

App.No: 150457 (PPP)	Decision Due Date: 1 July 2015	Ward: Devonshire
Officer: Richard Elder	Site visit date: 25 June 2015	Type: Planning Permission
Site Notice(s) Expiry date: 12 June 2015		
Neighbour Con Expiry: 12 June 2015		
Press Notice(s): n/a		
Over 8/13 week reason: Referred to planning committee		
Location: Seaside Garage, 10-16 Fairlight Road, Eastbourne		
Proposal: Demolition of existing garage and construction of 4 x 3 bedroom, 2 storey terraced houses. (Amended description).		
Applicant: Mr Russell		
Recommendation: Approved conditionally		

Executive Summary:

It is considered that the design, appearance and siting of the proposed houses is acceptable and the scale and bulk is appropriate for the area and would not have an overbearing impact on surrounding occupiers.

The proposed layout adopts a standard terrace layout similar to the adjacent terraces and thus would not result in any significant overlooking or loss of privacy or loss of sunlight or daylight to surrounding properties. As such, it is considered that the proposal would not adversely harm surrounding residential amenity.

The reinstatement of the dropped kerb and footway would result in an additional 4 on-street parking spaces along the frontage of the site. Although, this is just under what would be required for the proposed houses, it is considered that there is currently no significant existing on-street parking stress within the surrounding streets.

As such, it is considered that subject to conditions, the proposed development would enhance the character and appearance of the local area and would accord with local and national planning policy.

Planning Status:

Predominantly residential area

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution Sustainable Centre

B2: Creating Sustainable Neighbourhoods

D1: Sustainable Development

C3: Seaside Neighbourhood Policy

D5: Housing Low Value Neighbourhood

D10: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO1: Residential Development within the Existing Built-up Area

HO6: Infill Development

HO20: Residential Amenity

TR11: Transport and Parking

Site Description:

A 2 storey car repair garage located on the east side of Fairlight Road within a predominantly residential road close to Seaside. The garage building occupies most of the site area except for a recessed area to the front forecourt at ground level. The building abuts an access alley to the north and east sides and the side boundary to no.8 Fairlight Road.

The local area is dominated by 2 storey terrace houses with small rear gardens.

Relevant Planning History:

EB/1993/0180 Change of use of an existing flat above the garage to office and office store. Granted, subject to conditions. 1993-06-24

070290 Conversion of first floor offices above garage into two studio flats
Planning Permission Refused 05/02/2008

Proposed development:

Demolition of existing garage and construction of 4 x 3 bedroom, 2 storey terraced houses. The proposed houses would incorporate pitched tiled roofs, hipped to the end houses, and 2 storey rear projections with pitched roofs. The houses would measure 11.2 metres deep to the end of the rear projection, 5 metres wide, 5.85 metres high to the eaves and 8.6 metres to the top of the roof ridge.

Private rear gardens measuring approximately 5.9 metres long and 6 metres wide would be provided for each house. A small front garden would be provided for each house together with a front path to the front entrance door. The end houses would benefit from a private side path.

Consultations:

Internal:

Specialist Advisor (Planning Policy) – No objection on Policy grounds. Community Infrastructure Levy not required due to the gross floor area of the existing garage exceeding that of the proposed houses.

External:

Highways ESCC – No objection subject to conditions.

Neighbour Representations:

1 objection and 2 letters of observation/comment have been received and cover the following points:

- Highway safety concerns with additional on-street parking.
- Demolition would cause dust and asbestos may be present.
- Access difficult through narrow Fairlight Road for construction or emergency vehicles.

Appraisal:

Principle of 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).

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 site is not located within a designated industrial area and thus demonstration of viability is not required for the loss of the use.

Therefore, the principle of development is acceptable and 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 and highway implications.

Design, Siting, Scale 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 use appropriate materials (preferably locally sourced). 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 create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The design of the houses are of a simple traditional style incorporating pitched tiled roofs with top hung casement windows and french doors to the ground floor rear in keeping with the appearance of the houses within the street and constructed of materials in keeping with the character and appearance of the surrounding area and would be conditioned as such. The houses would follow the existing front building line to the east side of Fairlight Road providing a small front garden similar to adjacent houses.

The overall scale of the 4 houses would be similar to that of surrounding buildings and would be appropriate for the site and locality. The separating distance between the houses to the rear along Latimer Road would be increased and the area to the rear significantly opened up due to the existing buildings extending to the back of the site. Similarly, the houses would be set in from the side boundaries with the north alley way and the side boundary with no 8 Fairlight Road providing an additional element of development relief and openness.

