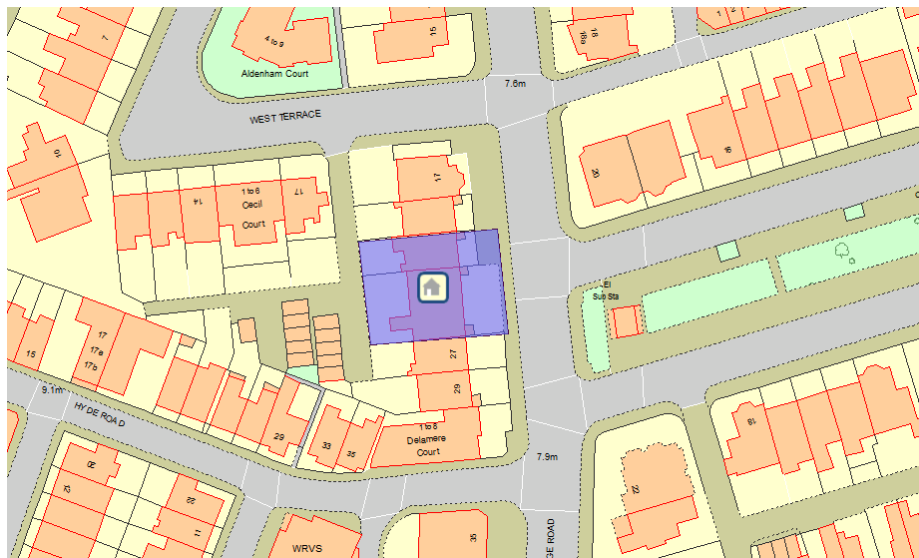


<b>App.No:</b> 200322 & 200332	<b>Decision Due Date:</b> 12 August 2020	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 2 <sup>nd</sup> July 2020	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 11 <sup>th</sup> June 2020		
<b>Neighbour Con Expiry:</b> 11 <sup>th</sup> June 2020		
<b>Press Notice(s):</b> 10 <sup>th</sup> July 2020		
<b>Over 8/13 week reason:</b> Committee Cycle. Financial Viability Assessment needed.		
<b>Location:</b> 21-25 Gildredge Road, Eastbourne		
<b>Proposal: 200322</b> - Change of use from A1, A2 & B1a use to proposed residential use providing 15No. self-contained dwellings and associated facilities <b>200332</b> - Loft conversion for the provision of 2 new dwellings		
<b>Applicant:</b> Mr A Bennett		
<b>Recommendation:</b>		
<b>200322</b> - Approve Conditionally – subject to s106 agreement to secure affordable housing and local labour agreement.		
<b>200332</b> – Refuse for the reasons set out in this statement		

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



## **1 Executive Summary**

- 1.1 The proposed conversion of the lower ground, ground, first and second floor levels of the building is considered to be acceptable in that it provides a suitable use for a vacant building that would support the viability and vitality of the Town Centre and would contribute towards housing supply. There is an identified need for the type of small residential units that would be provided, particularly in locations such as the access site which are highly sustainable with good links to public transport, shops and services.
- 1.2 Although the proposed loft conversion would offer a further 2 x residential units, the living conditions provided would not be acceptable on account of the low ceiling height and lack of windows that would offer any realistic form of outlook.
- 1.3 It is therefore recommended that the works applied for through application 200322 are approved and that the works involving the conversion of the roof space to residential properties under application 200332 are refused.
- 1.4 The proposed works involve the net gain of 15/17 residential units and, as such, a provision of affordable housing is required. The applicant has stated that it would not be possible to provide affordable housing as part of the development, nor could a commuted sum be paid. The reason stated is viability grounds. A Financial Viability Assessment that supports this statement has been submitted and is being independently reviewed by a Chartered Surveyor.

## **2 Relevant Planning Policies**

### **2.1 Revised National Planning Policy Framework 2019**

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

### **2.2 Employment Land Local Plan (2016):**

EL3 Town Centre

### **2.3 Eastbourne Core Strategy 2013**

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C1 Town Centre Neighbourhood Policy
- D1 Sustainable Development
- D2 Economy

D5 Housing  
D10 Historic Environment  
D10a Design

2.4 Town Centre Local Plan (2013):

TC2 Town Centre Structure  
TC6 Residential Development in the Town Centre  
TC9 Development Quality  
TC10 Building Frontages and Elevations

2.5 Eastbourne Borough Plan Saved Policies 2007

NE7 Waste Minimisation Measures in Residential Areas  
NE18 Noise  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity  
UHT7 Landscaping  
UHT15 Protection of Conservation Areas  
UHT18 Buildings of Local Interest  
HO1 Residential Development Within the Existing Built-up Area  
HO2 Predominantly Residential Areas  
HO9 Conversions and Change of Use  
HO20 Residential Amenity  
BI1 Retention of Class B1, B2 and B8 Sites and Premises  
TR6 Facilities for Cyclists  
TR11 Car Parking

