

Report to: Planning Committee
Date: 23 July 2024
Application No: 220556
Location: 35 Windermere Crescent, Eastbourne, BN22 8PR
Proposal: Conversion of existing house into 3no. flats (2no one-bed and 1no two-bed) and the erection of 2no one-bed houses (amended scheme received 20 March 2023)
Applicant: Karmalife Ltd.
Ward: St Anthonys
Recommendation: Approve, subject to conditions
Contact Officer: **Name:** Chloe Timm
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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1. Executive Summary

- 1.1 The application is presented to the Planning Committee due to the number of representations received.
- 1.2 The application seeks planning permission for the conversion of the existing building of 35 Windermere Crescent from a single dwelling into 3no flats and the erection of a pair of semi-detached chalet style one-bedroom bungalows within the rear garden area.
- 1.3 During the course of the application the scheme has been amended, the original scheme was for the conversion of the existing property into three flats and the erection of a pair of semi-detached two-storey three-bedroom houses. The amendments have been made at Officer request to reduce the impact of the proposed houses on the amenity of neighbouring occupants.
- 1.4 The principle of the development is acceptable in that it provides an efficient use of the site that is appropriate for its residential surroundings and would improve the accommodation mix within the surrounding area, thereby responding to housing need in the Borough both in terms of the number of dwellings provided and in the provision of small unit sizes for which there is an identified need.
- 1.5 It is considered that the site has the capacity to support the level of development provided in terms of size, accessibility and relationship with neighbouring development.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places.

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C6: Roselands and Bridgemere Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing

D8: Sustainable Travel

D10a: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

HO1: Residential Development within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO6: Infill Development

HO20: Residential Amenity

NE4: Sustainable Drainage Systems

NE18: Noise

NE28: Environmental Amenity

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT7: Landscaping

US4: Flood Protection and Surface Water Disposal

US5 Tidal Risk.

2.4 Supplementary Planning Documents and other relevant guidance:

EBC Sustainability in Development TAN

EBC Biodiversity Net Gain TAN

EBC Electric Vehicle Charging Points TAN.

3. Site Description

3.1 The application site is currently occupied by a detached two-storey red brick dwelling which has a hipped roof. A two-storey extension, with marginally higher roof eaves and ridge lines, has been added to the rear of the original building. The property is currently under Class C3 (Residential Dwelling) and is a six-bedroom single dwelling.

3.2 The site is located at a point on Windermere Crescent where the road bends by approximately 90 degrees and therefore has two street frontages, one to the north-east which includes the frontage of the existing dwelling, and one to the south-west where the pavement is flanked by the approx. 1.8 metre wall/fence that marks the boundary of the rear garden. There is hedging and a collection of trees, which appear to be overgrown garden planting, around the south-western site boundary.

- 3.3 Windermere Crescent is a residential road that is characterised by two-storey dwellings, the majority of which are semi-detached although these are interspersed with occasional detached buildings, particularly at points where the road curves.
- 3.4 There is a fairly rigid building line maintained in terms of front and rear elevations and the design of buildings is also largely uniform. Small gaps are maintained between the flank elevations of individual dwellings creating an intimate feel to the built environment. There is sporadic greenery within the street scene although front gardens have been replaced by hard surfaced parking areas in many places.

4. Proposed Development

- 4.1 The application is seeking planning permission for the change of use of the existing single residential dwelling into 3no flats and the erection of 2no chalet bungalows.
- 4.2 The proposed change to the existing dwelling would provide 2no. one-bedroom and 1no. two-bedroom flats.
- 4.3 The proposed new dwellings would provide 2no. one-bedroom chalet style bungalows.

