

App.No: 141605 (PPP)	Decision Due Date: 30 March 2015	Ward: Meads
Officer: Jane Sabin	Site visit date: 17 February 2015	Type: Planning Permission
Site Notice(s) Expiry date: 2 March 2015		
Neighbour Con Expiry: 2 March 2015		
Weekly list Expiry: 10 February 2015		
Press Notice(s): 13 February 2015		
Over 8/13 week reason: N/A		
Location: Harford Battersby House, 10 Trinity Trees		
Proposal: Change of use of car park at the rear of Harford Battersby House to a public pay and display car park, involving the demolition of the existing garages.		
Applicant: Euro Car Parks Limited		
Recommendation: Refuse		

Executive summary:

The proposed development would have an adverse impact on residential amenity and the character and appearance of the conservation area and therefore contrary to the Council's approved policies.

Planning Status:

Town Centre and Seafront Conservation Area
Source Protection Zones 2

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan 2013

B2: Creating Sustainable Neighbourhoods

C1: Town Centre Neighbourhood Policy

D1: Sustainable Development

D8: Sustainable Travel

D10: Historic Environment

Town Centre Local Plan 2013

TC15: Parking in the Town Centre

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
HO20: Residential Amenity
TR2: Travel Demands
TR6: Facilities for Cyclists
TR11: Car Parking

Site Description:

The application site comprises a block of five garages and a car park constructed in conjunction with Harford Battersby House at 10 Trinity Trees in 1966. The block of flats is very much of its time, and fronts Trinity Trees with a small lawned area to the rear; the simple, flat roofed garages and car park front Lismore Road behind a low wall approximately 1m high; adjacent to the garages is an electricity substation which is excluded from the application site. Both the flats and the whole of the car park are located within the Town Centre and Seafront Conservation Area. At some time since the construction of the flats and garages, the ownership of the rear of the site containing the garages and parking area has become separated, with the result that none of the residents own a garage or parking space, and are obliged to rent them if required; those not rented by residents are let out.

Relevant Planning History:

EB/1990/0589

Extend parking area and demolish existing garage fronting Lismore Road.
Conservation area consent granted conditionally - 15 January 1991

Proposed development:

Permission is sought to demolish the garage block and resurface it with Tarmacadam, and to change the use of the whole site to a public pay and display car park for a total of 22 vehicles.

This would involve the provision of two pay and display ticket machines and an automatic number plate recognition camera mounted on a 125mm diameter post 3m in height painted black. The entrance to Lismore Road is not proposed to be altered, and nor is the boundary wall to be lowered. Parking would be charged at £1 per hour, with a maximum stay of three hours, and a fixed £2 tariff for parking between 6pm to 8am.

Consultations:

Internal:

The County Highways Authority has expressed some reservations regarding the manoeuvrability of four of the spaces, which would require some backward and forward movements. The street parking in the area is permit holders or pay and display; if the limit of permits issued has been reached, then residents may have nowhere to park.

Specialist Advisor (Conservation)

Whilst the existing use of the rear of No 10 is as a car park, the site also includes five single storey flat roof garages associated with Harford Battersby House. Although of limited architectural merit the garages do allow for the interpretation of historic use of the land, as ancillary to the principal buildings fronting Trinity Trees and as such, their

demolition as proposed, would go towards further diluting the historic interpretation of the site and wider area. In addition, the change to a pay and display car park would result in the introduction of two ticket machines, a cctv camera and signage (although the signage is not included in the application and may well be permitted development); these are relatively minor additions, however their cumulative impact would alter the character of the site in context of No 10 and go towards eroding the historic character associated with the surrounding conservation area.

In summary, the demolition of the garage block and introduction of ticket machines, cctv and signage would go towards the erosion of the historic character associated with the rear of Trinity Trees. Recommend refusal.

At its meeting on 17 February 2015, the Conservation Area Advisory Group expressed some reservations regarding the commercial nature of the development at the rear of this residential property and the intensification of the use which could have an impact on the character of the conservation area.

Neighbour Representations:

Six objections have been received mostly from residents of Harford Battersby House and cover the following points:

- It would be better to use the car park for storing refuse bins and not leave them on the pavement
- More garage/car parking is required for the flats – not less
- The use of the site as a pay and display car park would adversely affect the value of the flats and blight the lives of residents. The current renters usually move their vehicles just in the mornings and at night, and hardly at weekends. Pay and display would mean coming and going at all times, 365 days a year, therefore additional noise and disturbance. There is enough multi-storey parking in the area, plus pay to park on the surrounding streets (which is free all evening/night) –all day parking is what is needed
- The impact on the two ground floor flats especially would be severe; engine noise, manoeuvring, door slamming, headlights shining, pollution, people talking; plus loss of privacy if no partition is to be provided
- Likely that lights will be required, otherwise the car park will be too dark at night; this would adversely affect residents
- What will happen to the displaced residents? There is currently one space allocated to residents; space is needed for visitors, workmen, cleaners, hairdressers, friends and district nurses; where will the window cleaner, who needs to park close to the building park, or those who maintain and redecorate the building regularly?
- Visual impact will be greatly affected if there are to be 22 spaces used for short term parking, both for residents and the character of the area in general
- Loss of space for refuse and recycling bins currently stored in the car park
- Right of way across the car park for residents – most residents use the rear entrance to the flats, and would have to dodge a constant stream of traffic
- The use of the garages and/or parking spaces by non-residents would be a breach of the deeds with the Chatsworth Trust
- Loss of three parking spaces which enables important community services to be provided 24/7 from Revival at 13 Lismore Road (staff, volunteers, visitors and Street Pastors)

Appraisal:

Principle of development:

The main issues to take into consideration in determining this application is the impact on residential amenity, the impact on the character and appearance of the conservation area, and the provision of a car park in the town centre within a residential planning unit.

