

<b>App No:</b> 150141 (PPP)	<b>Decision Due Date:</b> 17 June 2015	<b>Ward:</b> Upperton
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 2 June 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 11 April 2015 & 3 June 2015		
<b>Neighbour Con Expiry:</b> 11 April 2015 & 3 June 2015		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Referred to Planning Committee		
<b>Location:</b> Land to rear of 48 St Leonards Road, Eastbourne		
<b>Proposal:</b> New build 3 Storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Reduction of proposed building to 2 storeys consisting of 7 dwellings and 7 car parking spaces. (Amended description).		
<b>Applicant:</b> Mr Simon Khalil		
<b>Recommendation:</b> Approved subject to conditions and the satisfactory completion of a legal agreement covering highway related matters.		

### **Executive Summary:**

The principle of the proposed development is considered to be acceptable given the office block has now been converted to residential and the site is not located within a designated industrial estate and as such, there is now no requirement for the applicants to demonstrate that the site is still viable for a commercial use.

The proposal would provide a good mix of different dwelling sizes of flats and reasonable sized accommodation. The design of the building is considered acceptable in this area and the amended height, scale and bulk of the proposal would be appropriate on this site and reflects the changing surrounding environment, particularly the change of use of Esher House to residential flats.

With regards amenity impact, due to the first floor of the proposed building at the same height as the ground floor flats within Esher House, it is considered that the separating distance is acceptable and would not result in any significant overlooking, loss of sunlight, daylight or cause any overshadowing to surrounding residential properties.

The provision of 7 off street parking spaces would comply with the ESCC Parking Standards in an area of high public transport availability close to the mainline train station and bus routes, services and local amenities. Subject to conditions and a S106 legal agreement to secure the new highway alterations, the proposal is acceptable on Highway grounds.

The proposed development is therefore considered acceptable and would constitute sustainable development in accordance with the National Planning Policy Framework.

**Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution Sustainable Centre  
B2 Sustainable Neighbourhood  
C1 Town Centre Neighbourhood Policy  
D5 Housing Low Value Neighbourhoods  
D10 Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
HO20: Residential Amenity  
TC11 St Leonards Road Area  
TR11 Transport & Parking

**Site Description:**

The application site is located within the Town Centre neighbourhood area on the north west side of Commercial Road where vehicular access is gained. The site is used as a car park previously serving Esher House which was a 4 storey building used as offices. Esher House has since been converted to flats through the 'prior approval' process.

The site is therefore surrounded by residential to the south east on the opposite side of Commercial Road, Esher House to the north west and Gables Court adjacent to the south west. St Mary's House adjacent to the north east is used as County Council offices.

**Relevant Planning History:**

100463 Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Planning Permission Refused 06/12/2010  
Subsequent appeal dismissed 13 April 2011 based on the lack of marketing information to demonstrate that the site could not be used for continued commercial use.

130542 Conversion of Office Space (B1a) to 23 self-contained flats (C3). Change of use as permitted development under Class J. Prior Notification (building)  
Approved conditionally 09/08/2013

130679 Installation of new windows, entrance doors, French windows and Juliet balconies to flats, along with new canopy to main entrance. Planning Permission  
Approved conditionally 30/10/2013

140011 Construction of additional floor to the existing building. Planning Permission  
Approved conditionally 20/02/2014

**Proposed development:**

The original proposal involved the construction of a 3 storey residential building consisting of 12 dwellings and 7 car parking spaces, however this has been amended and now proposes a scheme reduced in height to 2 storeys consisting of 7 dwellings and 7 car parking spaces incorporating a flat roof. The building would measure approximately 6 metres high, 16 metres deep and 24.3 metres wide.

The building would occupy most of the footprint of the site but set back slightly from the pavement and from the rear boundary. Undercroft parking, bin and cycle storage would be provided to the ground floor. The accommodation would comprise of 2 x studio flats, 2 x 2 bed flats and 3 x 1 bed flats benefiting from small gardens and balcony's to the front and rear.

**Consultations:**Internal:

Specialist Advisor (Arboriculture) – No objection

Specialist Advisor (Economic Development) – No objection

Highways ESCC – No objection subject to conditions and S106 legal agreement

Specialist Advisor (Planning Policy) – No objection

External:

None

Neighbour Representations:

21 objections have been received in response to the initial consultation on the original proposal and cover the following points:

- Insufficient parking in Commercial Road where parking is very difficult.
- Insufficient number of spaces proposed.
- Loss of parking in the existing car park.
- Highway safety concerns and increased congestion.
- Loss of view, loss of light, loss of privacy, loss of sunlight.
- Would cause pollution, noise, overshadowing and overlooking.
- Footprint is too large and too close to Esher House.
- Overdevelopment.

