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| App.No.: 140833 | Decision Due Date: 14 August 2014 | Ward: Upperton |
| Officer: Anna Clare | Site visit date: | Type: Planning Permission |
| Site Notice(s) Expiry date: 16 July 2014 Neigh. Con Expiry: 16 July 2014 Weekly list Expiry: 14 July 2014 Press Notice(s) Expiry: N/A | | |
| Over 8/13 week reason: Brought to planning committee within statutory timeframe. | | |
| Location: 25 St Anne's Road, Eastbourne, BN21 2DJ. | | |
| The conversion of the existing building with rear extension to provide 11 no. residential flats together with landscaping waste and cycle storage. The proposals include the removal of existing rear external escape gantry and a single storey ground floor side addition. | | |
| Applicant: Twin Training International Ltd | | |
| Recommendation: Grant planning permission subject to conditions. | | |

Executive Summary

The application concerns the change of use of the building from a language school Use Class D1, to 11 self contained residential flats Use Class C3; facilitated by the erection of a three storey rear extension, and a single storey ground floor timber enclosed bin and bike store.

This application is a re-submission of a previous scheme which was refused at planning committee on 7th January 2014 as it was considered the proposed extension would have an intrusive and overbearing impact on the adjacent property. The decision was appealed by the Application and subsequently dismissed solely on the grounds that there was no provision to secure the affordable housing contribution required. The Applicant has since entered into a unilateral undertaking with the Council to secure the payment of the commuted sum towards off site affordable housing (£18, 482.28).

The proposal is considered acceptable in principle and accords with the relevant saved policies of the Borough Plan 2007 and policies of the Core Strategy 2013. On balance the proposal is considered acceptable in terms of impacts on the amenity of

surrounding residential occupiers, and the design bulk and scale is considered acceptable and will preserve the character and appearance of the Upperton Conservation Area.

Planning Status

- Area of High Townscape Value
- Upperton Conservation Area

Relevant Planning Policies

Eastbourne Core Strategy Local Plan 2013

B2 Creating Sustainable Neighbourhoods

C2 Upperton Neighbourhood Policy

D5 Housing

D10 Historic Environment

D10A Design

Eastbourne Borough Plan (Saved Policies 2007)

UHT1 Design of New Development

UHT4 Visual Amenity

UHT7 Landscaping

UHT15 Protection of Conservation Areas

UHT16 Protection of Areas of High Townscape Value

HO9 Conversions and Change of Use

HO20 Residential Amenity

TR6 Facilities for cyclists

TR11 Car parking

TO10 Language Schools

National Planning Policy 2012

Section 7: Requiring good design

Section 12: Conservation and enhancing the history environment

Site Description:

The site lies within the Upperton Conservation Area which is comprised of elegant terraces, semi-detached and detached housing set around leafy squares. The area was designed post 1859 after the first large-scale plans were drawn up for the Devonshire Estate to the south.

The formal building lines of the houses are softened by the informality of the landscaped gardens. The application site is known as Gordon Lodge and is located on the southwestern side of St Annes Road. The building is a prominent double gable fronted brick built, detached, 4 storey Victorian structure originally built for residential use; however is currently used as an educational facility by Twin Language School.

Relevant Planning History:

EB/1972/0084 Approval granted to demolish and replace the building with 12 flats, parking and 4 garages.

EB/1974/0083 change of use from residential to educational use (Class D1) was granted in 1974.

130329 construction of a three storey extension at rear and conversion of the existing building to provide 11 no. residential flats together with landscaping, waste and cycle storage, including the removal of the existing rear external escape gantry and single storey lower ground floor side addition. Refused 8 January 2014 for the following reason;

"The proposed three storey rear extension by virtue of the bulk, scale and height, represents an intrusive, overbearing and unneighbourly development which would have a negative impact on the outlook and residential amenity of the occupiers of the adjacent property No.27 St Anne's Road and is therefore contrary to Saved Policy HO20 of the Borough Plan 2007, Policy B2 of the Core Strategy Local Plan 2013 and guidance contained within the National Planning Policy Framework 2012."

Proposed development:

The proposal is to convert the existing language school to 11 self contained flats with the construction of a 3 storey rear extension, installation of screened bin stores to principal street elevation and internal alterations.

