision of affordable housing;

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

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

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no;
2977 03 Rev A – Existing & Proposed Front Elevations
2977 05 Rev A – Proposed Ground Floor Plan
2977 06 Rev A – Proposed Side Elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building and the soldier brick course above the existing garage door openings shall be removed prior to the infilling of the garage door openings.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 4) The internal layout of the proposed unit shall be as shown on the approved drawing 2977 05 Rev A – Proposed Ground Floor Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure a satisfactory level of amenity for future occupiers.

- 5) The secure cycle storage shown on approved drawing 2977 05 Rev A – Proposed Ground Floor Plan shall be made available for the occupiers of the approved development prior to the first occupation and shall remain as such for the lifetime of the development and shall not be used for any other purpose.

Reason: to ensure the proposed storage space is provided and retained to encourage transport by sustainable means.

11 Appeal

- 11.1 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.