

App.No: 131069 (PPP)	Decision Due Date: 6 March 2014	Ward: Devonshire
Officer: Toby Balcikonis	Site visit date: 14/02/14	Type: Planning Permission
Site Notice(s) Expiry date: 15 February 2014		
Neighbour Con Expiry: 26 February 2014		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: over 8 weeks given referral to committee		
Location: 2A Beach Road, Eastbourne		
Proposal: Demolition of existing warehouse and offices (Use Class B1), proposed 5 no. two-storey three bedroom terraced houses and 2 no. one bedroomflats		
Applicant: Mr Peter Bridgewater		
Recommendation: Approve with conditions		

Planning Status:

Brownfield site within a predominantly residential area.

Relevant Planning Policies:

National Planning Policy Framework 2012

Eastbourne Core Strategy Local Plan Policies 2013

B1 - Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D5: Housing

D8: Sustainable Travel

D10A: Design

D10 - Historic Environment - Archaeological Notification Area

Borough Plan Policies

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO2: Predominantly Residential Areas

HO6: Infill Development

HO7: Redevelopment

HO13: Affordable Housing

HO20: Residential Amenity

BI1: Retention of Class B1, B2 and B8 Sites and Premises

TR2: Travel Demands
TR6: Facilities for cyclists
TR11: Car Parking Standards

Site Description:

The application site is a parcel of land accessed via Beach Road from two points. The existing plot contains a commercial building (with a footprint of approximately 630sqm) used for light industrial use on the ground floor and office space at first floor level for Veritek, an expanding local business.

The existing building comprises of single-storey element forming a boundary wall, between a private twitten and back rear gardens of the two storey terraced properties in Eshton Road to the South.

The two-storey element forming the Northern elevation of the commercial premises, is separated from the rear gardens of a terrace of two-storey properties along Beach Road by a private roadway for use with the business premises.

To the East of the application site sits Beach Mews, separated from the application site by a garage premises. Beach Mews is characterised by a number of commercial units across the motor trade including hand carwash, car repair and maintenance, motorcycle training centre. All of the parking for these units are self contained within the Beach Mews site.

Relevant Planning History:

Planning History pre 1995

EB/1964/0300 - Alterations and installation of sanitary fittings of first floor of two-storey warehouse, to form warehouse with offices over. Granted - 1964-06-25

EB/1966/0504 - Change of use from a warehouse and offices to a light industrial building. Refused , one reason - 1966-10-20

EB/1968/0151 - Roofing over the open yard of an existing warehouse and offices. Granted. - 1968-03-21

EB/1968/0436 - Roofing over of vehicle loading area. Granted. - 1968-09-12

EB/1990/0503

Change of use of part of building from warehouse to workshop. Refused, one reason. - 1990-11-28

EB/1992/0221 - Continued use of part of ground floor of warehouse as workshop for repair of damaged furniture in connection with use of warehouse. Granted, subject to conditions. - 1992-07-29

EB/2002/0390 - Demolition of existing building and erection of six two-storey, two-bedroom houses in two terraces. (Amended application)
Refused and dismissed at appeal. - 11/03/2004

- 1) Loss of privacy and over-looking of rear gardens of Eshton Road properties
- 2) Loss of existing class B1/B8 employment premises.

This application was appealed by the applicant, and although the case was dismissed, this was for only a single reason: loss of employment premises.

It was held by the inspector that the design revisions shown in the subsequent drawings (replicated in a latter scheme – EB/2003/0791) whereby overlooking windows were angled away from the affected neighbouring properties, were sufficient to overcome the issues of overlooking to the rear of the neighbouring terrace along Eshton Road.

EB/2003/0791 - Demolition of existing building and erection of six two- storey. two-bedroom houses in two terraces (amended application).
Refused. one reason. - 2004-02-12

- 1) Loss of existing B1/B8

EB/2007/0857 - Re-development of site with the erection of two-storey buildings comprising five work/live-in units, together with access, parking and waste storage.
Withdrawn - 04/02/08 - Could not overcome the following issues:

- 1) Failure to justify reduction of business floorspace
- 2) Loss of privacy and over-looking of rear gardens of Eshton Road properties

EB/2008/0598 - Redevelopment of site by the erection of two-storey buildings comprising 4 work/live-in units, together with access, parking and waste storage.
Withdrawn – 27/10/08 – Could not overcome the following issue:

- 1) Failure to justify reduction of business floorspace

Proposed development:

The applicant seeks permission to demolish the existing commercial premises and erect a two storey terrace of seven properties within the footprint of the existing building. The terrace will contain:-

- 5 dwelling houses
- 2 apartments

Dwelling houses:- The two storey residential units, comprising a terrace of five three-bedroom houses with a mirrored layout are proposed. Each unit will have a private parking space sited in an undercroft area within the footprint of the properties, also containing wall-mounted cycle storage facilities and each with a secure bin storage area. All will have a private rear garden and front enclosed balcony area. Two visitor's parking bays are also proposed adjacent to the West end of the terrace.