The rear extension is proposed to project 4.2m in length to the north-west with a separation distance of 3.5m from the boundary with the adjacent property No.23 St Anne's Road to a total height of 6.3m to eaves level; given that the lower ground floor level is sunken below the existing ground level the extension will appear at 5m in height to eaves level to the west.

To the north-east, the extension is proposed to project 7m in length from the existing building, separated from the eastern boundary by just over 7m. The extension is proposed 8m in total height to eaves level, 6.4m above ground level to the east.

A bike and bin enclosed store is proposed within the front garden area to the north-western boundary measuring 8m in length, 3.7m in width and 2.3m in height to be constructed with horizontal open joined cedar boarding.

Applicant's Points:

- Twin confirm their commitment to remaining and expanding their business in Eastbourne, and are actively searching for new premises; this proposal will assist in facilitating their move to larger and more modern premises whereby the envisaged growth of the business can be realised.

- The existing building is to be converted back to its original residential use and extended to 11 no. one and two bed flats. The existing building is in a poor condition and is to be renovated and repaired.
- The development is within a sustainable town/built-up area location and optimises the use of the site.
- The site is within a residential area and the change of use to residential is appropriate.
- This provides three levels of accommodation with external massing of a two storey extension and minimising its impact on the surroundings.
- Neighbour amenity, daylight, shading, and outlook will not be detrimentally affected by the development and will be improved by the removal of activities associated with educational
- A new store is proposed along the northwest side of the site. It is low level, set back behind the building line, clad in timber with planting to the front to minimise its visual impact along the street.
- It was identified during the design phase and the pre-planning consultation with planning that the significance of the building and site lies in the external character of the building within the wider setting of its grounds with its mature trees, with important contributions from the established planting, and the brick boundary walls. This is most significant when viewed from the St Annes Street frontage.
- The location of the rear extension was purposefully located to the rear of the building to avoid any impact on the frontage and public realm. It should be noted that the principle of the rear extension in conservation and design terms was agreed with planning during the pre-planning consultation stage.
- The proposed rear extension is only marginally visible from St Annes Road obliquely and in very specific locations. This is shown on the following montages showing the outline of the rear extension overlaid onto existing street photographs. It is not visible from the rear or side due to the arrangement of trees and the rear service road.
- The tree report submitted demonstrates that the proposals will allow the scheme to retain all the trees with the exception of one tree which is a standing dead specimen.

Consultations:

Specialist Advisor (Conservation) response on original application no additional comments:

It is considered that the large scale of the rear extension (visible from the public realm), would encroach upon the plan form, vistas and architectural balance to the rear views and open vistas, punctuated by mature trees.

It is recommended that the proposal be refused in its current form, although there is no objection in principle to conversion to flats, with no/minor alteration to roofscape. It is considered that the scale and bulk to the rear would encroach on intended plan form of the estate, would encroach on long views, the open skyscape to the estate.

Of further concern is the loss of mature trees within the plot. The Conservation Area is characterised by the planting of trees to the Park area, and specimen trees and shrubs to rear garden spaces. It is understood that construction and the final construction would lead to the loss of these trees, which would be regrettable.

Any revised scheme for conversion to flats in a reduced form should be subject to approval of materials etc, and any flues, pipework vents or exists be placed sensitively and away from view where possible.

Specialist Advisor (Arboriculture) comments on original planning application:

Two trees T5 and T11 of the applicant's tree report ref. no.PJC/3023/12 are within the site boundary and provide significant landscape value and conservation benefits and their retention should be considered essential these trees are now subject to Tree Preservation Order 163.

If the development is to be approved it will lead to the loss of T5 contrary to the applicant's tree report ref. no.PJC/3023/12 which indicates the tree is to be retained, with at least 3.8 metres of a 9.8 metre root protection area being excavated for the foundation of the extension.

The applicant's tree report ref. no.PJC/3023/12 report also indicates two specimens in the highway which are owned by East Sussex County Council adjacent to the property worthy of retention and I would value both these trees to be of good quality and be in such a condition to make a significant contribution for at least 40 years which will provide softening and screening in relation to the street view outside of the site and their retention should be considered essential.