**3 Site Description**

- 3.1 The building subject of this application forms the middle part of a terrace of what was, originally, a group of four storey (including lower ground floor) townhouses. The terrace, which was constructed in the 1870's, incorporates numbers 19-29 Gildredge Road. The building has a distinctive frontage with the ground floor raised above street levels and accessed via stone steps leading to a flat roof entrance porch with an arched doorway. All ground floor windows on the building frontage are also arched. There is a decorative parapet above the porch and a cornice and decorative brackets (modillion) below the roof that continues along the full extent of the building at the same level. There is also a cornice a modillion at eaves height of the main roof, which is of gable form.
- 3.2 There have been no significant alterations or extensions to the exterior of the original building save for a distinctive curving access ramp to the front of the building and a two-storey mono-pitch roof outrigger, which provides access to the rear of the building. There is also a small flat roof extension to the lower ground floor of No. 21. Also to the rear of the site is a hard surfaced parking area which is accessed via a service road taken from West Terrace.
- 3.3 A number of uses have occupied the building over time. Most recently, the ground floor was in use as a bank with associated storage at lower ground floor,

other than at No. 21 where a separate lower ground floor retail/office unit, with designated access from the street, has been formed. Upper floors are configured for office use.

3.4 The site falls within the Town Centre and Seafront Conservation Area. Surrounding development is generally in the form of Victorian three and four-storey townhouses, the majority on Gildredge Road having been converted to commercial use whilst those on surrounding tertiary roads are largely still in residential use. The townhouses are occasionally interspersed with more modern multi-storey buildings. The site is within Eastbourne Town Centre but is not part of any designated primary or secondary shopping area. A new bus shelter has recently been installed directly to the front of the building as part of the Eastbourne Town Centre Improvement programme of works.

3.5 Other than the local listing of the building and the designation of the surrounding area as a Conservation Area, there are no other specific planning designations or constraints attached to the site.

#### **4 Relevant Planning History**

4.1 730904

Change of use from private hotel to offices having a floor area of approximately 6000 sq.ft.

Approved Conditionally 4<sup>th</sup> February 1974

4.2 760316

Change of use from approved offices to language school (25 Gildredge Road)

Approved Conditionally 13<sup>th</sup> July 1976

4.3 770243

Internal alterations to adapt approved offices to Branch Bank with offices on upper floors and formation of paved forecourt.

Approved Unconditionally 12<sup>th</sup> July 1977

4.4 880482

Change of use of second floor to offices (21 Gildredge Road)

Approved Unconditionally 26<sup>th</sup> February 1988

4.5 890698

Demolition of existing steps, formation of access ramp and two new flights of steps.

Approved Conditionally 26<sup>th</sup> July 1989

4.6 940059

Change of use of lower ground floor from veterinary surgery (Class D1) to offices (Class A2 or B1) (21 Gildredge Road).

Approved Unconditionally 9<sup>th</sup> February 1995

## 5 Proposed development

### 5.1 Application 200322

5.1.2 The proposed development involves subdividing the building to form a total of 15 x independent residential flats. (12 x 1 bedroom, 3 x 2 bedroom). All of the 2 bedroom flats would be at lower ground floor level.

5.1.3 External alterations would be made to the front of the building. These would consist of the following:-

- Replacement of the glazed shopfront style arrangement at lower ground floor level at No. 21 with windows to match those at lower ground floor level at numbers 23 and 25.
- Installation of metal handrails on the steps serving numbers 21 and 25 (No. 23 already has a handrail in place).
- Replacement of timber sash windows at second floor level with uPVC sash windows.

5.1.4 The following alterations and additions would be made to the rear of the building:-

- Demolition of existing two-storey outrigger.
- New single-storey mono-pitch roof extension to rear with matching footprint to existing lower ground floor extension (3.215 metres in width by 2.395 metres in depth).
- Installation of new windows where on elevation exposed by removal of outrigger.
- Installation of new windows at lower ground floor level including formation of new lightwell at No. 25.
- Provision of new ground floor access door and associated steps.
- Provision of free-standing cycle and bin stores.

5.1.5 4 x car parking bays would be provided on the existing hard surfacing to the rear of the site. As well as the new free-standing cycle storage area, which would have capacity for 11 bikes, each of the lower ground floor flats would be provided with a cycle storage cupboard adjacent to their main entrance.

5.1.6 2 x ground floor flats would have access to a terrace area to the front of the buildings whilst 2 x first floor flats would have access to the flat roof over the entrance porch. No communal outdoor amenity space is incorporated into the scheme. The lower ground floor flats would be accessed using two existing sets of steps taken directly from the pavement on Gildredge Road. The main access to the building would be in the form of the existing steps and ramp serving No. 23. An alternative access would be provided adjacent to the parking area to the rear of the building. Two of the ground floor flats would also have independent access via the steps and porches at numbers 21 and 25. Upper floor flats would be served by a communal staircase in the centre of the building.