5. Relevant Planning History

- 5.1 **EB/1993/0448** – Two storey extension to provide lounge, study and two bedrooms – Refused 9th November 1993.
- 5.2 **EB/1993/0550** - Part two part single-storey extension at rear – Approved Conditionally 21st December 1993.
- 5.3 **160975** – Proposed 4 no. one bed self-contained flats with off road parking and a cycle store to the front and private amenity space to the rear on land within the curtilage of 35 Windermere Crescent – Withdrawn 13th October 2010.
- 5.4 **170655** – Outline planning permission for a 3-bedroom detached house – Withdrawn – 25th July 2017.
- 5.5 **171403** – Outline permission for a two-bedroom bungalow – Approved 5th March 2018.
- 5.6 **210410** - Outline application with all matters reserved for the conversion/extension of the existing house to provide 2no. 1-bed and 2no. 2-bed units and erection of new-build block to the rear comprising 2no. 2-bed and 2no. 1-bed units with associated parking, refuse, recycling and bicycle storage and amenity space – Refused – 20 October 2021.

6. Consultations:

- 6.1 No internal or external consultations required for an application of this nature.

7. Other Representations:

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters;
- b. site notices displayed in roads neighbouring the site.

7.2 Neighbour Representations:

14 letters of objection have been received on the amended scheme, which raise the following concerns based upon material planning grounds:

- Loss of privacy
- Not in keeping with the character
- Parking provision
- Highway Safety
- Drainage
- Utility Infrastructure Insufficient.

25 Letter of objection have been received on the original scheme, which also raised the above concerns.

8. Appraisal:

8.1 Principle:

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole", (NPPF, paragraph 11). This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.

The proposal involves the development of garden land. Whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 72 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example

where development would cause harm to the local area,' whilst para. 128 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). As such, there are stringent controls on development of residential gardens and the impact of the proposed development on the established character of the surrounding area.

The above should be seen in context with the overall objective to promote effective and efficient development of land which is set out in section 11 of the NPPF, with particular attention drawn to para. 129 which states that 'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

It is therefore considered that the principle of the development is acceptable subject to a balanced assessment of the potential impact of the development, with particular emphasis on the impact upon the prevailing character of the surrounding area as well as other relevant factors set out in the NPPF and consistent Local Plan policies, including highway safety, residential and environmental amenity, sustainability and biodiversity.

8.2 Land Use:

The site is located within a residential area where the current mix of unit sizes dominated by 3 and 4 bed dwellings, although there are purpose-built flats nearby on Roselands and Seaside as well as flats over shops on Seaside.

It is considered the use of infill development to deliver a mix of smaller units is consistent with the national planning policy aims and objectives stated above and would integrate with, strengthen and diversify the surrounding community.

8.3 Design, Character and Impact Upon Landscape:

Alterations to the existing building of 35 Windermere Crescent are limited to the fenestration and are considered in keeping with the host property.

The proposed semi-detached chalet bungalows have been designed to be sympathetic to the existing character of Windermere Crescent. The dwellings have a modern exterior which draws on characteristics of the existing properties that surround the site.

The height of the building has been reduced as part of an amendment to the scheme to ensure the scale of the proposal is proportionate to the size of the plot and does not have an overbearing impact on the visual amenity of the street scene.

8.4 Residential Amenity of Future Occupiers:

The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space.

All proposed dwellings meet the respective floor space standards required by the nationally described space standards.

The proposed dwellings would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

Taking the above considerations into account, the proposal is considered to offer a good standard of accommodation for future occupants of the units and would meet the objectives of adopted policy.

8.5 Residential Amenity Existing Occupiers:

Development to the existing building:

External alterations to the existing property to convert into 3no flats include a new window to the South-East Side and North-West Side Elevations at first floor level and the removal of a ground floor window to the rear elevation.

The South-East Side elevation faces the adjoining property of 33 Windermere Crescent, due to this additional window being a secondary window to the proposed bedroom of Flat C it will be conditioned for the window to be obscurely glazed and fixed shut to protect the amenity of the occupiers of 33 Windermere Crescent.

The North-West Side elevation faces onto the public street, as such there will be no amenity impacts resulting from the additional window to the first floor.

