

App.No: 140801 (PPP)	Decision Due Date: 9 August 2014	Ward: Meads
Officer: Anna Clare	Site visit date: 2 July 2014	Type: Planning Permission
Site Notice(s) Expiry date: 8 July 2014		
Neighbour Con Expiry: 8 July 2014		
Weekly list Expiry: 24 June 2014		
Press Notice(s): 24 June 2014		
Over 8/13 week reason: Brought to planning committee within statutory timeframe.		
Location: 16 Lushington Lane, Eastbourne		
Proposal: Demolition of garages and erection of a pair of semi-detached dwellings.		
Applicant: Mr Hafernik		
Recommendation: Grant planning permission		

Executive Summary

The application provides the positive gain of 2 net residential dwelling on a windfall site within the Town Centre neighbourhood, contributing positively to the Council's spatial development strategy. The development would conform to the Town Centre neighbourhood Policy (Policy C6 of the Core Strategy) in 'delivering new housing through conversions, infill development and redevelopment' and is therefore considered sustainable development. On balance it is not considered that the proposal would result in significant detrimental impacts in terms of amenity on the adjacent residential properties and the proposals are considered to preserve the character and appearance of the conservation area. Therefore it is recommended that planning permission is granted subject to conditions.

Planning Status:

Conservation Area

Town Centre and Seafront Conservation Area

Convenants

Gilbert Estate

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

Eastbourne Core Strategy Local Plan 2006-2027

B1

Spatial Development Strategy and Distribution

Sustainable Centre

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C1 Town Centre Neighbourhood Policy

D5 Housing

D10 Historic Environment

D10A Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas

UHT1 Design of New Development

UHT4 Visual Amenity

UHT15 Conservation Area

TC6 Town Centre Shopping Areas

HO20 Residential Amenity

Site Description:

The site refers to single storey car port and garage on the southern side of Lushington Lane 9.5m in width, 3m in height, 9.5m in depth. The site is adjacent to the Lushington Lane Garage to the (west), with the flats of Valentine Court to the rear (south) and garages adjacent to the east separated by an access path from Lushington Lane to the rear communal garden area of Valentine Court.

Relevant Planning History:

10-15 Lushington Lane

Outline Planning permission was granted 17 February 1999 for the demolition of workshop and storage premises together with adjoining garages, and redevelopment of the site comprising three three-storey town houses with integral garages and one two-bedroom two-storey dwelling.

Proposed development:

The application proposes the erection of two two-storey two bedroom dwelling houses with rear courtyard gardens measuring 10m². Bin stores are provided to the front elevation to ensure bins are not stored on the public highway as there is limited pavement on the southern side of Lushington Lane.

Consultations:

Internal:

Specialist Advisor (Planning Policy) – No objections.

Conservation Area Advisory Group – no objection in principle but requested alterations to the fenestration of the front elevation to be more in keeping the adjacent properties.

External:

Highways ESCC:- No response received

Neighbour Representations:

Objections have been received and cover the following points:

Flat 1, 2, 3, 4, 5 and 7 Valentine Court

- Impact on natural light to flats given height and close proximity to Valentine Court.
- Impact on natural light to communal garden
- Overlooking/impact on privacy from rear windows
- No available on street parking
- Additional Noise
- Over development of Lushington Lane

18 Lushington Lane (Lushington Lane Motors adjacent to site)

- Loss of light to habitable rooms of flats behind
- Poor design
- Highway Safety and parking
- Impact of construction traffic on the lane

Appraisal:

Principle of development:

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment, therefore would be classified a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

The application results in the net gain of 2 dwellings. In line with Policy D5: Housing of the Eastbourne Core Strategy Local Plan (2013) and the requirements of the Affordable Housing Implementation Technical Note, 30% should be affordable. This equates to a contribution of 0.6 units which is provided through a commuted sum payment of £4,186.20. The payment will be secured by condition.

Although the two residential units are relatively small, the size and type of residential unit proposed conforms to the Council's Strategic Housing Market Assessment, where smaller accommodation is supported in sustainable locations.

