

<b>App.No:</b> 150172 (PPP)	<b>Decision Due Date:</b> 15 April 2015	<b>Ward:</b> Upperton
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 12 & 25 March 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 21 March 2015		
<b>Neighbour Con Expiry:</b> 21 March 2015		
<b>Weekly list Expiry:</b> 16 March 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> For listing at Planning Committee		
<b>Location:</b> 27 St Leonards Road, Eastbourne		
<b>Proposal:</b> Erection of mansard roof to provide for four self-contained flats and three storey front/side extension, and alterations to fenestration on building's facade.		
<b>Applicant:</b> Mr Barry Hough		
<b>Recommendation:</b> Approve with conditions		

### **Executive Summary:**

The application relates to a block of commercial offices situated on the North East quadrant of the crossroads formed by St Leonards Road and Eversfield Road, fronting St Leonards Road. The other 3 buildings at this intersection include The Eastbourne Foyer , opposite, The Yews residential flats across Eversfield Road at 25 St Lt Leonards Road, and in the South West Quadrant, a former block of offices currently undergoing a conversion to residential accommodation. There is a residential building (Pegasus Court) adjacent to the application site at 29 St Leonards Road which serves as warden assisted accommodation (20 Units).

The current application for planning permission relates to the formation of a three storey front/side extension along with a new 4<sup>th</sup> storey in the form of a mansard roof containing 4 additional flats (to the 12 already established under prior approval) and for some external alterations to the building including changes to fenestration to make the existing windows / openings more suitable to residential use, and the formation of some new smaller sized windows to serve kitchen areas of the new flats.

There is considered to be sufficient on-site parking and the details within the application for which permission is sought, is considered to be acceptable in planning terms.

The site is situated in an area of mixed used consisting of both commercial office space and residential accommodation in multi-storeyed buildings. Since the implementation of the Prior Approval procedure in May 2013, many of the commercial office spaces in the

area have undergone conversion to residential accommodation. The residential conversion of this block has already been granted.

Despite its close proximity to the adjacent residential building at 29 St Leonards Road, of which 5 objections have been received by its residents, it is considered that the proposed development has an acceptable impact on residential amenity for the reasons set out in the report and therefore it is recommended that planning permission be granted subject to conditions.

**Planning Status:**

Commercial office Block – B1 Use, granted Prior Approval previously to convert to C3 residential units, comprising of 12 flats (under application 141030).

There is also a current Prior Approval application for a revised layout of the 12 residential units (yet to be decided under application 150179, submitted 13/02/2015).

**Constraints:**

**Tree Conditions**

Tree(s) protected by planning permission.

EB/1973/0527

Tree(s) protected by planning permission.

EB/1973/0546

**Relevant Planning Policies:**

National Planning Policy Framework

4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C1: Town Centre Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO20: Residential Amenity

NE14: Source Protection Zone

TC11: St Leonards Road Area

TR11: Car Parking

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

**Site Description:**

The application site is a flat roofed 3 storey partially occupied office block (with centrally located plant area on the roof) located on the North East quadrant of the crossroads formed by St Leonards Road (running South West to North East) and Eversfield Road (running from North West to South East).

The remaining buildings located around the intersection include Eastbourne Foyer (sheltered accommodation for young adults) at number 40 St Leonards Road, The Yews (residential flats) at 25 St Leonards Road and a former office block at 36 St Leonards Road currently undergoing a residential conversion, with an additional floor due to be constructed to provide further accommodation.

Accessed by car from Eversfield Road, the application site contains space to park 18 vehicles currently used as a private car park to serve the existing office, which currently occupies just 1 of the building's 3 floors, with the remaining floors empty for a significant time despite actively seeking to let the empty office space.

Some green space exists within the site in the form of grassed areas at the side of building facing Eversfield Road to the West and Pegasus Court to the East, and in front of the property adjacent to St Leonards Road from where pedestrian access is gained in to the building via a dedicated entrance covered by a canopy leading on to an internal entrance lobby.