## 5.2 Application 200332:

- 5.2.1 The proposed development involves the formation of 2 x one bedroom flats within the existing roof space, thereby forming a third floor level. Each flat would occupy the full depth of the building, with roof lights being installed within the front and rear roof slopes as a means to provide natural light and ventilation. The flats would be accessed by a central staircase, which would also serve flats on the first and second floor, should approval for these flats be granted.
- 5.2.2 Other than the proposed roof lights, no external modifications, alterations or extensions would be made to the building. A total of 9 x roof lights would be installed within the front slope, with 5 x roof lights installed to the rear. Each roof light would measure approx. 0.75 metres in width and 0.7 metres in height.

## 6 **Consultations**

### 6.1 Specialist Advisor (Planning Policy)

- 6.1.1 The development would be broadly in contravention to Employment Land Local Plan Objective 5 – Promote Sustainable Employment Locations with the creation of B1a Office floorspace in a sustainable location. However, paragraph 121 of the NPPF describes 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...they should support proposals to... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors...” As the site has been vacant, there is no reason that the Change of Use would undermine key economic sectors.
- 6.1.2 The Eastbourne Borough Plan Policy B11: Retention of Class B1, B2 and B8 Sites and Premises states that “Planning approval for the conversion or redevelopment of land or buildings currently or last in use class B1, B2 or B8 use for non-employment use will not be granted unless it can be satisfactorily demonstrated that...the site is genuinely redundant having regard to the following factors:
- i. the site with or without adaptation would not be capable of accommodating an acceptable employment development;
  - ii. no effective demand exists or is likely to exist in the future to use the land or buildings for employment generating activities including the length of time the property has remained vacant and attempts made to let it and the demand for the size and type of employment premises in the area;
  - iii. the condition of the property and works required to make it suitable for employment either through refurbishment or redevelopment would be uneconomic...”

The Design and Access Statement suggests that the unit has been marketed for several years, but is still currently vacant. There is no evidence of this supplied with the application.

6.1.3 The National Planning Policy Framework (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 October 2019, Eastbourne is only able to demonstrate a 1.43 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. 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, paragraph 11). This site would be considered a windfall site, as it has not been previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 15 residential units.

6.1.4 Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre. Proposals for new residential development in the Town Centre must demonstrate how the following design issues have been addressed:

- Protecting the amenity of residential occupiers by minimising potential conflicts between different land uses including noise disturbance, smell and vibration through the design and siting of servicing areas, ventilation and mechanical extraction, and external light sources.
- Provision of a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
- Provision of outdoor amenity space in the form of a shared communal garden, useable private balcony or roof terrace that forms an integral part of the design of the building.
- Provision of adequate bin and recycling storage that is screened from publicly accessible locations including adjoining streets, parking facilities and open space.

The application conforms with some of the above points. There are no obvious conflicts involving noise disturbance, smell and vibration, due to the nature of the site. There will be refuse storage created as part of the development. There is only a limited amount of difference in the dwelling mix, as there are 12 x 1 bedroom apartments and 3 x 2 bedroom apartments. However, there will be no outdoor amenity space provided for the residents. It could be argued that the Town Centre location means that public amenity space can be found nearby, and so it is not necessary within the development. Also, the Town Centre location could mean that flats with one bedroom would be in a higher demand, so that a larger dwelling mix is not needed.

6.1.5 As the proposal is for a development of 15 flats, it is above the threshold for a contribution towards affordable housing. As the Town Centre is considered a 'Low Value' Neighbourhood in Policy D5 in the Eastbourne Core Strategy, it needs to provide 30% of the units for affordable housing. The Design and Access Statement acknowledges this requirement, and states that the development would need to provide 4 whole units and a commuted sum for a further 0.5 units. It states that the developer of the site could determine it

unviable, as it is located in a low value area, and provide a commuted sum for all 4.5 units. It states that evidence will be provided to support this if it is required. sectors.

- 6.1.6 The Change of Use and creation of 15 units is supported in principle. It does not provide any outdoor amenity space for the residents, though because of the Town Centre location this may not be deemed necessary. Also, the loss of B1a floorspace in this location is contrary to policy without sufficient evidence, which has not been provided. If the supporting evidence was provided that the unit was no longer viable as an office space, and there was very clear evidence provided with that affordable housing could not be delivered on site, then this proposal would be supported by policy.

6.2 Specialist Advisor (Conservation):

- 6.2.1 **Application 200322:** This application seeks permission for a change of use of this centrally located property in a conservation area from commercial uses to a residential conversion. The interior will be completely reworked but the all-important front elevation remains largely unchanged, with the exception of the proposal to replace timber windows at the upper level, which invites concern in conservation terms. It is hoped that this element can be amended to allow for their repair and retention, or replacement with new timber windows, in which case I am happy to approve.