The applicant's tree report ref. no.PJC/3023/12 identifies a root protection area on T5 and specifies that using an air spade to dig the excavation for the foundation to the extension and pruning roots correctly will minimise the damage to the tree during excavation in an attempt to try and ensure this tree is retained.

It should be noted that the only reliable way to ensure the trees retention is to preserve the Root Protection Area completely. As root growth is very likely to be within the area designated for excavation, if it is intended to undertake demolition or construction within a root protection area, precautions have to be taken to maintain the health and condition of the root system, in particular

- Prevent physical damage (Severing)
- Make provision for water and oxygen to reach the roots
- Allow for future growth of the root system

Given the close proximity of the proposed building to the Lime tree with the depth of foundations required, there is no method of protecting any roots in this vicinity during excavation, no provision for water or oxygen and no allowance for future growth. Measures such as hand digging and air spading for the foundations, in a chalk environment are not feasible.

The crown of the tree overhangs the proposed extension site and if this application is approved it would be necessary to reduce the lateral branches on one side of the crown to accommodate the scaffolding and the new extension. Quite clearly this coupled with the excavation works within a root protection zone cannot be considered best practice.

The applicant indicates tree T8 of the applicant's tree survey, ref. no.PJC/3023/12 will be removed due to its condition and all other trees on and adjacent to the site are to be retained and protected during construction.

Neighbour Representations:

Two objections to the proposal have been received;

27 St Anne's Road object to the proposal for the following reasons;

- Size and bulk of the proposed development is excessive and would set a precedent
- Impact on outlook
- Impact on on-street car parking
- Impact on Trees

29B St Anne's Road objection to the application on the grounds of the increase in demand for on-street parking.

Stephen Lloyd MP has written in support of the application stating the application will benefit Eastbourne by adding housing stock and contributing to our local economy. Gordon Lodge is not really suited to provide the high quality teaching environment expected by today's students and planning approval will allow them to re-locate to more appropriate premises.

Appraisal:

Policy Considerations

The application site is located within the Upperton neighbourhood as identified in the Eastbourne Core Strategy Local Plan (2006-2027). Upperton has been identified as one of the more sustainable neighbourhoods in the Borough. It is also located within the Upperton Conservation Area and is within the predominantly residential area.

The vision for the 'Upperton' neighbourhood as set out in the Core Strategy is that 'Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood'.

In addition, Core Strategy Policy C2: Upperton Neighbourhood Policy states that the vision for Upperton will be promoted by a number of measures, including:
Delivering new housing through redevelopment and conversion of existing

properties; Increasing the provision of affordable housing; and Protecting the distinctive character of the neighbourhood, especially in historic areas.

The site has not been identified in the Strategic Housing Land Availability Assessment (SHLAA) and therefore the site would be classified as a windfall development. The Council is required to maximise the provision of housing on all suitable 'windfall' sites across the Borough to meet the Council's local housing target up to 2027. This proposal would help to meet the housing target for Upperton neighbourhood of 399 new units and subsequently the housing target for Eastbourne up to 2027 of 5,022 new units, as identified in Core Strategy Policy B1: Spatial Development Strategy and Distribution. It would also help to increase delivery in one of the most sustainable neighbourhoods in the town.

The Core Strategy Local Plan requires all residential development to contribute towards affordable housing where there is a net gain of 1 or more residential unit. The actual contribution depends on the neighbourhood in which the development is located.

The application site is located with the 'High Value Area' for affordable housing, as identified in Core Strategy Policy D5: Housing, which means that the affordable housing requirement is 40%. As the proposal would result in a net gain in 11 residential units, the requirement would be 4.4 units.

The provision of affordable housing has been carefully considered by our Strategic Housing Team; in this instance given the constraints of the site it has been justified that a financial contribution instead of on-site delivery will be acceptable. The sum calculated is £18,482.28, which is consistent with the calculation methodology outlined in the Affordable Housing Implementation Technical Note.

Twin require a larger more modern premises to operate from whilst they do not currently have another site to move to they have stipulated their commitment to the town and are looking at alternative sites.