2 Mature trees, protected by planning condition exist on close to the Western boundary of the site, which are indicated as being retained in the proposed drawings.

The neighbouring building to the North East, Pegasus Court (numbered 29 St Leonards Road) provides retirement living accommodation in its five storeys housing 20 self-contained apartments, each with separate kitchen, between 1 & 2 bedrooms and with a generously sized lounge / diner. Facing the application site, the building's South West elevation contains 10 apartments (2 per floor) with each floor apart from the top containing rows of 4 windows (2 per apartment) serving the kitchen space as its sole window and the lounge / diner as its secondary window. The 2 flats contained within the top floor / mansard roof are similarly arranged, but have only 1 flank window, serving the kitchen.

Each of the apartments, with back-to-back kitchens also has inward opening full height double doors providing access onto a Juliette balcony and providing the primary natural light source for the lounge area (facing South East on to St Leonards Road for the properties located at the front, or over the car park if located in the North West facing rear elevation).

**Relevant Planning History:**

EB/1973/0527

Erection of a three-storey office building, not exceeding 10,000 sq.ft. floor area, together with parking space for 17 cars.

Granted, subject to conditions. - 1973-07-12

EB/1973/0277

Demolition of the existing dwelling and erection of a building, containing not more than 10,000 sq.ft. of office accommodation, and parking space.  
Granted, subject to conditions. - 1973-04-19

EB/1973/0053

Demolition of existing dwelling and erection on the site of a three-storey office building, having a floor area not exceeding 10,000 sq.ft., and parking provision.  
Granted, subject to conditions. - 1973-01-25

120570

Change of use of first floor from B1 to a mixed use (B1/D1).  
Planning Permission – Withdrawn - 04/10/2012

141030

Prior Notification for Conversion of offices in to 12 self-contained flats under Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. – Prior Approval not required and approval given.

150179

Change of use from B1 (office) to C3 (residential) - comprising 12no. self-contained flats.  
Current application – submitted 13/02/2015

#### APPLICATIONS AT NEARBY ADDRESSES:

010042 – 29 St Leonards Road

Demolition of existing offices and erection of five-storey building, incorporating five one-bedroom and fourteen two-bedroom retirement apartments, associated guest bedroom, office, lounge, laundry room, integral refuse store, together with eight covered parking spaces and five open parking spaces at rear of building (amended plans).

Planning Permission - Approved conditionally - 20/07/2001

#### **Proposed development:**

There are four main elements to this proposal:-

1. Three storey front/side extension
2. Mansard roof to include 4 new flats
3. New fenestration arrangements and
4. Other cosmetic/external changes.

1. Three storey front/side extension

The applicant seeks permission to erect a three storey front/side extension and an additional floor in the form of a mansard roof. This new floorspace would facilitate reconfigured residential accommodation to the 3 storey building.

2. Mansard Roof

An extra 311 square metres of floor space divided to create 4no. residential flats within the mansard roof extension (2no. 2-Bed and 2no. 1-bed flats).

The roof of the mansard is 2.2 metres above the height of the existing parapet wall, and would be as high as the existing plant room which exists currently on the

building's roof. No external finishing materials have been proposed for the additional storey.

### 3. New Fenestration arrangements

The proposed flats in the mansard roof would be served by roof lights and uniformly positioned windows to that which exist in the current building with a total of 4 new windows facing Pegasus Court, 5 fronting Eversfield Road, 3 overlooking the existing carpark and 3 fronting St Leonards Road.

North East elevation (facing Pegasus Court):

- Full height / reduced width openings installed in existing apertures
- o Includes Sliding door and Juliet balcony arrangement serving lounge area of flats located towards rear of the building.
- Formation of new windows (2 per floor) to serve kitchen of flats located towards the middle and front of the building.