Officer Comment: The applicant has confirmed that timber windows would be retained to the front of the building and repaired and restored where necessary.

- 6.2.2 **Application 200332:** This application seeks permission to convert the loft area of this centrally located property for residential use, which necessitates the installation of roof lights to front and rear. This is a practice that has happened elsewhere in the Town Centre and Seafront conservation area, and the proposal to use conservation roof lights is location sensitive and highly appropriate. As a result, no objection on conservation grounds is required.

6.3 ESCC Highways:

- 6.3.1 The proposed building currently has mixed use as a bank, offices and a commercial unit. The proposed access will remain via the communal access from Gildredge Road with an additional rear access via West Terrace. The site is located in the town centre, is well connected to public transport services with both rail and bus services available within 400m. Town centre shops are close by, with the Arndale Centre within 350m. There are parking restrictions in place along roads in the immediate surrounding network (bus stop clearways, parking bays, double yellow lines, loading/waiting areas). The restriction are enforced between 0800 and 1800hrs. On street parking is limited to 2 hours without a permit (pay and display).
- 6.3.2 The applicant has not submitted any details of trip generation for the existing or proposed use. Having carried out my own analysis using TRICS it is estimated that approximately 30-60 vehicle trips will be generated by the proposed development, not discounting the existing trips. This level of trips is not expected



to result in a significant impact on the local highway network, and as such, would not warrant an objection.

- 6.3.3 The applicant has proposed 4 on-site car parking spaces. This is a reduction from the existing 7 car parking spaces. In accordance with the ESCC guidance for parking at non-residential developments the existing A1/A2/B1a use should be provided with 1 space per 30sqm. As such the existing provision falls short of what should be provided. In accordance with the East Sussex parking demand calculator 12 one-bedroom and 3 two-bedroom flats in this location require 9 parking spaces if all unallocated. Although turning is available within the rear service road it is constrained and the spaces cannot be seen from West Terrace as such a number of trips will be made only to find that the spaces have been taken. If these spaces are allocated to the 3 two-bedroom flats this problem is eliminated. If 1 parking space is allocated per two-bedroom flat then there is a shortfall of 7 parking spaces, however given that the future demand is less than the current demand and permits are still being issued for this zone G an objection on parking grounds would be difficult to defend. A severe impact would be unlikely to be created by the parking demand and therefore the proposal is in accordance with the transport requirements of the NPPF. Parking restrictions along in the vicinity of the site prevent unauthorised parking, therefore maintaining the free flow of traffic.
- 6.3.4 It should be noted however that parking bays in this zone are a mixture of permit holders only and shared parking (for permit holders or pay and display parking) and as such having a permit does not guarantee that space will be available on street.
- 6.3.5 The applicant is proposing cycle storage to the rear of the property with 18 cycle spaces. ESCC standards stipulate that between 0.5 and 1 cycle spaces should be provided per one/two bedroom flat, as such the 18 spaces proposed exceeds the requirement. Given the accessible site and lack of parking in excess of 1 space per flat is accepted. The provision of cycle storage should be secured by condition, be conveniently located, covered and secure.
- 6.3.6 The applicant is proposing a bin store to the rear of the property with access via West Terrace. Although the bin storage point is within the 25m maximum carry distances from West Terrace the waste team should be consulted to determine if this arrangement is acceptable.
- 6.3.7 The site is located approximately 400m south of Eastbourne Town Centre and is within approximately 800m of Eastbourne Railway Station which provides an onward connection to Hastings, Brighton and London. There are a number of bus services within a 200m walking distance, serving Eastbourne Town Centre, Meads, Sovereign Harbour and Hastings. Overall, it is considered the site is in a suitably sustainable location.
- 6.3.8 Given the size of the development a Travel Plan Statement is not required; however, considering the lack of parking it is necessary to encourage non-car modes of transport. A bus taster ticket (for at least one month) or £100 cycle voucher should be provided per flat on first occupation.

- 6.3.9 Given the central location of the site, and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, with details to be agreed.
- 6.3.10 Considering the sustainable location, size of proposed dwellings and existing use it is not expected that the proposals would result in a significant detrimental impact on the local highway network. Therefore, I would not object to the application based on highways grounds, subject to conditions detailed below.
- 6.3.11 Officer Comment: As the proposed works are almost entirely internal, it is not considered that it would be reasonable or necessary to require a Construction Management Plan.