The application provides the positive gain of 2 net residential dwelling on a windfall site within the Town Centre neighbourhood, contributing positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in meeting the high housing delivery target for the neighbourhood. The development would conform to the Town Centre neighbourhood Policy (Policy C6 of the Core Strategy) in 'delivering new housing through conversions, infill development and redevelopment' and is therefore considered sustainable development.

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

The main impact of any development of this site would be the flats of Valentine Court which are to the rear of the site. Valentine Court is made up of 12 flats with the main entrance to South Street. To the rear is a small communal garden with access through to

Lushington Lane; the flats have access to the rear garden by way of external steel staircases.

It is undoubted that there would be an impact on the lower flats of Valentine Court given the size of the rear gardens and therefore the close proximity of the rear of the proposed dwellings. The existing garage is 3m in height, with the proposed dwellings 6.8m in total height, 5m to eaves level. However the rear of the flats is relatively confined by the dwellings 11-15 Lushington Lane which were granted in 1999 and other existing buildings. Given the context of the site the proposed dwellings which are to the north will have limited impact in terms of natural sun and daylight. The size and location is similar to that of the impact of No.15 Lushington Lane and on the rear elevation of the flats.

The dwellings are proposed with high level windows to the rear elevations which will minimise overlooking towards the existing flats and the rear courtyards are surrounded by 3m high wall. Therefore it is not considered that the proposal will have a significant detrimental impact in terms of privacy or overlooking to warrant a refusal of the application.

Design issues and impact on character and setting of a listed building or conservation area:

The site is situated within the Town centre and Seafront Conservation Area. The Conservation Area Advisory Group raised no objections to the proposal in principle but requested some alterations to the windows of the front elevation to be more in keeping with the adjacent properties. This can be controlled by condition for a revised drawing to be submitted and approved prior to development commencing.

The northern side of Lushington Lane provides the rear access' to those properties on Lushington Road many with extensions and/or garages. The southern side of Lushington Lane has a variety of residential developments including three storey town houses as well as smaller single storey, with accommodation in the roof dwellings which face directly onto the highway edge as there is little or no pavement.

The proposed dwellings are set back from the highway providing bin storage which is beneficial. The dwellings are proposed to be brick facing at ground floor level with rendered first floor and a slate roof. This is in keeping with other developments in the lane and acceptable in design terms. The bulk and scale of the proposal are considered acceptable given the context of the site and surrounding development. Given the choice of materials it is considered that the character and appearance of this part of the conservation area will be preserved.

Impacts on highway network or access:

No parking is proposed to be provided as part of the development and given the confines of the site it is not possible. There is no available parking in Lushington Lane as both sides are double yellow lined. The site is considered sustainable given the location and close proximity to public transport; therefore it is not considered that a reason for refusal based on the lack of available parking could be sustained.

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:

The application provides the positive gain of 2 net residential dwelling on a windfall site within the Town Centre neighbourhood, contributing positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in meeting the high housing delivery target for the neighbourhood. The development would conform to the Town Centre neighbourhood Policy (Policy C6 of the Core Strategy) in 'delivering new housing through conversions, infill development and redevelopment' and is therefore considered sustainable development.

It is not considered that the proposal on balance, given the context of the site would result in significant detrimental impacts in terms of outlook, privacy or be overbearing or unneighbourly on the adjacent Valentine Court to warrant the refusal of the application.

Recommendation: Grant planning permission subject to the following conditions.

Conditions:

1. Time for commencement
2. Approved drawings
3. Notwithstanding approved drawings revised window design to front elevation to be submitted.
4. Notwithstanding approved drawings the windows to the rear elevation at first floor level shall be a minimum of 1.8m from internal floor level.
5. Prior to commencement of development, including demolition the submission of a construction method statement.
6. Removal of permitted development rights, no new windows or doors to be inserted to rear or side elevations, no roof extensions or rooflights.
7. Bin enclosure to remain for storage of bins at all times.
8. Standard hours of construction
9. Prior to commencement of development completion of Unilateral Undertaking to secure payment of commuted sum.

Informatives

1. Completion of Unilateral Undertaking standard informative.

Appeal:

Should the applicant appeal the decision the appropriate action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.