8.6 Erection of Semi-Detached Dwellings:

During the course of the application the scheme has been amended relating to the semi-detached dwellings to reduce the overall impact on both residential and the visual amenity of the area.

The amended scheme proposes semi-detached chalet style bungalows with dormers to the front and rear roof slopes, and an additional roof light to the rear. It is noted there would be limited views from first floor rear windows given the orientation of the building in relation to neighbours. However, it is necessary for the rear dormers to be obscurely glazed and non-opening to a minimum height of 1.7m above internal finished floor level to prevent intrusive views and to protect the amenity of the occupiers of Windermere Crescent located to the rear. This would be secured by condition.

The location and orientation of the proposed dwellings and the existing dwellings surrounding the site will not result in any overshadowing or loss of light.

It is therefore considered the proposed development will have no significant impact on the amenity of occupiers that surround the site.

8.7 Transport and Parking:

The existing dwelling at 35 Windermere Crescent has dropped kerb access to a dilapidated structure that may have provided garage parking to the rear of the site at some point but is not in usable condition at present. The level parking demand generated by the existing dwelling is 2 spaces based on ESCC parking demand guidance.

The proposed ground floor plan shows the provision of 4 car parking bays, 1 per new dwelling and 2 for the flats. Three spaces will be accessible from Windermere Crescent on the north-western boundary and one accessible on the north-eastern boundary. Measurements confirm the spaces are in accordance with ESCC standard dimensions. The location of the parking bays is consistent with parking arrangements on Windermere Crescent as a whole.

The ESCC car ownership parking demand tool indicates that the proposed development would generate demand for 6.65 car parking spaces. It should be noted that the parking demand tool uses aggregated data for car ownership across wards (with data for St Anthony's ward being used in this instance). As such, demand in specific areas within wards can be lower or higher based on accessibility to public transport and shops and services.

In this instance, the site is considered to be in a sustainable location, with the Seaside (Seaford Road to Channel View Road) Local Shopping Area approximately 170 metres walking distance to the south-east, Roselands Recreation Ground approximately 100 metres to the south, the Princes Park Health Centre and Archery Recreation Ground being within approximately 400 and 300 metres respectively and bus stops serving major routes within approx. 170 metres walking distance on Seaside. As such, it is considered future occupants would be subject to a reduced dependency on the use of private motor vehicles and, therefore, a reduced parking provision could be supported.

There is also capacity for the provision of secure and covered cycle parking that would encourage the use of this more sustainable mode of transport. It is noted that the extension of dropped kerb would result in the loss of on-street parking capacity, but it is considered that this would not have an unacceptable impact on parking pressure, with the majority of neighbouring dwellings having access to off street parking for one or more vehicles.

Due to the proposed development comprising small units, which would therefore be occupied by small households, and the low level of

anticipated car ownership and parking demand generated by the development, it is not considered that it would result in an unacceptable increase in traffic on Windermere Crescent and the surrounding highway network.

8.8 Flooding and Drainage:

The site is located in flood zone 1 and, as such, is not identified as being at significant risk of tidal or fluvial flooding. Whilst surface water flood risk mapping shows nearby areas to the south and east of the site are subject to medium to high risk of pluvial flooding, the site itself is shown as being at very low risk. Nevertheless, the intensification of development on the site would increase impermeable area and it is important that surface water drainage is managed within the site and does not flow towards areas where there are existing drainage issues. A condition will be used to ensure a suitable SUDS scheme for the site.

8.9 Ecology and Biodiversity:

The development will see the loss of soft landscaping and 3no trees within the site.

The application was submitted prior to the new Biodiversity Net Gain Requirements and as such this cannot be applied in this instance.

Whilst the loss of the trees is regrettable, it should be noted there are no restrictions to tree works on the site and these trees could be removed without prior consent being required.

Soft landscaping will be provided within the rear gardens of the new dwellings and the garden area to the front of the existing property. Details have not been provided and will be secured by condition.