## **7 Neighbour Representations**

7.1 5 letters of objection have been received, the comments made are summarised below:-

- Increased traffic through West Terrace;
- Insufficient on-site parking and street parking is over-subscribed;
- If approved then the road to the rear of the property should be resurfaced;
- Occupants of flats will be exposed to air pollution;
- Increased noise and rubbish;
- People will gather at rear of site due to lack of amenity space;
- Dense occupation levels will increase risk of spread of COVID;
- Type of accommodation will be at risk from fire;
- Neighbouring properties would be overlooked by flats in roof space;
- Unclear if access to garages to rear of site will be affected;
- Construction hours should be limited to 9am to 5pm;
- I was not consulted on application even though my garage would be affected;
- The square footage of each building is below policy limits;
- No provision of electric vehicle charging points;

7.2 Officer Comment: The issue of parking permits is administered by East Sussex County Council who have stated that permits are still being issued and that the proposed use would have a lower parking demand than the existing (para. 6.3.3). Standard construction hours are between 08:00 and 18:00 on weekdays and there is increased pressure from National Government for these to be increased to compensate for lack delays in development experienced due to lockdown. It is considered that standard hours are reasonable. The road to the rear of the site is not an adopted highway and, as such, access and maintenance works are a civil matter rather than a planning consideration. A planning condition has been attached to secure an electric vehicle charging point.

## 8 Appraisal

### 8.1 Principle:

- 8.1.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.
- 8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.1.4 The site is located within the Town Centre and the approved use of the building is currently is predominantly as office space with an A2 (financial and professional) use on the ground floor and lower ground floor. Economic objectives are one of the three overarching objectives of sustainable development. Para. 80 of the NPPF states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. It is important, in this context, to note that the NPPF identifies that residential development in town centres can often play an important role in ensuring the vitality of centres (para. 85).
- 8.1.5 It is noted that the site is within a Conservation Area, a designated heritage asset (NPPF Section 16). The potential impact upon this asset is therefore of particular relevance. The building itself is locally listed and is therefore also regarded as a heritage asset, albeit a non-designated one.
- 8.1.6 The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

## 8.2 Loss of Office Floor Space:

8.2.1 The existing building currently provides office space albeit that the building is currently vacant. Policy BI1 of the Eastbourne Borough Plan (saved policies) and Policy D2 of the Eastbourne Core Strategy both seek to prevent unnecessary loss business uses as a result of change of use development.

8.2.2 Notwithstanding the above, it is important to note the contents of para. 4.19 of the Eastbourne Employment Land Local Plan (EELLP) which was adopted in 2016. In this paragraph it is recognised that:-

'The office market within Eastbourne is relatively static and is dominated by older, outmoded stock within the town centre. In its current state, much of the office stock in Eastbourne does not meet occupier demand as it would be difficult to accommodate the IT and servicing infrastructure needed by office occupiers, and is expensive to refurbish to meet modern standards.'

8.2.3 As a response to this identified need, sites within the town centre have been identified for new office based development which would provide at least 3,750 m<sup>2</sup> of office space, as a contribution to an overall target of delivering 48,750 m<sup>2</sup> employment space within the Borough as a whole. Policy EL3 of the Employment Land Local Plan states that the full 3,750 m<sup>2</sup> to be provided at Development Opportunity Site 2, as identified within the Town Centre Local Plan. This site is directly adjacent to the train station, close to the application site. Other Development Opportunity sites identified in the Town Centre Local Plan would further supplement provision of employment space.

8.2.4 The application building is not a purpose built office and does not benefit from the same levels of accessibility and adaptability as a modern office building does nor is it large enough to provide the critical mass required to secure communal infrastructure as would be provided at a modern, large scale office development. Although there are other offices nearby, they are distributed along the street in a rather straggly manner and are not considered to represent a hub as described in para. 004 of the Planning Practice Guidance for Town Centres and retail. Again, more modern office development is best placed to provide a hub of similar uses which are mutually beneficial to each other and the wider viability and vitality of the surrounding area. It is therefore considered that the proposed use is likely to provide a more efficient and effective use of the building and that the loss of office space would not compromise the ongoing appeal of the Town Centre as a location for offices.

8.2.5 With regard to the loss of floor space with permission for A2 class use, such uses are not considered to be as integral to the vitality of the Town Centre as A1 retail uses. There is no identified shortage of A2 units within the Town Centre. The large floor area of the building and lack of shop frontage also reduces appeal to a number of potential A2 uses. It is therefore considered that the loss of A2 floor space, in this instance, is acceptable.

8.2.6 It is also noted that the large parts of the building could be converted from offices to residential use under prior approval rights and that this may result in residential accommodation of a lower standard as an application to undertake

this would not be subject to the full range planning considerations, such as amount of internal space provided and quality of living conditions for future occupants.

### 8.3 Affordable Housing:

8.3.1 Para. 62 of the Revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Application 200322 involves the net gain of 15 residential units and, therefore, represents major development.

8.3.2 Policy D5 of the Eastbourne Core Strategy reflects this national position and sets a requirement for 30% of units to be provided in 'Low Value Areas' (of which the Town Centre neighbourhood is an example).