South West elevation (fronting Eversfield Road):

- Full height, reduced width glazing installed in position of existing openings to serve new flats.
- Full height, full width glazing in position of existing openings to serve entrance lobby and communal hallway / stairwell for each floor.

South East elevation (fronting St Leonards Road):

- Full height, reduced width glazing in position of existing openings to serve new flats.
- Substantial enlargement of openings for installation of full height glazing to entrance lobby and communal hallway / stairwell for each floor.

North West elevation (overlooking carpark towards The Avenue):

- Full height / full width Sliding doors with Juliet balcony (on first and second floor)
- Formation of new opening in position of existing external fire escape stairwell to form full height windows and doors opening out on to proposed balcony area.
- Formation of new smaller sized windows (1 per floor) to serve kitchen of North West corner flats.

### 4. Other cosmetic/external changes

Installation of insulated aluminium banding installed between the first and second floor for aesthetic purposes. Formation of balconies on ground, first and second floors on North West elevation in position of current fire escape (to be removed).

### **Consultations:**

#### Internal:

Specialist Advisor (Planning Policy) Awaiting response

#### External:

Highways ESCC – Application supported on Highways grounds:

- In addition to 4 flats, there is also a Prior Approval which would create 12 flats (16 in total)

- St Leonards Road is within walking distance of bus stops, railway station and shops and services.
- The area is therefore considered to be sustainable location in transport terms which will reduce the car dependency of any residents.
- The site currently has 18 parking spaces but the proposal is to provide 16 spaces overall along with cycle and refuse storage.
- ESCC parking calculator a development of this size and type in the Upperton ward should provide 14 unallocated parking spaces and 8 cycle spaces where storage is communal.
  - The parking provision proposed is acceptable as it meets the required standards.
- Residential conversion would result in a reduced number of daily trips
  - 100 for offices
  - 58 for residential

#### Neighbour Representations:

Letters of consultation were sent to 92 surrounding addresses. 5 objections have been received from residents of the adjacent building and cover the following points:

It is felt that there would be a detrimental impact to the residents of the adjacent Pegasus Court building by way of:

#### Overshadowing / Loss of light:

- Loss of light and increased overshadowing to lounge a kitchen of apartments on Western side.
- Garden receives minimal daylight / sunlight (particularly in Spring, Autumn and Winter). New storey would see further reduction.
  - Further loss of light to seating in communal garden area, already often remains damp and takes time to dry out.
  - Employ tree surgeon to try and maintain light levels by regularly cutting back trees on either side of boundary
- Little light received in first floor flat as is to side windows, new floor will reduce further.

#### Impact on Privacy (through re-fenestration to the elevation facing Pegasus Court):

- Loss of privacy to lounge and kitchen to 50% of residential properties.
  - Creation of new openings, and enlargement of openings to form full height windows and doors with Juliette balconies.
- Increase in noise through conversion to residential

#### Visual Impact due to change in height:

- Permission refused to add further floor on 34/36 St Leonards Road (opposite)
- Building located on crossroads with surrounding buildings of similar height

#### Other comments:

Some representations made did not account for the conversion of the existing building through prior notification scheme. Comments were received relating to no additional car parking capacity (as car park currently fills up daily) and current building being unoccupied and having a mixture of office and residential and office uses in same building as being considered an inappropriate mix.

## **Appraisal:**

### Principle of development:

The application does not involve the loss of commercial office space (already established through change of use under Prior Approval), and focuses on the additional 4 units of residential accommodation in addition to the visual impact of the proposed external changes including the three storey extension and alterations to fenestration.

The principle of adding an additional floor (along with associated external alterations including fenestration) to a building in this vicinity has been established through planning application ref 130597 & 130598 concerning 38 St Leonards Road, following the Change of Use from office space to residential agreed under Prior Notification application ref 130525 (12/08/2013). Given this there is no objection in principle to the loss of the office accommodation to be replaced by residential.