Conservation and Design

The NPPF requires development to conserve heritage assets in a manner appropriate to their significance and that when assessing development great weight should be given to the conservation of the asset.

The Upperton Conservation Area Appraisal states; 'No. 25 is a substantial detached double gable-fronted building with pitched clay tiled roofs, terracotta ridge crestings, simple timber bargeboards and tall red brick chimney stacks. Retaining much of its original form, materials and features including the hung tiles with blue tile lozenge motifs to the gables, six-over-one pane timber sliding sash windows to the upper floors and stained glass quarry glazed window, the building presents a strong facade to the streetscape. Flint boundary walls with red brick plinths, copings and square-profile piers enhance its setting.'

The proposed works are for the majority to the rear of the building, the rear extension will be marginally visible from public viewpoints, and from the street scene. The store to the side of the building will be visible from St Anne's Road however the bulk and scale and the choice of materials are considered to minimise any visual impact on the appearance of the host building.

Core Strategy Policy D10 and the saved Local Plan Policy UHT15 both require development to conserve or enhance the character of heritage assets.

Whilst the character of the conservation area comprises elegant terraces, semi-detached and detached housing set around leafy squares, No.25 St Anne's Road is situated on the edge of the conservation area, with some more recent additions to the street scene to the north-east of the site. Whilst No.25 is a substantial corner property which has been converted into flats, the adjacent properties to the north-east are smaller detached single family dwellings which are less in keeping with the surrounding original properties.

Therefore on balance it is considered that whilst the extension is substantial, the works are sited to the rear of the property and therefore given the context of the site will not result in significant impacts on views into and out of the conservation area or on the character of the streetscene to warrant a refusal of the application.

In terms of design, the proposed extension draws most of the design features from the existing building. The extension projects from the rear, three storey's in height with the roof pitches matching the existing with further accommodation within the roofscape. To the north-west the roof is sloped at a greater angle to minimise the impact on the neighbouring property. Given the difference in sizes of the existing rear gable this is not considered to unbalance the appearance of the roof slopes from the rear elevation.

Whilst the extension is large, projecting part 4.5m part 7m, the height is more modest and the detailed design matches the existing host building. Therefore the extension appears subordinate and is considered acceptable in terms of visual amenity and impact on the host building.

Parking

With regard to parking, there is currently no provision for parking onsite; and it is proposed that no new spaces will be created as a result of the development.

Whilst there is scope to provide parking to the front of the building and/or to the rear of the site where there is an existing vehicular rear access onto Hartfield Road. However both were carefully considered and the harm caused was considered to outweigh the benefit of providing parking in this location.

If parking was provided to the front of the property this would result in the loss of the wall, and attractive mature garden area for the provision of a hardstanding

which was considered unacceptable in terms of impact on the visual appearance of the host building and the wider conservation area.

Parking was considered to the rear of the site, but again the impact on the garden area and the resulting hardstanding was considered detrimental; and the access to the rear is unkempt and may be considered unsuitable for use by a number of vehicles.

The site is located within close proximity of the town centre, cycle storage is provided and public transport is available within easy walking distance. The change of use is not considered to significantly increase the amount of visitors by car or for the demand for on-street parking. Whilst car ownership may not be considered normal for students using the building, the building is staffed which creates a demand for on-street parking.

Whilst objections by local residents have been raised on highways grounds, County Council Highways have been consulted and raised no objections to the above proposals.

Trees and Landscaping

The site and surrounding area are characterised by open mature gardens and mature trees which add significantly to the visual appearance of the conservation area and the loss of tree's worthy of retention would be regrettable. The two trees within the site that offer significant landscape value as identified by the Borough Arboriculturalist are subject to a Tree Preservation Order, their retention is considered essential.

The Borough Arboriculturalist states that contrary to the applicant's tree report tree T5 which is a mature Lime situated on the boundary of the site with No.23 St Anne's Road, is unlikely to survive the construction program given the rear extension is proposed within the root protection area. The applicant has expressed their intention to retain the tree, and have employed an Arboricultural Consultancy to ensure the retention of the trees on site. During the pre-application process a different Arboriculturalist for the Council comments on the proposals and accepted that the tree could be protected by the use of mitigation methods such as ground and roof protection, use of an airspace with root pruning carried out by an Arboriculturalist.