Apartments:- The two one-bedroom flats, secured for use as affordable housing, are proposed to be situated one over the other within the remaining two-storey unit, replicating the external appearance of the five dwelling houses. The ground floor flats will have use of its own private garden, and the first floor flat would utilise the balcony area for amenity space.

The submitted drawings indicate the size of the rear garden will range from 3m-5m from the shared boundary with Eshton road. The area between the rear elevation of the proposed dwellings and the shared boundary with the Eshton Road properties will form grassed rear private gardens for each of the houses, and the ground floor flat. The shared rear boundary treatment will come in the form of a new wall to

match the existing boundary treatment separating the application site and the private twitten and gardens of the properties along Eshton Road.

As shown on the submitted drawings, the front / North elevation of the terrace is characterised by its angular building line, with the forwardmost points referencing the southern elevation of the existing buildings to the north of the site.

The applicant proposes to use the existing access to the site from Beach Road in the North West corner of the application area.

Consultations:

Internal:

ECONOMIC DEVELOPMENT –

A review of the application for planning permission for the above site identifies:

- No loss of employment

The site is located within a predominantly residential area, is not within an industrial park/estate and does not have significant economic importance to justify retention.

CLEANSING –

Sufficient space has been provided within the development

ENVIRONMENTAL HEALTH –

recommend a demolition and construction method statement be attached as planning condition.

HOUSING AND SERVICES MANAGER – Supports the delivery of affordable housing element of this scheme.

PLANNING POLICY –

The application is supported in principle for the following reasons:

- Support from the National Planning Policy Framework (NPPF)
- Important brownfield windfall site
- Securing of 2 affordable units onsite delivery
- Size and type of proposed units considered appropriate
- Positive gain of 7 net residential dwellings in high windfall delivery neighbourhood

HIGHWAYS –

The scheme proposes 7 car parking spaces, 4 less than standards require; officers to determine whether this shortfall is material.

COUNTY ARCHAEOLOGY –

The proposed development is situated within an Archaeological Notification Area. In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a ***programme of archaeological works.***

Neighbour Representations:

31 Neighbouring properties and nearby businesses were consulted as part of this application.

As a result of this consultation 2 individual letters have been received and a petition signed by 27 surrounding residents and a further 6 objections from adjacent businesses covering the following points:

NEIGHBOUR CONCERNS:

- Access to the rear of properties on Beach road, only available from the mews
- Car Parking concerns within Beach Mews
- Beach Road busy with parking difficulties also impacted by tourists using area
- Perception of loss of light to rear habitable rooms and garden
- Loss of privacy to rear habitable rooms and garden – not currently overlooked
- Security/safety concerns – currently there is a private locked alleyway to the rear
- Buildings far too close to back gardens in Eshton Road
- Not in-keeping with the layout in area – garden and footpath away
- A lot more noise in the evening – “greatly oppressive”
- Perception of greatly reduce quality of life – currently happy and safe area to live
- Perceived problems with collection of waste
- Perceived problems with access for emergency services
- Very low mains water pressure and problems with the waste water drainage in the mews area none of which would be likely improved if this development goes ahead.
 - Water and drainage issues – drains seem not to be able to cope
- Previous refused applications – nothing changed since refusals
- used to be a fully operational petrol station and still has the old and degrading fuel storage tanks directly under the access lane with the vent breather pipes up the side of the buildings.
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NON-MATERIAL PLANNING CONSIDERATION/S:

- Reduction in the value of adjacent properties

ADJACENT BUSINESSES:

- 9 x Small businesses, incl. garage forecourt & Beach Rd
- Unsociable hours of operation/noise - impact on new residents
 - Much of the business activity is associated with motor trade
- Access lanes already overused, causing problems for businesses and residents
 - Businesses required 24/7 access
- Parking extremely limited already – loss of 12 or more spaces from existing
- Densely packed commercial area unsuitable for housing
 - Likely to have detrimental impact on existing commercial businesses
- Fear of receiving complaints and businesses forced to close / relocate

NON-MATERIAL PLANNING CONSIDERATION/S:

- Construction activities / traffic will make trading difficult

Appraisal:

Principle of Development:-

The National Planning Policy Framework (NPPF) "supports in principle redundant office buildings, which are not of strategic economic importance to a local authority, being converted or redeveloped for residential purposes".

