

Report to: Planning Committee
Date: 21st September 2021
Application No: 210333
Location: 5-7 Enys Road, Eastbourne, BN21 2DQ
Proposal: Conversion of Doctor's Surgery (Use Class E) to provide 9no residential flats (Use Class C3 - 3no 2bed 3 person, 4no 1bed 2persons and 2no 1bed 1person) with 9no off-street car parking spaces and external alterations.

Applicant: Park Avenue Homes Ltd
Ward: Upperton
Deadlines: **Decision Due Date:** 9th June 2021
Neighbour Con. Expiry: 2nd June 2021

Recommendation: Approve subject to conditions.

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Map Location:



1. Executive Summary

- 1.1 This application is brought before the Planning Committee at the discretion of the Chair of Planning Committee due to the number of representations received in objection to the proposal.
- 1.2 The application seeks planning permission for the conversion of a vacant building formerly in use as a doctor's surgery, to create 9 self-contained residential flats, comprising 2no 1bed 1p, 4no 1bed 2p and 3no 2bed 3p units.
- 1.3 Officers consider that the scheme would offer sustainable residential development in a predominantly residential area. The scheme would deliver a net gain of 9 residential dwellings in a sustainable location and would represent a windfall contribution to housing delivery in the Borough.
- 1.4 The proposal would meet adopted national and local planning policy and the application is therefore recommended for approval subject to conditions. No legal agreement would be required to accompany this permission.

2. Relevant Planning Policies

2.1 National Planning Policy Framework2019

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment.

2.2 Eastbourne Core Strategy Local Plan 2006-2027

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design.

2.3 Eastbourne Core Strategy Local Plan 2001-2011:

- UHT1: Design of New Development

UHT4: Visual Amenity
UHT6: Tree Planting
UHT7: Landscaping
HO1: Residential Development Within the Existing Built-up Area
HO6: Infill Development
H07: Redevelopment
H09: Conversions and Change of Use
HO20: Residential Amenity
TR1: Locations for Major Development Proposals
TR2: Travel Demands
TR5: Contributions to the Cycle Network
TR8: Contributions to the Pedestrian Network
TR11: Car Parking
NE4: Sustainable Drainage Systems
NE23: Nature Conservation of Other Sites
LCF4: Outdoor Playing Space Contributions
NE14: Source Protection Zone.

2.4 Supplementary Planning Documents and other relevant documents

Affordable Housing SPD
Sustainable Building Design SPD
Trees and Development SPG
Eastbourne Townscape Guide SPG.

3. Site Description

- 3.1 The application is in the Upperton Neighbourhood and comprises a vacant and redundant former doctor's surgery, which inhabits two originally separate terraced single-family dwellings, now amalgamated to form a single building.
- 3.2 The building is four storeys in height, including two small basement areas. It forms part of a larger attractive stock brick faced terrace, which possesses double height front bay windows and a pitched roof with substantial chimney stacks in rhythmic formation.
- 3.3 Original windows in the building have been replaced with UPVc casements.
- 3.4 Enys Road slopes gently from northeast to southwest and, as such, buildings in the terrace are stepped accordingly. The ground floor of the building is raised from street level and there is an existing access ramp that occupies most of the area in front of the buildings, which provided step-free access related to its former surgery use.

- 3.5 There is an unmade road running along the back of the site, accessed from Selwyn Road, which currently allows access by vehicle to an existing parking area at the rear of the site, which provides 5 car parking spaces.
- 3.6 The site sits within a predominantly residential area as defined by the Core Strategy Proposal Map and is close to local the Town Centre and its amenities. Transport links, including several bus services and Eastbourne Train Station are easily accessed.
- 3.7 The site is located within the Upperton Gardens Conservation Area.
- 3.8 The site also falls within the Environment Agency's Flood Risk Area 1 (Low Risk).

4. Relevant Planning History

- 4.1 210026 - Change of use from doctor's surgery (D1) to 19 bed HMO (sui generis) – Withdrawn, 06/09/21.
- 4.2 No further relevant planning history.

5. Proposed Development

- 5.1 The application seeks planning permission for conversion of the building to form a total of nine flats set over the ground, first and second floors. The basement areas would be used for servicing and plant.
- 5.2 The proposed flats would comprise 3no 2bed 3 person, 4no 1bed 2persons and 2no 1bed 1person.
- 5.3 The front of the building would be relandscaped to remove the existing access ramp. The revised frontage would comprise stepped access on either side, with raised soft-landscaped planted areas and two recessed areas at street level for the storage of refuse and recycling facilities.
- 5.4 The rear of the side would be landscaped to provide an enlarged parking area for 9 vehicles: one per unit. Cycle storage would also be provided at the rear in secure covered storage facilities.
- 5.5 A small infill extension is proposed at first floor on the rear elevation and this would match the arrangement at numbers 3 and 7.
- 5.6 The proposal has been amended during the application to reduce the number of units from 10 to 9. In addition, the application originally proposed a small ground floor extension to the rear elevation to accommodate the original 10-unit layout, but this has since been omitted from the proposal following the revised layout to 9 units.
- 5.7 Therefore, only minor works to the surface to provide parking, outdoor amenity space and cycle storage are now proposed at ground floor level at the rear.

