

App.No: 140157 (VCO)	Decision Due Date: 26 May 2014	Ward: Devonshire
Officer: Hayley Cornford	Site visit date: 6 May 2014	Type: Variation of Condition
Site Notice(s) Expiry date: 27 May 2014 Neighbour Con Expiry: 27 May 2014 Weekly list Expiry: 27 May 2014 Press Notice(s): n/a		
Over 8/13 week reason: Due to Planning Committee cycle and receipt of a request to speak.		
Location: Land rear of 11-23 Eshton Road, Eastbourne		
Proposal: Removal of condition 4 (obstruction) attached to planning permission ref: EB/2005/0523 - demolition of works/store and single storey extension, and erection of live/work unit.		
Applicant: Mr Ken Wilson		
Recommendation: Approve unconditionally		

Executive Summary:

It is acknowledged that the condition was originally applied to ensure parking provision for the property known as 11a Eshton Road to prevent impacting on the on-street parking and congestion in the surrounding streets.

Concerns from residents regarding parking as a result of future development are not relevant to this application and would be assessed/considered as and when applications are received.

In this case, the lack of use of the area provided for parking as part of the previous application demonstrates that the facility has not been required to date. It is therefore considered that the continued use without compliance with Condition 4 relating to the land now known as 11a Eshton Road would have no detrimental impacts on the amenity of neighbouring properties and as such is considered to be in accordance with Saved Policies HO2, HO20, TR2 and TR11 of the Eastbourne Local Plan and Policies B1 and C3 of the Eastbourne Core Strategy Local Plan.

Relevant Planning Policies:

National Planning Policy Framework 2012

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

C3: Seaside Neighbourhood Policy

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO20: Residential Amenity

TR2: Travel demands

TR11: Car Parking

Site Description:

The application site is an area of land to the rear of 11-23 Eshton Road, a section of which formed part of a previous application relating to the construction of a work/live premises to the rear of 1-11 Eshton Road.

The land in question is on the southern side of Eshton Road, accessed by a passageway between 11 and 11b, or from a passageway leading from Carlton Road.

Relevant Planning History:

030339 – 11a Eshton Road

Conversion of works/store and single-storey extension into a live/work unit.

Planning Permission Approved conditionally 09/10/2003

050442 EB/2005/0523- 11a Eshton Road

Demolition of works/store and single storey extension, and erection of live/work unit. Planning Permission Approved conditionally 05/10/2005

Proposed development:

The applicant seeks to continue the residential use of 11a Eshton Road without compliance with Condition 4 which was applied to application ref: EB/2005/0523, protecting an area of land for parking (along with an associated turning area).

Consultations:

Internal:

Housing Services Manager – no response at time of report.

External:

County Archaeologist - did not believe that any significant archaeological remains were likely to be affected by these proposals. Made no recommendations/request for conditions in this instance.

Highways ESCC - no response at time of drafting report

Neighbour Representations:

14no. objections have been received from 13no. properties and cover the following point(s):

- The original approval considered parking provision on site and permanent retention to be essential due to parking and potential congestion issues. Removal now would undermine the original decision.
- Parking situation has not changed and may deteriorate if the nearby nursery is extended.

Concerns have also been raised regarding potential future development on the land to the rear of 11-23 Eshton Road; however they are not relevant to this application. Any application for future development will be assessed and determined on its own merits at the time of determination of these future applications.

Appraisal:

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The condition was originally applied so as not to cause difficulties parking in the immediate vicinity and to ensure adjacent properties would not be affected by additional cars belonging to the new property parking on-street.

Objections, referred to above, have been made against this application. However, as mentioned below in 'Impacts on highway network or access' there appears to have been no parking on site to date and therefore the removal of the condition would not change the existing status.

The area is well served by a regular bus service and it is not essential to have a vehicle if living and working in the town and residing in this area.

It is therefore considered that it would have little or no impact in terms of amenity on this adjacent neighbour to the west.

Design issues:

Not applicable.

Impact on character and setting of a listed building or conservation area:

The property is not listed, nor is it situated within a conservation area.

Impacts on trees:

None.

Impacts on highway network or access:

The removal of the condition would mean that no parking provision is made on site for 11a Eshton Road. However, from a recent site visit and also by comparing with previous site photos and an aerial photography layer (from 2005/06) available to the Council it is clear that the area has not been used for parking for some considerable years, if at all.

As such it is considered that there has been little or no parking on the site as originally planned for, therefore the removal of the condition is unlikely to adversely impact on the surrounding roads.

No comment has been made by the Highway Authority against the removal of the condition and withdrawal of the parking area.

Sustainable development implications:

None.

Other matters:

As members are aware the breach of planning condition can become lawful if evidence is available demonstrating that the breach has existed for a period of 10 years. Members will note from the planning history section that the use has been in existence for approaching 10 years without any facility for off street parking and turning and without complaints being received.

It is considered that the length of time the site has been operating without compliance with the relevant condition has estopped the Council from taking formal enforcement action to secure compliance. Notwithstanding this and as outlined above there is no demonstrable harm caused by the operation of the site without providing off street parking.

Human Rights Implications:

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.

Conclusion:

It is considered that the continued use of the site without compliance with Condition 4 relating to the land now known as 11a Eshton Road would have no detrimental impacts on the amenity of neighbouring properties and as such is considered to be in accordance with Saved Policies HO2, HO20, TR2 and TR11 of the Eastbourne Local Plan and Policies B1 and C3 of the Eastbourne Core Strategy Local Plan.

Recommendation:

Approve unconditionally.