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

The main impact of the proposal would be from its use and would be felt most acutely by the residents of Harford Battersby House (HBH) and adjacent residential properties.

Whilst it is apparent that few of the current residents rent garages or spaces, and therefore displacement is not an overriding issue, the impact on residents from the increase in usage by non-residents (who are unlikely to consider the amenities of nearby residents adjacent to a "public" car park) from noise and disturbance (potentially for 24 hours a day), is considered to be unacceptable.

Such noise and disturbance could arise from engine noise, manoeuvring, doors slamming, voices, and light from headlights. It is acknowledged that residents in town centre locations have to accept a certain degree of noise and disturbance, however, the corollary of this is that any quiet times or peaceful aspect is very much valued. The lawned area separating the flats in HBH from the car park is only 6.5m, which is similar with others in the locality, it is considered that this proximity in respect of the proposal is unacceptable, and that the impact, particularly on the lower flats would be severe. This noise impact is likely to have a material impact upon the quality of the living environment for these existing residents

Impact on character and setting of the conservation area:

Whilst the garage block is of no particular architectural merit, it does, however, provide a domestic character in connection with Harford Battersby House. The removal of the garages, together with the provision of ticket machines, a camera and signage would cumulatively alter this character into a commercial one, which would be exacerbated by the increase in the intensity of use and additional vehicular movements associated with a pay and display car park.

The commerciality of the proposed scheme would be particularly noticeable given the open nature of the site, due to the historic loss of much of the rear wall and the lack of any landscaping or screening of the site. At the present time, the site appears to all intents and purposes to be associated with the residential use Harford Battersby House because of the domestic garages, the informal appearance of the layout of the parking areas, and the open vista across the lawn to the rear of the flats. It is considered that the proposal would erode this ambience, resulting in a dominant and intrusive feature out of keeping with the historically residential development of the site to the detriment of the character and appearance of the site and the surrounding conservation area.

Car parking in the town centre

The Town Centre Local Plan (TCLP) in its formal objectives aims to improve accessibility for all sectors through an integrated approach to all transport users, particularly pedestrians, cyclists and public transport customers, whilst protecting heritage assets

and improving the public realm. In this respect it is important that development for car parking do not detract from the visual amenities of the area.

Paragraph 4.97 of the TCLP identifies that a review of car parking has shown that there is ample car parking available in the town centre but that it is not always used in a balanced way, and in paragraph 4.99 that a network of attractive, pedestrian and cycle friendly streets, promenades and walkways should be maintained and enhanced. It goes on at paragraph 4.107 that to accommodate any growth in passenger numbers and to make public transport an increasingly attractive and viable alternative to the private car, work is needed to enhance the design and layout of the public transport interchange. Furthermore at paragraph 4.111 that where new car, motor cycle, moped and cycle parking is required, the design and layout must ensure that it is safe and usable, yet does not become a dominant or intrusive element.

It is evident that there is no overriding need for further short term car parking in the town centre and that the aim of the Plan is to discourage car journeys whilst making better use of existing facilities and public transport a more viable option, reducing congestion and cars circling the town centre seeking spaces during busy periods. In addition there are concerns raised by County Highways over the usability of some of the spaces. It is considered that the provision of a new pay and display car park in this location would be contrary to these aims and objectives for the town centre. This view is supported in policies D1 and D8, D10A of the Core Strategy.

Other matters:

The agent points out that there are no planning conditions requiring the car park to remain in use for residents; further, that as the car park is in different ownership, there is no mechanism to prevent it being closed off from all users should the owner wish. Whether the intention was to provide parking for residents is irrelevant, and it would be unreasonable for the Council to refuse planning permission based on loss of parking given the low usage by existing residents.

Confirmation has been received that there is no intention to provide space for refuse and recycling bins for residents, and they will have to store them within the curtilage of Harford Battersby House. A planning condition requiring the marking of the boundary between the flats and the car park would be acceptable.

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 proposed development would have an adverse impact on residential amenity and the character and appearance of the conservation area, and would conflict with the Council's approved and saved policies, and the aims and objectives of the Town Centre Local Plan.

Recommendation: Refuse for the following reason:

The proposed development would have an adverse impact on residential amenity and the character and appearance of the conservation area as a result of noise, disturbance, intensity of use and the paraphernalia associated with the operation of a pay and display car park. It would therefore conflict with policies B2, C1, D1, D8 and D10 of the Eastbourne Core Strategy Local Plan 2013, policy TC15 of the Town Centre Local Plan 2013 and policies UHT1, UHT4, UHT15, HO20, TR2, TR6 and TR11 of the Eastbourne Borough Plan Saved Policies 2007, and the provisions of the National Planning Policy Framework.

Appeal:

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**.