8.3.3 A 30% provision, based on the anticipated net gain of 15 units, would equate to 4.5 affordable housing units. As such, 4 units within the development would need to be allocated as affordable housing. The remaining 0.5 would need to be provided as a commuted sum, as per policy D5 of the Core Strategy.

8.3.4 Application 200332 provides an additional two flats within the roof space. This would result in an overall net gain of 17 flats which would require a provision of 5.1 affordable units. In the event that this application is approved and in order to ensure that provision of affordable housing would not be lost as a result of the splitting of applications, a Section 106 agreement would be used to bind the application together in order that, if both permissions were implemented, the correct amount of affordable housing would be made available.

### 8.4 Design and Impact on Visual Amenity:

8.4.1 The proposed development would not involve extensive alterations or extensions to the exterior of the existing building. Works to the building frontage would be restricted to the removal of a lower ground floor shopfront and replacement with windows and openings to match the rest of the building, provision of metal handrails on the external steps and replacement of second floor timber sash windows with uPVC windows of a similar format.

8.4.2 The appearance of the building frontage would therefore be largely unchanged and, in the case of the removed shopfront, returned to a more consistent appearance. However, the provision of uPVC windows on the frontage of a locally listed building within a Conservation Area is not considered to be acceptable, particularly in the absence of any substantive justification for such works. The main access to the building, as well as direct access to a number of

the flats, would be maintained to the front, ensuring the development engages effectively with the surrounding street scene.

8.4.3 The rear of the building would be subject to a greater amount of work but this is considered to be relatively minor in the context of the overall size of the scheme. The two-storey outrigger, which is to be demolished, is not an original part of the building and is not considered to possess any architectural merit and the part of the original elevation wall that would be exposed as a result of its removal would be restored to an appearance that replicates other parts of the rear elevation of the building. The proposed extension would be made over an existing flat roof lower ground floor extension. It is considered to be of modest proportions and it would include a window arrangement consistent with that of the main building, assisting visual integration. The proposed light wells would not be of any visual prominence.

8.4.4 The use of the rear of the site for parking would be consistent with the general pattern of development on Gildredge Road and neighbouring streets where parking is commonly provided to the rear of buildings.

## 8.5 Impact Upon Historic Environment:

8.5.1 The site is located within the Town Centre and Seafront Conservation Area, a designated Heritage Asset. The building itself is locally listed, and therefore a non-designated Heritage Asset.

8.5.2 Para. 192 of the Revised NPPF instructs that, when determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

8.5.3 Para. 197 states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

8.5.4 As stated in section 8.4, the appearance of the building would remain largely as existing and, where alterations are to be made, the majority of these would involve the removal of more modern additions and alterations to the dwelling. However, whilst the replacement of the timber sash windows at second floor windows on the front elevation may be regarded as minor in terms of scale, 'even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting (para. 018 of Planning

Practice Guidance for the Historic Environment).

- 8.5.5 The building has a wide and prominent frontage within the Conservation Area. Although uPVC windows are to be installed within the building, these will all be to the rear elevation, which has no significant visual presence within the Conservation Area nor does it possess any notable architectural features. All windows within the front elevation walls would have their timber frames retained and repaired or restored when required. Although the proposed roof lights would be uPVC framed, a Conservation design would be utilised. The roof lights would also be of modest scale and their size positioning would ensure they do not overwhelm the roof form or interrupt the main fenestrations to the front of the building, which play the largest part in defining the character of the building and the way in which it contributes towards the character and setting of the Conservation Area.
- 8.6 Residential Amenity:
- 8.6.1 The only significant extension that would be made to the existing building would be a modestly sized ground floor extension to the rear. This extension would abut the northern site boundary, adjacent to 19 Gildredge Road which is occupied by a hair salon at ground floor level and a beauty salon at lower ground floor level. Any overshadowing, which would be minimal in any case due to the modest height of the extension, would not impact upon residential windows. All new windows and openings that are to be installed within elevation walls are to be positioned on the front and rear elevations where there are a number of existing windows and the views offered will therefore be similar to existing views. Views to the rear look towards residential properties on West Terrace and Hyde Road. The nearest properties, flats at 17 West Terrace and numbers 33 and 35 Hyde Road, would only be visible at an extremely oblique angle. Other nearby residential properties are a minimum of 25 metres from the rear windows of the application building.
- 8.6.2 The proposed roof lights are relatively small and would be installed at a high level and angled upwards, with their main function being to provide natural light and ventilation. It is therefore considered that the roof lights would not offer any realistic potential for intrusive or invasive views towards neighbouring residential properties.
- 8.6.3 Parking and bin and cycle storage would be provided to the rear of the building. The parking area is not large and it is not considered that it would be used at an intensity that would result in unacceptable disturbance towards neighbouring residents. Bin and cycle storage will be provided in designated areas and would be secure and covered so as to prevent unsightliness, minimise odour emissions and discourage vermin.