As such, it is considered that the proposed development is acceptable and would enhance the character or appearance of the local area in accordance with Policies UHT1 and UHT4 of the Eastbourne Local Plan and B2 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.

The proposal involves the demolition of the existing garage building which occupies most of the site extending to the back of the site up to the rear alley

which contains windows which overlook the rear gardens of houses along Latimer Road. The demolition and provision of 4 houses would open up the rear of the site to provide rear gardens and significantly less dense and bulky development. The separating distance between the proposed houses and those along Latimer Road would be approximately 12 metres which is roughly similar to the existing separating distances.

The existing garage building also extends up to the side boundary of no.8 Fairlight Road where the plans show that after demolition, a 1.5 metre wide gap would be created between the end house and the side boundary of no.8, creating a more open aspect and a significantly less dominating impact on this house.

Therefore, as the proposed layout adopts a standard terrace layout similar to the adjacent and opposite terraces, constituting a standard form of development, it is considered that subject to conditions, the proposal would not result in any significant adverse impact on surrounding residential amenity and would accord with Policies HO6 and HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

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.

It is not possible to provide any off street parking spaces given the amount of the site coverage proposed, thus the main consideration is whether there is available on-street parking capacity within the surrounding streets.

ESCC Highways have been consulted and raise no objection to the proposal subject to the existing dropped kerb and footway reinstated along the site frontage prior to occupation of the proposed houses. This would result in 4 on-street parking spaces being made available within the street. Although, this is just under what would be required for the proposed houses, it is considered that there is currently no significant existing on-street parking stress within the surrounding streets.

Concerns have been raised concerning additional on-street parking at road junctions causing visibility issues and blind spots. In response, this is a highway enforcement matter which cannot be enforced through planning legislation where double yellow lines, on street parking restrictions and the police would control any inappropriately parked vehicles.

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.

Other Matters:

Due to the use of the premises as a car repairs garage and historical use as a petrol station, a condition is necessary requiring details of a full contamination assessment to be submitted for approval prior to commencement of development and secured by a condition.

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:

It is considered that the design, appearance and siting of the proposed houses is acceptable and the scale and bulk is appropriate for the area and would not have an overbearing impact on surrounding occupiers.

The proposed layout adopts a standard terrace layout similar to the adjacent terraces and thus would not result in any significant overlooking or loss of privacy or loss of sunlight or daylight to surrounding properties. As such, it is considered that the proposal would not adversely harm surrounding residential amenity.

The reinstatement of the dropped kerb and footway would result in an additional 4 on-street parking spaces along the frontage of the site. Although, this is just under what would be required for the proposed houses, it is considered that there is currently no significant existing on-street parking stress within the surrounding streets.

As such, it is considered that subject to conditions, the proposed development would enhance the character and appearance of the local area and would accord with local and national planning policy.

Recommendation:

Approved conditionally

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 plans and documents:

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until details of a Phase II Soil Investigation is submitted to and approved in writing by the Local Planning Authority. If contamination is found to be present, then details of a remediation strategy detailing how this contamination shall be dealt with shall be submitted to and approved by the Local Planning Authority prior to the commencement of excavation work.

Reason: To minimise the risks to human health, controlled waters or buildings by ensuring that the development is suitable for the proposed use.

4. Prior to reaching damp course level, samples or precise manufacturers details of all the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To secure a satisfactory standard of development.

5. Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of trees and planting plans, species specification and samples of hard landscaping materials.

Reason: In the interests of visual appearance and integrating the development into its surroundings.

6. The development shall not be occupied until the existing access shown on the approved plan has been stopped up and the kerb & footway reinstated in accordance with details submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of highway safety and on-street parking provision.

7. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the

character of the area and for this reason would wish to control any future development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), gate, fence, walls or any other means of enclosure than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties, and the character of the area and for this reason would wish to control any future development.

11. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble.

Reason: To prevent pollution of the water environment.

12. No bonfires or burning of waste materials shall take place anywhere on the site at any time.

Reason: In the interest of maintaining the character and amenity of the area.

Informatives:

- All external materials to be used in the development shall conform with the guidelines set out in the Eastbourne Townscape Guide.

- The applicant's attention is drawn to the need for a S184 licence for the reinstatement of the kerb and footway. The applicant should contact ESCC on 01273 482254 prior to commencement of development to apply for the licence and pay the necessary fee.

-The applicants be advised that given the age of the building and the commercial nature of former use there may be materials in the building and or on the site that require the disposal by a dedicated specialist contractor.