8 objections have been received in response to the consultation on the amended proposal and cover the following points:

- Too large a footprint.
- Too close to Esher House would result in loss of privacy.
- Loss of light and privacy.
- Unsuitable site.
- Insufficient parking spaces. Parking in the area is terrible.
- Where will cars that park there go?
- Overdevelopment
- Loss of trees.
- Reduce highway safety.

**Appraisal:**

The main considerations in the determination of this application are the acceptability of the proposal on the character and appearance of the street scene, surrounding residential amenity, loss of the commercial use associated with the site and sufficient off-street parking provision.

Principle of development

Policy C1 of the Eastbourne Core Strategy states that that the vision for the town centre will be promoted through delivering new housing through conversions and conserving the historic environment and protecting it from inappropriate development.

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

The site is not located within a designated industrial area and the office use associated with the car park has now changed to residential.

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The previous reasons for refusal and dismissed appeal were based mainly on the lack of marketing information to demonstrate that the site could not be used for continued commercial use. Given the site served a previous office block which has now been converted to residential and the site is not located within a designated industrial estate, it is considered, therefore, that there is now no requirement for the applicants to demonstrate that the site is still viable for a commercial use.

As such, it is considered that the principle of residential development is acceptable subject to compliance with all other relevant planning policies within the Local Development Framework and would represent a sustainable form of development given its town centre location close to public transport, amenities and services.

Design, Siting and Layout:

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 (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy D10A requires all new development to make a positive contribution to the appearance of the our townscape and urban heritage.

An application for a 3 storey building for 12 flats of a similar size and design to the current proposal was refused for reasons of lack of demonstration that the commercial use could not be continued and lack of commitment to secure financial contributions and also dismissed at appeal for similar reasons. The modern design and associated siting and scale were considered appropriate on this site when Esher House was still in use as an office block.

The current proposal has been reduced in height from 3 storeys to 2 storeys and the numbers of flats reduced from 12 to 7. The height to the top of the roof would be similar to the ceiling height of the ground floor flats within Esher House (due to under-croft parking located below Esher House at the rear and the rear ground level set a storey lower on Commercial Road than St Leonards Road) and would be lower than the 2 storey Victorian houses opposite on Commercial Road.

The building would be set back slightly from the pavement providing an element of relief from the street and the under-croft parking at ground floor would result in a less solid appearance within the street and provide views through the site to Esher House at ground level.

The provision of a flat roof to the building is akin to some of the surrounding post war office buildings in the area, some of which now converted to flats, and facilitates a lower height to the building and consequently reduced impact on the streetscene.

As such, it is considered that the amended height, scale and bulk of the proposal are appropriate on this site and reflects the changing surrounding environment, particularly the change of use of Esher House to residential flats and would thus accord with the aims of Policies UHT1, UHT4 and UHT15 of the Eastbourne Local Plan and Policy D10A of the Eastbourne Core Strategy.

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

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

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

Policy TC6 of the Town Centre Local Plan requires residential proposals to protect the amenity of surrounding residential occupiers, provide a mix of different dwelling sizes, provide outdoor amenity space and adequate bin and recycling storage.

Objections have been received from local residents with regard to loss of light, overshadowing, siting too close to Esher House, loss of view, overlooking.

The proposed building would provide a typically standard type of development addressing the street frontage along Commercial Road and set back from the pavement similar to the houses opposite. The only significant difference is the site is located on land close to

the rear of buildings fronting St Leonards Road, mainly Esher House which is now in use as flats.

The distance between the rear of the proposed building and Esher House is approximately 12.4 metres. However, as the first floor of the proposed building would be at the same height as the ground floor flats within Esher House, it is considered that this separating distance is acceptable and would not result in any significant overlooking to these flats, unneighbourly development or result in any dominating impact on the outlook from the flats to the rear of Esher House.

With regard to loss of light, sunlight and overshadowing, due to the orientation of the site south east of Esher House north west of houses along Commercial Road and the presence of 2 storey houses with pitched roofs on the opposite site of Commercial Road, higher than the proposed building, it is considered that the proposed development would not result in any significant loss of sunlight, daylight or cause any overshadowing to surrounding residential properties.

With regards to the standard of accommodation, the proposal would provide a good mix of different dwelling sizes of flats and reasonable sized accommodation. Bin and cycle storage would be located within the ground floor undercroft area and reasonable amenity space would be provided for each flat in the form of small private balconies and gardens.

As such, it is considered that the proposal would not have any significant adverse impact on surrounding residential amenity and the proposal would accord with Policies HO20 of the Eastbourne Local Plan, Policy B2 of the Eastbourne Core Strategy and TC6 of the Eastbourne Town Centre Local Plan.