8.7 Living Conditions for Future Occupants:

8.7.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

8.7.2 The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The table below shows the GIA provided for each of the proposed unit along with the amount of GIA required for the unit.

Ref:	Unit Number	Unit Size	Required GIA	Provided GIA
200322	1 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	72 m <sup>2</sup>
	2 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	73.8 m <sup>2</sup>
	3 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	78.7 m <sup>2</sup>
	4 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45.1 m <sup>2</sup>
	5 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	6 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45 m <sup>2</sup>
	7 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45.1 m <sup>2</sup>
	8 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.3 m <sup>2</sup>
	9 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	10 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	11 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.6 m <sup>2</sup>
	12 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.6 m <sup>2</sup>
	13 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	48.3 m <sup>2</sup>
	14 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46.1 m <sup>2</sup>
	15 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.8 m <sup>2</sup>
200332	16 (3 <sup>rd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	45.5 m <sup>2</sup>
	17 (3 <sup>rd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	45.5 m <sup>2</sup>



- 8.7.3 The proposed units all exceed minimum space standards in terms of GIA, although the 1 bedroom units are only suitable for single occupancy, despite double beds being shown on the submitted floor plans. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m<sup>2</sup> for single bedrooms and 11.5 m<sup>2</sup> for double bedrooms.
- 8.7.4 However, para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area. With regard to the proposed flats in the roof space (ref: 200332), the submitted plans indicate parts of the flats with a ceiling height of over 2 metres, which is lower than the ceiling height set out in the technical requirements of this space standard. This area amounts to approx. 28.5 m<sup>2</sup> per flat. In order to comply with ceiling height standards, a minimum of 34 m<sup>2</sup> floor area would need to be provided with a minimum ceiling height of 2.3 metres. It is therefore considered that, as a result of a sizeable part of each flat would have low ceiling height, the proposed flats within the roof space would provide a cramped form of accommodation and, as such, fail to provide a suitable standard of living conditions.
- 8.7.5 It is considered that the unacceptably cramped conditions that result from the low ceiling height of each of the flats within the roof would be exacerbated by the lack of any windows or openings providing a realistic form of outlook. Openings provided consist of roof lights only which are relatively small at approx. 0.75 meters by 0.7 metres and would also be installed at a high level within the roof slope. It is considered that, whilst these openings would provide natural light and a certain level of natural ventilation, the lack of outlook offered and the small size of the roof lights would create an oppressive and claustrophobic environment for occupants of the flats, further eroding the standard of living conditions provided.
- 8.7.6 Within the remaining 15 x flats (ref: 200322) all habitable rooms will be served by clear glazed windows, including ground floor units where existing and proposed lightwells will be positioned adjacent to windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. Unobstructed outlook would be available from the majority of windows. The rear facing lower ground floor windows would have reduced outlook due to their low level but all flats served by these windows are dual aspect, with the main living areas positioned to the front where front facing windows provide a far wider outlook.
- 8.7.7 A small number of the flats would have access to balconies in the form of an existing terraced area at ground floor level to the front of the building and the flat roof over the existing entrance porches at first floor level. The amenity value of these spaces will be useful but it is not considered that they are of limited value as private amenity space given their modest size and their positioning adjacent to a busy street. No designated communal amenity space would be provided. In this instance, the minimal amount of amenity space available is considered acceptable due to the proposed tenure (the majority of units being single occupancy flats) and the relatively close proximity of the site to public amenity spaces at Gildredge Park and the Seafront.

8.7.8 The main access to the flats is to the front of the building, facing out towards Gildredge Road where there is a good level of surveillance. The secondary access as well as the parking and storage areas to the rear of the site also benefits from a good degree of natural surveillance from neighbouring dwellings on West Terrace and Hyde Road as well as from windows of flats forming part of the development. Lower ground and ground floor flats do not have windows that face directly onto the street, defensible space being provided by low walls and railings on the site frontage.

8.7.9 The communal access arrangements will need to comply with Secured by Design standards. This can be achieved through the use of a planning condition. Para. 27.20 of states that

‘Smaller developments containing up to and including 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key, etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio and visual communication between the occupant and the visitor;
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

8.7.10 The site is located in a mixed use area, a large proportion of which is residential use. Other nearby uses which include hair and beauty salons, health clinics, offices and small shops are considered to be compatible with this residential environment and do not generate levels of noise, light or air emissions that would cause undue disturbance towards future occupants of the proposed development. Likewise, it is not considered that the residential use of the building would prejudice ongoing operations of any nearby business use.

8.8 Highways:

8.8.1 The proposed development would incorporate 4 x car parking spaces to the rear of the site. These spaces would be accessed via a service road taken from West Terrace which also serves parking to the rear of neighbouring sites as well as two blocks of garages. This a reduction from the 7 car parking spaces currently available on site and is due to the space being required for the bin and cycle storage facilities as well as the proposed rear extension.