The Borough Planning Policy Team have confirmed that the proposals would "provide development of a windfall brownfield site" with a positive gain of 7 dwellings in line with Policy D5: Housing of the Eastbourne Core Strategy Local Plan (2013) and the requirements of the Affordable Housing Implementation Technical Guidance Note which equated to a contribution of 2.1 units (2 affordable units on site and a commuted sum payment of £651.17) also in accordance with Policy HO13: Affordable Housing.

The application site falls within the Seaside area of the town, a neighbourhood allocated with a high windfall delivery target within the Core Strategy. It is considered that the proposed development would assist in "meeting a challenging housing target for the neighbourhood" in accordance with the Seaside Neighbourhood Policy (Policy C3 of the Core Strategy) and is considered to be sustainable development, in accordance with the policy.

The conclusions raised by the Economic Development Team supports the view that the site, located within a predominantly residential area "does not have significant economic importance to justify retention" and there will be no loss of employment as a result of the proposal with the existing tenant, Veritek, relocating the remaining staff to an existing, more appropriate building to suit their expanding business elsewhere in the town.

RETENTION OF COMMERCIAL PROPERTY CONCLUSION:

It is considered that the proposed scheme, in accordance with local and national planning policy, justifies the loss of the existing commercial premises for redevelopment in to residential dwellings in a predominantly residential area.

In following the evidence provided, it is concluded that the loss of the commercial premises for use as residential land is no longer the limiting factor it once was, and thus it is considered that the Council cannot restrict the grant of planning consent on this particular matter.

DESIGN: SCALE & MASS:

At a height of 5.2 metres to the eaves of the Southern elevation and 6.4 for the Northern elevation the scale and massing of the proposed development is comparative to that of the existing building sought to be replaced. It is therefore considered that no significant loss of light or outlook should occur to the properties along Beach Road, and nor should it impact on the levels of light reaching the North facing elevations along Eshton Road and should only have a limited impact on their skyline.

The proposed terrace is comparative to the heights of the adjacent existing properties and for this reason is considered to be appropriate to the surrounding area in terms of height, scale, appearance and mass in accordance with policies UHT2 and UHT1 of the Borough Plan.

Impact to properties on Eshton Road:

Existing commercial building:

The existing building, currently used by Veritek for minor activities now the bulk of their operation has re-located elsewhere in the town, has a single storey element with pitched roof which abuts the boundary shared with the properties along Eshton Road. There are no windows positioned in this Southern elevation, and therefore no views currently afforded on to the rear of the Eshton Road properties or gardens from the existing building.

Proposed terrace:

The proposed residential terrace, including rear gardens has been designed to fit within the existing footprint of the existing building, proposed for demolition, whilst maintaining reference to the height of the existing buildings, and the difference in levels from the highest point along the Northern elevation, and the lowest level across the Southern elevation.

Plans show that the proposed terrace will be set back further from the boundary (closest point of 3 metres in the South West corner, ie West end of terrace unit) than the existing building, whose rear elevation marks the shared boundary line with properties to the rear.

Loss of light / outlook:

As addressed previously, the design of the scheme limits the impact caused to adjacent residents through keeping the size of the proposed buildings similar to the existing building proposed for redevelopment. It is considered that in setting the rear elevation of the buildings further back in to the site, should lead to a more open arrangement, than the existing.

The buildings have been designed to mitigate the potential for overlooking by a number of design features and in response to previously raised issues of overlooking to the rear gardens of and rooms of Eshton Road, no rear first floor rooms within the new terrace have been afforded a direct outlook on to the rear of the Eshton Road properties.

First floor rear glazed units include an obscure glazed bathroom window (serving the kitchen of Flat 2) and a projected window bay, enclosed to one side housing a side reveal window (offering no direct view on to the rear of the Eshton Road properties) and a glazed unit enclosing the top to allow natural light to enter the room (rear bedroom for houses, and living room for Flat 2).