6. Consultations

- 6.1 External
- 6.2 ESCC Highways
 - 6.2.1 No response received.

6.3 Southern Water

6.3.1 SW has advised that there are assets crossing the site and that the formerly proposed rear extension (now omitted) may interfere with the existing drainage infrastructure.

6.4 Sussex Police Crime Prevention Design Advisor

6.4.1 Sussex Police provided two responses to consultation. The first was in support of the application, making no objections from a crime prevention perspective.

6.4.2 A later response was received, which changed this view. The Crime Prevention Design Advisor, whose remit is to reduce the opportunities for crime and the fear of crime, cites feedback from the Neighbourhood Policing Team (NPT) for the area. The NPT has drawn attention to *'problems at an address of similar proportions very close to the application's premises that generates constant incidents involving ASB, Crime & Disorder (C&D) violence, drug dealing and county lines activity'*.

6.4.3 Attention is also drawn to the rear access road, which is reported to provide significant issues regarding loitering, drug dealing and antisocial behaviour.

6.4.4 The NPT are concerned that the current levels of ASB & C&D will escalate and as such, Sussex Police have withdrawn their support of the application.

6.5 Internal

6.5.1 None.

7. **Neighbour Representations**

7.1 A significant number of objections have been received regarding the application. Objections are lodged on the following grounds:

- The development would increase crime in the area
- The accommodation is not sympathetic to the character of the area
- The proposal would result in disturbances
- Noise pollution
- Poor outdoor amenity space
- Parking issues
- Potential for housing vulnerable individuals.

8. **Appraisal**

8.1 Principle of Development

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 presumption of approval will therefore need to consider the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), as well as other matters identified within the NPPF.
 - 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 Eastbourne can currently only demonstrate a 1.8-year supply of housing land. The development would result in a net gain of 12 units. 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.
 - 8.1.5 Policy C2 (Upperton Neighbourhood Policy) of the Eastbourne Core Strategy 2013 states that the vision for the 'Upperton Neighbourhood' will be promoted by, '*Delivering new housing through redevelopment and conversion of existing properties*'.
 - 8.1.6 The Core Strategy states that Upperton is the third most sustainable neighbourhood (Policy B2). Policy B1 (Spatial Development Strategy and Distribution), explains that higher residential densities will be supported in these neighbourhoods.
 - 8.1.7 Taking account of the above policy position, the proposed conversion of the building to provide higher density residential development would entirely accord with the above policy objectives and weigh strongly in favour of the proposed conversion of the building.
- 8.2 Loss of Community Facilities
- 8.2.1 The former surgery that occupied the building has moved to other premises within the Borough and the building is now surplus to requirements.
 - 8.2.2 This established use fell within the former D1 use class (Non-Residential Institutions). However, recent changes to planning use classes, as outlined in the Use Classes Order 2020, have resulted in an amalgamation of former uses, including D1, now known as new Use Class E (Commercial).
 - 8.2.3 Community facilities, including healthcare, are subject to a level of protection under both local planning policy (Borough Plan Policy

LCF21 and Core Strategy Policy D7) and the National Planning Policy Framework (at para. 92). However, considering that Class E includes other commercial uses that are not considered to provide community facilities, their protection pursuant to the above policy is defunct in the context of the Government's legislative changes. Therefore, loss of the former community facilities is justified by the adoption of the Use Class Order 2020 and of the Class E use of the site.

8.2.4 Further to the above, it is not considered that the building is suited to ongoing use as a doctor's care facility given its physical arrangement and the required modern standards to meet modern surgery needs/standards.

8.2.5 Taking account of the above considerations, the loss of the medical facility is justified.

8.3 Amenity

8.3.1 Privacy

8.3.2 The proposal would not involve any alteration to the outlook provided by the building. As such, it is not considered that the privacy of neighbouring occupants would be affected by the development.

8.3.3 Daylight

8.3.4 Following omission of the formerly proposed extension to the rear, there would be no additional built form that would have any impact upon daylight serving adjacent dwellings.

8.3.5 Outlook

8.3.6 Outlook from neighbouring windows would be adequately preserved given that the relationship with the existing built form would remain unchanged.

8.3.7 Disturbance

8.3.8 There is potential for increased disturbance on neighbouring properties through additional vehicular activity at the rear of the site (resulting from an enlarged parking area). Given that this area is already in use for parking, the additional parking from 5 to 9 spaces would not have a significant impact upon vehicular activity and, in turn, disturbance to neighbouring properties.