- 8.8.2 Interrogation of the ESCC Car Parking Demand Calculator suggests that the development would generate demand for approximately 9.5 car parking spaces. As such, the proposed parking allocation represents a shortfall.
- 8.8.3 The building currently provides approx. 871 m<sup>2</sup> of B1 (office) and A2 (financial) floor space. ESCC guidance states that both of these uses generate parking demand at a ratio of one space per 30 m<sup>2</sup> floor space. This equates to a demand for approx. 29 car parking spaces based on the existing use. It is therefore considered that the proposed residential use would result in a reduction in parking demand that is not met on-site, even when taking the loss of 3 x parking spaces into account.
- 8.8.4 Furthermore, it is considered that the site is within a highly sustainable location. As the parking demand calculator is based on aggregated ward data this may not be reflected in the estimate for parking demand that it provided. The site is immediately adjacent to a main bus stop and within approximately 150 metres to Eastbourne train station. There are also shops, services and community facilities nearby within the town centre and its fringes. Given the sustainable nature of the site and the reduction in parking demand from that of the existing use, it is considered that there would be an acceptable quantum of parking provided on-site.
- 8.8.5 The site would be accessed by an existing service road. Although there is no footpath on the service road itself, the main access to the building, which includes a ramp, is served by the wide pavement on Gildredge Road. There is sufficient space around the car parking spaces to the rear of the site to allow for the safe movement of pedestrians. In order to ensure parked cars do not stray into pedestrian areas, they will need to be marked out and bollards, kerbing or fencing installed as a physical means to prevent incursion.

## **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 It is recommended that application 200322 (conversion of lower ground, ground, first and second floors to provide 15 x flats) is approved, subject to a legal agreement securing affordable housing (if deemed viable) and a Local Labour Agreement.
- 10.2 It is recommended that application 200332 (formation of 2 x flats within roof space) is refused.

10.3 Conditions to be attached to approval of 200322.

10.3.1 **Time Limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

10.3.2 **Approved Drawings:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 3001 01 – Site Location and Block Plans;
- 3001 09 – Proposed lower ground floor plan;
- 3001 10 – Proposed ground floor plan;
- 3001 11 – Proposed first floor plan;
- 3001 12 – Proposed second floor plan;
- 3001 13 Rev A – Proposed front elevation;
- 3001 14 Rev A – Proposed rear elevation;
- 3001 15 – Proposed part side elevations;
- 3001 16 Rev A – Proposed elevations;
- 3001 17 – Proposed roof plan and sections AA, BB;

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

10.3.3 **Window Details:** The existing and proposed windows within the front elevation of the building shall be retained/constructed with timber frames that match the appearance of existing window frames and shall thereafter be maintained in this condition throughout the lifetime of the development.

Reason: In the interest of preserving the character and setting of the locally listed building and the wider Conservation Area in accordance with saved policies UHT1 and UHT15 of the Eastbourne Borough Plan, policy D10 of the Eastbourne Core Strategy and para. 192 of the Revised National Planning Policy Framework.

10.3.4 **Cycle Storage:** Prior to the first occupation of the development, secure and covered cycle parking (with space for a minimum of 15 cycles) and bin storage facilities shall be provided in the positions shown on approved plan 3001 09 and shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In the interest of visual and environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, HO20 and NE28 of the Eastbourne Borough Plan, policies B2, D8 and D10a of the Eastbourne Core Strategy and paras 108 – 110 of the Revised National Planning Policy Framework.

- 10.3.5 **Car Parking Layout:** Prior to the first occupation of the development, the car parking area shown on approved plan 3001 09 shall be provided, marked out, surfaced and suitably drained and shall thereafter be maintained in place throughout the lifetime of the development. A minimum of 1 x electric vehicle charging point shall be provided in operational condition and retained in place thereafter.

Reason: In order to ensure sufficient parking is provided to serve the development and in the interest of highway and pedestrian safety in accordance with saved policy TR11 of the Eastbourne Borough Plan and paras 108 – 110 of the Revised National Planning Policy Framework.

10.4 Reason for Refusal (200332).

- 10.4.1 The proposed development would fail to provide a suitable standard of living environment on account of amount of floor space with low corresponding ceiling height, which fail to meet minimum levels set out in 'Technical housing standards – nationally described space standard' (2015) and the lack of outlook, with small rooflights providing the only source of natural light/ventilation. The proposed flats would therefore provide an oppressive and cramped environment and fail to fulfil the requirement for healthy living conditions to be provided, as set out in section 11 of the Revised National Planning Policy Framework (2019), H1 of the National Design Guide (2019) and policy D10a of the Eastbourne Core Strategy. It is considered that the failure to provide suitable living space outweighs the benefit of the provision of 2 x new residential units and, therefore, the application is refused.

**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.