Fixed to the outside of the bay are proposed to be solar evacuated tube collectors for the purpose of providing a low cost way to heat water for use in the dwellings. There is no view afforded to the occupants of the proposed dwellings through these units.

It is considered that if any loss of outlook does occur to adjacent properties, it is considered to be minimal, and not cause sufficient harm to substantiate a reason for refusal.

Safety / Security:

The existing boundary wall currently formed by the application building's single storey elevation is proposed to be replaced by a wall comparable to the height of the Boundary treatments along the rear of the Eshton Road properties. The

presence of the existing wall / building currently gives the resident's a perceived feeling of security afford to the rear of their premises.

Along all but two of the Eshton Road properties runs a privately accessed alleyway used for the storage of refuse bins, and providing external access to the gardens via a locked gateway from Eshton Road. Objections and a petition (also carrying objections) received from the adjacent residents, communicate a feeling of loss of safety and security if the existing building were to be demolished.

The gardens of the proposed new dwellings that would back on to the rear of Eshton Road are reserved for the sole use by the occupants of the properties themselves, and would only be accessed through the respective dwellings offering no greater degree of access to compromise security, than is offered already by the gated access from Eshton Road that exists already.

Currently the existing commercial premises does not operate in the evenings, and has limited use at weekends. It is considered that an increased residential presence in the vicinity could in fact increase the degree of security within the surrounding area.

Impact to properties on Beach Road:

Existing commercial building:

The Northern elevation running parallel to the adjacent terrace on Beach Road consists of a two storey element to the commercial building lately used as offices for Veritek has a uniform building line, with windows running the length of the elevation at first floor level.

Proposed terrace:

The proposed new dwellings with their undulating façade attempt to follow the rear elevations / building line of the opposite terrace of properties along Beach Road in an attempt to maintain a relatively consistent distance of between 12 – 16 metres.

The footprint of the proposed building which angles back from the application site boundary, helps to ensure that any issues of overlooking are reduced from what is afforded to the existing building, and if the proposed terrace were to occupy the whole of the existing building's footprint. The submitted drawings indicate the first floor windows serving the master bedrooms will be recessed in to the building, bringing them in line with the recessed points of the façade.

The upper floor bedrooms will have doors which open out on a private balcony to provide extra amenity space for the residents of the proposed houses, and upper floor flat 2, and are at a distance further from the adjacent Beach Road properties than any existing upper first floor windows in the building proposed for demolition, and at a distance that has acceptable impact on the existing residential units.

Residents had expressed concerns over the access to the rear of their properties, but the scheme does not look to preclude occupiers from the rights they enjoy already, although where some residents parked vehicles in the privately owned access road outside of trading hours of the resident business, the new arrangement would require the road to be used for access for vehicles in the proposed new terrace.

Residential Amenity: Proposed Occupiers of new units:

The size and type of residential units proposed is considered appropriate for its neighbourhood location and conforms to the Council's Strategic Housing Market Assessment. The proposed contribution of 2 flats as affordable housing units, 51 and 64 sq. m in size, meets affordable housing local space standards identified in the Affordable Housing Implementation Technical Note.

Although the amenity space provided for the houses and ground floor flat is relatively small in size ranging from 3 – 5metres in depth, the site is situated within a short walk of the seafront and the nearby St Anthony's recreation grounds adjacent to Seaside Road. These areas are considered to provide more than an appropriate level of easily accessible outdoor amenity space.

Although the first floor flat does not have access to a private garden, it is proposed to utilize the balcony area for some outdoor amenity space (which a large proportion of flats do not have access to), and will benefit from the close proximity to the amenity resources as mentioned previously.

The proposed scheme addresses issues of access to light that a site such as this can have. Exposure to natural light and direct sunlight on the first floor level is achieved through the roof slope of the buildings being angled towards the South inset with a number of roof lights for each property. The rear elevation includes a projecting bay window, glazed to the side and to the top to allow natural light in to the rear bedroom whilst helping to maintain privacy for properties in Eshton Road.

On the ground floor large South facing bi-fold doors running nearly the width of the properties, help bring light in to this level with additional light levels achieved through the relationship between the position of the internal stairs with rooflight above to help bring light in to the Northern half of the ground floor level, whilst siting non habitable rooms such as a downstairs toilet and kitchen in this part of the dwelling.

The master bedrooms located towards the front of the house have access to a recessed balcony area, with light achieved gained from full height glazed door with an additional non-opening glazed panel either side. Bedrooms located toward the centre of the properties are lit through the provision of rooflights to provide sufficient lighting levels.