The design of the proposed extension is such to take account of the large crown to this tree, there are windows proposed in this elevation, however the main windows serving the habitable space of the flats on this side of the development are to the rear of the building, and will therefore be unaffected by the growth of this tree in terms of light and outlook; a concern would be that pressure to prune the tree would be mounted by residents if the tree affected light to the proposed units.

Neighbour Amenity

The existing building is separated from the boundary with No.23 by approximately 7m, therefore the proposed extension will have limited impact on this neighbouring property and no objections have been received from residents.

No.27 is adjacent to the application site to the north and has raised objections to the application on the basis of over development, the size of the extension and the impact on light, outlook and the over bearing impact on the adjacent property.

The proposed extension is set back 3.5m from the boundary with this adjoining property. Whilst the extension is large in terms of projection the height is relatively modest at 5m in height to eaves level. Following concerns raised by the neighbouring occupants, the design of the extension has been amended; the pitch of the roof slope to this elevation has been decreased to minimise impact on the occupiers of the neighbouring property.

No.27 St Anne's Road to the front appears as a two storey, detached single family dwelling. To the rear the property has a sloping roof with rooflights, down to ground floor level. Therefore the property has a number of windows in the side elevation which assumingly some serve habitable rooms. There will undoubtedly be some impact on this property from the rear three storey extension, however it is considered that given the set back from the boundary and the height of the proposed extension the development will not result in significant harm in terms of amenity to warrant the refusal of the application. Similarly with the proposed bin and cycle store this is proposed marginally higher than the existing fence between the properties and therefore it is not considered this will result in significantly detrimental impacts. Concern was raised over smells and noise from the bin and cycle store. The store is covered which will minimise impacts.

Windows in this elevation facing the neighbouring property No.27 other than the stairwell windows are proposed to be obscurely glazed which will be secured by condition. It is also possible to restrict the opening of these windows to only the top of the proposed sash windows to prevent overlooking and minimise impact on privacy.

The Inspector in her decision on the appeal on the previous application in paragraph 12, states that they did not consider that the proposed extension would result in a loss of outlook for the occupiers of No.27 sufficient to warrant planning permission being withheld. The Inspector further states that they do not consider the proposed extension would result in a material loss of light for the occupiers of No.27.

Human Rights Implications:

It is considered that the proposed development would not affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property. Consultation with the community has been undertaken as part of the application process 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.

Conclusion:

The conversion of the building will facilitate the development of eleven flats, within a sustainable location; the proposal makes a contribution to the much needed delivery of housing in the Borough; and a contribution to affordable housing will be made in lieu of an on site delivery.

The design of the proposed extension and the alterations to the building are considered acceptable in terms of design and the works are considered to preserve the character and appearance of this part of the conservation area. It is considered, that whilst the Borough Arboriculturalist has raised concerns over the impact on the health of the tree T5 to the eastern boundary, the concerns can be overcome by condition requiring further information to be submitted which show the protection of this tree during the construction period.

Careful consideration has been given to the impact of the proposed works on the amenity of surrounding residents and occupiers. On balance given the context of the site the works are considered acceptable and will not result in significant detrimental impacts to warrant the refusal of the application on this basis. Therefore it is recommended that planning permission be granted subject to conditions.

The application was previously refused on the grounds of the impact on the adjacent property, however this issue was not upheld on appeal and therefore it is not considered that planning permission should be refused for this reason.

RECOMMEND: Grant planning permission.

Conditions:

- 1) Time limit
- 2) In accordance with approved plans
- 3) The materials used in the construction of the rear extension shall match the host building.
- 4) Submission of materials used in construction of bike and bin store.
- 5) Implementation of a programme of archaeological work
- 6) Archaeological site investigation and post investigation assessment
- 7) Submission of a method statement outlining the protection of the mature Lime (Identified as T5 in the Arboricultural Impact Assessment dated 15 October 2012) during the construction process.
- 8) Protection of existing trees – provision of fencing.
- 9) no flues, pipes etc shall be installed on the front elevation.
- 10) Hours of building operations.

Informative

Pre-commencement conditions.