Policy TC11 of the Borough Plan saved policies identified the St Leonards Road area as having potential for increased residential development through redundant office buildings prior to the government's introduction of the Prior Approval Scheme.

The current scheme is acceptable in principle providing the appearance of the resulting development would be in-keeping with the host building, and adhere to the character of the area and would not result in an unacceptable loss of residential amenity to the nearby residential occupiers, and would not have a severe detrimental impact on the adjacent highway network.

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

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Due to the layout of the surrounding buildings, it is considered that there would be no unacceptable impact by way of loss of residential amenity to the majority of surrounding properties.

As outlined above the principle of residential occupation of the building has previously been accepted and therefore the degree of overlooking/loss of privacy is now set. Notwithstanding this is important to assess the external changes to the proposal that may impact upon the degree of overlooking/loss of privacy. In this regard the most affected units are those that have windows that face this development within Pegasus Court (No 29 St Leonards Road) (10units)

## **Fenestration:**

It must be noted that overlooking exists currently between the windows of the adjacent buildings at 27 and 29 St Leonards Road, and it is considered that the proposed alterations to fenestration would not greatly increase the impact of loss of privacy to the nearby residents as a direct result in alterations to the size of the openings.

Propose new openings to be formed on the flank elevation towards the front of the property are sympathetic in size and considered necessary to provide natural light to the kitchens of the proposed flats.

Any overlooking from these windows would be to secondary glazing to habitable rooms and the kitchen for each of the adjacent Pegasus Court apartments and is therefore considered to have an acceptable impact on privacy.

It is considered that the proposed Juliet Balcony arrangements with sliding doors are positioned so as to minimise the potential for impact on the residents of Pegasus Court. It is acknowledged that the Juliet balconies of the existing flats to the rear of Pegasus Court would be within the sight line of the position of the proposed Juliet balconies, but, the viewing angle is considered to be so acute as to negate the potential for detrimental levels of privacy loss.

It is considered also that the proposed changes to fenestration would not result in any unacceptable loss of privacy to the surrounding buildings of Eversfield Road, The Avenue and the remaining nearby buildings of St Leonards Road.

**Loss of Light / Increased overshadowing:**

The proposed new mansard roof would result in an increase in the height of the periphery of the building in that there is already an existing plant room located on this level of similar height which would be demolished to make way for the new arrangement.

The angled mansard roof would be set back from the existing façade of the building, and would be contained within the existing 0.6metre high, 0.56 metre wide parapet wall, and would angle away from the surrounding buildings, so that its maximum height is reached around it at a distance of approximately 1.12 metres back from the edge of existing building.

It is noted that the neighbouring building experiences some loss of light and overshadowing at different parts of the day, decreasing in amount as you go up the floors, with the top floor experiencing very little effect.

It is considered that due to the angle of the roof, and the fact that it is set back within the footprint of the building will help minimise its impact on the nearby residential properties.

It is also considered that the majority of the impact by way of loss of light and overshadowing would be limited to flank elevation windows serving as secondary glazing to the lounge (except for the top floor flats), and as the sole window to the kitchen (all of the flats using this elevation), considered to be a non-habitable room and therefore the impact is considered to be acceptable.

In addition to the effects of overshadowing and loss of light, it is considered that the addition of a mansard roof would have little impact to the outlook of the lower floored flats. Due to 5 storey building at Pegasus Court being higher than the application building, the residents of the top floor, although looking out on to the roof of the



adjoining building, have views across the town from their flank elevation kitchen window and at an angle from the Juliet balcony.

It is noted that these views currently enjoyed by the residents would be interrupted by the additional floor installed at the neighbouring building which is regrettable, it must be noted that there would still be high levels of natural light reaching the kitchen window, and little impact on levels received by the main lounge windows fronting St Leonards road, and to the rear for the corresponding flats.

Despite the application building projecting further in to the site than its neighbouring buildings, there would not be an unacceptable impact to outlook as a result of the additional mansard roof / flats.