Car Parking and Access:

There are no objections to the access to the site, and it is considered to be sufficient to service the site for residents, refuse and emergency vehicles.

The scheme proposes that each of the dwelling houses have 1 off street parking space and the apartments have access to a further two unallocated off street spaces. It is considered that this level of provision is in accordance with the nature of the development, its location within the town and that the vast majority of the surrounding properties in the area do not have any off street parking.

The application site is located within a short distance to the town centre and nearby local shops, and is supported by excellent public transport services, in the form of high frequency bus routes nearby. In addition, the proposed dwellings also have

provision for adequate secure cycle storage to further reduce the need for travel by car in accordance with policies TR2: Travel Demands and TR6: Facilities for cyclists.

Affect to / from adjacent businesses:

The majority of businesses in the adjacent Beach Mews have connections to the motor trade, be it car sales, repair, washing and valeting, to motor cycle rider training which are already situated in close proximity to residential dwellings.

It is considered that the existing commercial activities undertaken in this mews, are able to carry on as they do presently, which appear to be within acceptable standards for the existing adjacent residents.

The application site access will remain as existing, with vehicles entering from Beach Road on the North West corner. The link road running between the rear of properties along Beach Road, and the current commercial building can often be blocked through the parking of vehicles in conjunction with the occupying business during work hours. It is felt that the proposed scheme given the desire to access private parking areas may assist in this indiscriminate local parking.

Although the existing occupant of the application property currently has reduced activity and subsequently staffing levels at the facility, it cannot be predicted the level of activity / staffing and thus parking / transport the site could generate if a new commercial occupier were to take over the building, which could easily outstrip that of the current proposal which contains parking facilities within the proposed footprint of the building, rather than alongside.

Beach Mews also benefits from an adjacent access from Beach Road, so it is considered that the access for business and residential use should be sufficient, with customers of the businesses able to access many nearby roads which offer on street parking, and likewise any new occupants to the proposed dwellings, in the event that access is unavailable for a short time.

It is therefore concluded that any new dwellings erected within the application site should be able to successfully co-exist with the businesses within the mews, as neighbouring residents do currently, causing no sufficient concern as to refuse the grant of consent of planning permission for this reason.

Human Rights Implications:

The impact of the proposal has been assessed as part of the application process. Consultation with the community has been undertaken as part of the application process and the impact on the local people is set out above.

The human rights and equality and diversity considerations have been taken in to account fully in balancing the planning issues.

Conclusion:

It is therefore concluded that the issues met, and subsequently overcome by previous similar proposals have also been mitigated in the current scheme through balancing the amenities of occupiers of the proposed new units with regards to access to light, and that of the existing residents who have the right to continued enjoyment of their properties.

It is therefore considered that the current scheme upholds the needs of both parties successfully, and is in accordance with Policy UHT4 and HO20 regarding residential amenity.

The proposed terrace is comparative to the heights of the adjacent existing properties and for this reason is considered to be appropriate to the surrounding area in terms of height, scale and mass in accordance with policies UHT2 and UHT1 of the Borough Plan.

The proposals would provide development of a windfall brownfield site with a positive gain of 7 dwellings in line with Policy D5: Housing of the Eastbourne Core Strategy Local Plan (2013) and the requirements of the Affordable Housing Implementation Technical Guidance Note and is in accordance with Policy HO13 in the provision of affordable housing provision.

The scheme provides adequate facilities for cyclists, shops and amenity space nearby and access to good pedestrian and public transport links to further reduce the need for travel by car in accordance with policies TR2: Travel Demands and TR6: Facilities for cyclists.

Recommendation:

It is recommended that the application be approved with the following conditions:

Conditions:

- 1) Time
- 2) materials
- 3) Drawings
- 4) Infrastructure provision (affordable Housing)
- 5) Archaeological investigation
- 6) Construction and Demolition Method Statement
- 7) PD rights removed (extension, roof alterations, outbuildings, windows)
- 8) Scheme for the delivery of boundary wall along Eshton Road
- 9) Rear window (side) obscure glazing
- 10) Notwithstanding the details shown on the plans hereby approved the first floor front balcony screen shall be formed by a solid/opaque material.
- 11) The car parking hereby approved shall be retained as such at all times and shall not be used for any other purpose.
- 12) Scheme developed in accordance with FRA

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**.