8.10 Sustainability:

The site is considered to be located in a sustainable area and it is likely that future occupants would utilise local shops and services, contributing directly to the local economy.

The conversion of the existing building at 35 Windermere Crescent as a means to provide additional residential units is considered to represent an efficient reuse of an existing structure, thereby minimising the energy use associated with the proposed development.

A condition would be used to ensure that each car parking space provided is equipped with an operation electric vehicle car charging point in order to encourage the use of more sustainable private transport.

8.11 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.

8.12 Conclusions:

The proposed development will provide a good level of accommodation for future occupiers. There will be no detrimental impacts to the occupiers that surround the site and the development will not harm the visual amenity of the area.

The proposal is in accordance with national and local planning policies.

9. **Recommendations**

9.1 Approve planning permission, subject to conditions.

10. **Conditions:**

10.1 **TIMEFRAME:** The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

10.2 **DRAWINGS:** The development hereby permitted shall be carried out in accordance with the approved drawings published on 15 December 2023:

- Drawing: EX.01 Rev A – Site Location Plan
- Drawing: EX.02 Rev A – Existing Block Plan
- Drawing: PL2.02 Rev B – Proposed Block Plan
- Drawing: PL2.03 Rev B – Proposed Ground Floor
- Drawing: PL2.04 Rev B – Proposed First Floor
- Drawing: PL2.06 Rev B – Proposed Roof
- Drawing: PL2.074 Rev A – Proposed Front Elevation
- Drawing: PL2.08 Rev B – Proposed South-East Elevation
- Drawing: PL2.09 Rev A – Proposed Rear Elevation
- Drawing: PL2.10 Rev B – Proposed North-West Elevation
- Drawing: PL2.11 Rev B – Proposed Section AA

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

10.3 **SUDS 1:** Prior to commencement, a surface water drainage scheme and maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out

or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). Thereafter, the surface water drainage scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development, hereby approved.

Prior to submission of the scheme, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 10.4 **SUDS 2:** Following completion of the SuDS scheme, a Completion Statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), which demonstrates that the development has been fully implemented in accordance with the approved SuDS scheme, including a photographic record of the works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.

- 10.5 **CEMP:** Prior to commencement of development, including any ground works, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full throughout the entire construction period. The CEMP shall provide details as appropriate, including but not limited to the following matters:

- site plan;
- sequence and schedule of demolition phases;
- demolition methodology;
- piling methodology;
- anticipated number, frequency and types of vehicles used during construction;
- method of access and egress and routing of vehicles during construction;
- parking (on-site and off-site) of vehicles by site operatives and visitors;
- loading/unloading/storage of plant, materials and waste (including loading/unloading areas);
- times of any deliveries related to the development, which should seek to avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- site compounds and location/erection/maintenance of any security hoarding;

- provision and operation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality (including dust suppression);
- noise and vibration mitigation
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for construction;
- measures to manage flood risk during construction;
- details of public notification / neighbour notification, including site notices with public contact details during the works; and
- details of liaison with other site managers in the vicinity (if applicable).

Reason: In the interests of highway safety and the amenities of the area.

10.6 **LANDSCAPING:** Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
- b) details of all hard surfaces;
- c) all boundary treatments;
- d) a schedule detailing sizes, species and numbers of all proposed trees/plants;
- e) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

10.7 **CYCLE STORAGE:** Prior to first use of the development, hereby approved, details of secure and covered cycle parking facilities for 6 cycles (1 per bungalow and 4 for the flats) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10.8 **PD RESTRICTIONS:** Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in A-E of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area.

- 10.9 **OBSCURE GLAZING:** The first floor windows in the rear, south-east elevation of the houses, hereby approved, shall be obscurely glazed and non-opening to a minimum height of 1.7m above internal finished floor level, and shall be installed prior to first use of the development and retained as such for the lifetime of the development.

Reason: To protect the amenity of neighbouring residents and future occupiers.

11. **Appendices**

- 11.1 None.

12. **Background Papers**

- 12.1 None.