**Proposed balconies:**

The proposed balconies to each of the lower floors will be sympathetically placed within an existing vertical corridor currently containing an external fire escape. Despite the application building projecting further back in to the site than its neighbour at number 29 St Leonards Road, the flank (facing) elevation of the balcony would be screened by the existing brick projection which creates the vertical channel.

The balconies themselves would face in a Northerly direction and at a distance of over 18 metres, is considered to be at a sufficient distance from nearby buildings fronting The Avenue.

Therefore there is considered to be no unacceptable impact to the amenities of neighbouring residents at either Pegasus Court or the surrounding buildings as a result of the construction of the rear facing balconies.

Design of new development:

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials, setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The maximum overall height of the building resulting from the formation of a mansard roof would remain unchanged due to the existing lift plant room located centrally on the roof / third floor level although there would be an increase across the remainder of the roof.

The proposed mansard roof design would relate well to the surrounding area which is characterised by multi-storeyed buildings, with a mixture of different roof types including, flat, pitched and mansard roof designs.

The changes to the fenestration are considered to improve the appearance of the host building, resulting in a better rhythm of window openings across the elevations better harmonising with the other residential uses now established in the location.

The majority of the external demise of the red bricked building is proposed to remain unchanged save for the three storey extension and the aluminium banding. The proposed finishing materials have not been finalised for consideration for either the roof or the proposed new windows and doors, the submission of which should be conditioned to ensure that the finish of the resulting development is in harmony with the host building and surrounding area.

#### Impacts on trees:

It is considered that there would be no direct impact to the 2 mature trees located on the Eastern side of the site, protected by conditions on the decision notice of the 1973 permissions. To ensure the trees suffer no damage during the construction of the residential properties, it is recommended to condition measures to tree appropriate tree protection measures.

#### Impacts on highway network or access:

St Leonards Road lies to the north west of the Town Centre and is within walking distance of bus stops, railway station and shops and services. The area is therefore considered to be sustainable location in transport terms which will reduce the car dependency of any residents.

The application site would provide 16 spaces overall along with cycle and refuse storage. County Highways have advised that the ESCC parking calculation for a development of this size and type in the Upperton ward should provide 14 parking spaces on the basis that they are all unallocated. 8 cycle spaces are to be provided which is acceptable as long as the storage is communal. The parking provision proposed for the whole site is acceptable as it meets the required standards.

County Highways calculations show that there should be a substantial decrease in the number of vehicle trips to and from the site the office use would have created approximately 100 trips per day based on the whole conversion and the additional 4 flats to which this application relates (880m<sup>2</sup> floor area) which would create approximately 58 trips.

There are considered to be no grounds to restrict the grant of consent on the grounds of impact to the surrounding highway network.

#### Other matters:

Although a total of 16 flats can be created through the conversion of the existing building and the additional of an extra floor, there would be no requirement for affordable housing contributions, due to the scope of the application only covering the potential creation for 4 units associated with the addition of the extra storey containing accommodation and additionally no requirement for CIL due to the type of accommodation being provided.

#### **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 is acceptable in terms of the size, scale and design of the additional floor and proposed external alterations to the building, the impact upon nearby residents, the provision of on-site parking and impact on highway safety and accords with the relevant local and national planning policies.

In addition, the development complies with government guidance in respect of maximising the re-use of previously developed land and will make a valuable contribution to the towns housing stock.

**Recommendation:**

It is recommended that the application be approved with the following conditions:

**Conditions:**

- 1) Time – Commence within 3 years
- 2) Approved Drawings
- 3) Samples of Materials – Windows / Roof
- 4) Hours of Demolition / Construction
- 5) Tree protection
- 6) Provision of communal bin store (prior to occupation)
- 7) Provision of cycle storage (prior to occupation)
- 8) Retention of 16 parking spaces

**Informatives**

N/A

**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**.