8.3.9 If Members were so inclined, it is considered that a revised parking layout to reduce the number of spaces could overcome this issue.

8.3.10 Crime and social issues

8.3.11 It is noted that several the submitted representations refer to the potential for disturbance, crime and antisocial behaviour relating to the proposed accommodation. It is also noted from comments that this particularly refers to the expected demographic that would uptake residence at the site.

8.3.12 Consideration of the social background of future occupants is not a material consideration. However, the activity associated with intensification of the use of a building is.

- 8.3.13 In assessing the impacts upon neighbour amenity, officers consider how the activity associated with the level of occupancy would give rise to the potential for disturbance through normal use. Use that falls outside of this, such as that of a criminal nature, is not within the remit of the LPA is discharging its duties.
- 8.3.14 Variation in unit sizes may not have a significant impact upon the level of occupancy. Larger units can increase occupancy of a converted building given that they would each have the ability to comprise more bedspaces and would reduce the cumulative requirement for associated amenity/kitchen/bathroom space within the building as a whole.
- 8.3.15 To take a representative example, conversion of the building to two flats on each floor (three flats in each former terraced building) would provide sufficient floorspace for at least 4x 3 bed 5 person and 2x 2 bed 3 person flats; a total of 26 individuals according to the national floor-space standards. In contrast, this proposal would comprise accommodation for 19 in accordance with the adopted standards.
- 8.3.16 Sussex Police comments are noted. However, illicit operations, including that of the rear alleyway is not a material consideration in the determination of planning applications and is a matter for the Neighbourhood Policing Team operating in the area. The intended occupancy by a particular demographic of the community is not a material consideration in the determination of planning applications.

8.4 Living conditions for future occupants

- 8.4.1 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.'
- 8.4.2 The Nationally described space standard defines the minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. All units within the proposed development would exceed the required internal floor space requirements.
- 8.4.3 All units would be well laid out on plan, with good room proportions. They would be well lit by existing window apertures and privacy and outlook would be provided to a good standard for future residential occupiers.
- 8.4.4 Taking the above considerations into account, the proposal is considered to offer a good standard of accommodation for future occupants of the units and would meet the objectives of adopted policy.

8.5 Accessibility and impacts upon highway networks

- 8.5.1 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport,

cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high-quality transport networks and seeks to reduce the town's dependency on the private car.

8.5.2 Accessibility

8.5.3 The site is located within the Upperton Neighbourhood and is a short distance from the Town Centre and its amenities. A range of public transport options are available to future residents, including buses for local travel and train services from Eastbourne Railway Station to Lewes, Brighton and Hastings which provide connections for onward journeys.

8.5.4 The site is in a highly sustainable location from a transport perspective and that the transport needs of the development could be adequately met by walking, cycling and public transport.

8.5.5 Parking and trip generation

8.5.6 The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at a new residential development on a site-specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces.

8.5.7 The Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 11 spaces. 9 spaces would be provided at the rear of the site.

8.5.8 The small shortfall in allocated parking spaces could be absorbed by the surrounding road network capacity.

8.5.9 The proposal use of the building would also be a reduction in the transport activity associated with the use as a doctor's surgery, which comprises a greater number of vehicle movements and parking than the proposed arrangement. The proposal would result in significantly less vehicle trips than the established use of the building.

8.5.10 Cycle storage facilities

8.5.11 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development.

8.5.12 Cycle storage would be provided at the rear of the site in accordance with adopted standards within communal sheltered facilities. This has been moved from the front of the site following Sussex Police advice on crime prevention.

8.5.13 A condition will be attached to ensure cycle parking is provided on site prior to first occupation.

8.5.14 Taking the above considerations into account, it is considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.6 Other matters

8.6.1 Refuse/Recycling storage facilities

- 8.6.2 The application proposes two refuse/recycling storage areas at the front of the site at street level.
- 8.6.3 The proposed spaces would be large enough for the intended occupancy and suitably sited for occupants' use.
- 8.6.4 A condition has been attached to ensure that facilities are provided prior to first occupation of the building.

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 Approve with conditions subject to the following conditions:
- 10.2 Standard Time Limit.
- 10.3 Approved Plans.
- 10.4 External Materials to match existing.
- 10.5 Details of front boundary treatment – materials.
- 10.6 No occupation prior completion of the vehicular access and turning areas.
- 10.7 No occupation until car parking provided and maintained.
- 10.8 Hard landscaping to be provided prior to occupation. Soft landscaping in first planting season.
- 10.9 Refuse and recycling storage facilities in accordance with approved details prior to first occupation.
- 10.10 Cycle storage facilities in accordance with approved details prior to first occupation.

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.

12. Background Papers

- 12.1 None.