Impacts on highway network or access:

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

Using the ESCC Parking Calculator this proposal would need to provide 6 spaces provided they were all unallocated. In total, 7 parking spaces would be provided for the 7 flats which is appropriate given the location of the premises within this sustainable town centre location in an area of high public transport availability close to the train station and bus routes. Cycle storage facilities would also be provided within the undercroft parking area to provide 10 cycle spaces.

Concerns have been raised about the potential impact on on-street parking availability mainly with regard to the displacement of cars that currently park in the application site during the day. The site is not a public car park and appears to have been used as an extension to St Mary's House car parking availability. The site has not historically been used as a public car park or as an extension to St Mary's House. As such, it is assumed that any cars parked on the site do not have any right to do so and thus displacement of these cars do not form a material consideration in the determination of this application and should not be considered relevant.

In any event, the proposal may result in more commuter cars parking within the surrounding streets during the day, however, this should not affect local residents overnight and weekend parking availability. In addition, the surrounding streets have a maximum capacity and if there is currently no available on-street parking availability within the surrounding streets, then any commuter cars may be discouraged or pushed to further afield.

ESCC Highways have been consulted and consider that the provision of the new access from Commercial Road will require an alteration to be made to the existing parking bay and double yellow lines and secured by a S106 legal agreement.

As such, it is considered that the proposal would not have any material adverse impact on on-street parking capacity within the vicinity and would accord with Policy TR11 of the Eastbourne Local Plan.

**Trees:**

The Specialist Advisor (Trees) has been consulted and has advised that an elm tree to the north east boundary with no.52 St Leonards Road may need to be removed to facilitate the construction of the development. The tree is considered to be a category C and does not provide any significant landscape value. As the site is not located in a conservation area and does not benefit from a Tree Preservation Order, the tree could be removed without planning consent in any event.

**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 principle of the proposed development is considered to be acceptable given the office block has now been converted to residential and the site is not located within a designated industrial estate and as such, there is now no requirement for the applicants to demonstrate that the site is still viable for a commercial use.

The proposal would provide a good mix of different dwelling sizes of flats and reasonable sized accommodation. The design of the building is considered acceptable in this area and the amended height, scale and bulk of the proposal would be appropriate on this site and reflects the changing surrounding environment, particularly the change of use of Esher House to residential flats.

With regards amenity impact, due to the first floor of the proposed building at the same height as the ground floor flats within Esher House, it is considered that the separating distance is acceptable and would not result in any significant overlooking, loss of sunlight, daylight or cause any overshadowing to surrounding residential properties.

The provision of off street parking spaces would comply with the ESCC Parking Standards in an area of high public transport availability close to the mainline train station and bus routes, services and local amenities. Subject to conditions and a S106

legal agreement to secure the new highway alterations, the proposal is acceptable on Highway grounds.

The proposed development is therefore considered acceptable and would constitute sustainable development in accordance with the National Planning Policy Framework.

**Recommendation:**

1. Approve subject to conditions and a satisfactory completion of a legal agreement to satisfy the highway implications of the proposal.

2. If no satisfactory legal agreement is secured (or significant progress towards one) within 2 months from the date of this committee resolution then the Senior Specialist Advisor (Planning) be authorised/delegated to refuse planning permission on the grounds of the highway impacts of the proposal.

**Conditions:**

1. 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).

2. The proposed development shall be carried out in strict accordance with the approved drawings.

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

3. No development shall take place until samples of the materials to be used in the external surfaces (including boundary treatments and hard surfacing) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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Reason: To secure that the development is in harmony with the neighbourhood.

4. The development shall not be occupied until details of the landscaping of the site has been submitted to and approved in writing by the local planning authority. The proposals shall include all hard and soft landscaping and species/sizes of plants. The approved landscaping shall be carried out in accordance with the approved details before the dwellings are first occupied. ++

Reason: in the interests of the visual amenities of the area.

5. Notwithstanding the details shown on the plans hereby approved details of the car park layout shall be submitted to and approved in writing by the Local Planning Authority. The details shall be supplied before the beneficial completion of the development and shall show tracked access into/out from each space; this may warrant the removal of the up stand column between spaces 6&7. The development shall not be occupied until the parking spaces have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6. Notwithstanding the details of shown on the plans hereby approved details of the secure cycle and refuse storage facility shall be submitted to and approved in writing by the Local Planning Authority The development shall not be occupied until the secure cycle parking and refuse storage facility has been provided in accordance with the approved plans and the facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

7. The new access shall be in the position shown on the submitted plan [number D001] and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

8. That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

### **Informatives:**

- The applicant's attention is drawn to the need for a Section 184 License for the construction of the access. The applicant should contact ESCC on 01273 482254 prior to commencement of development to complete the agreement and pay the necessary fee.

- The applicant should note that an Elm tree on the corner boundary of the St Mary's House site may require removal to facilitate the development and is advised to contact East Sussex County Council to determine whether the tree requires removal.