

App.No: 150092	Decision Due Date: 1 st April 2015	Ward: Old Town
Officer: Thea Petts	Site visit date: 26 th February 2015, 19 th May and 25 th June 2015	Type: Planning Permission
Site Notice(s) Expiry date: 5 th March 2015		
Neighbour Con Expiry: 2 nd May 2015		
Press Notice(s): N/A		
Over 8/13 week reason: Planning Committee Cycle and Deferred		
Location: Former The Drive Public House, 153 Victoria Drive, Eastbourne		
Proposal: Conversion of first floor residential accommodation to form 1 one-bedroom flat and 2 two-bedroom flats with access from the rear		
Applicant: Mr Julian Konti		
Recommendation: Grant Planning Permission		

Executive Summary:

Members should note that the officers recommendation on this scheme remains one of approval as highlighted within the July report appended to this agenda item. However if members resolve to refuse the application then a revised recommendation has been tendered below.

Following the submission of an acoustics report, which was discussed at the July Planning Committee Meeting, members were dissatisfied with the provision of double glazed windows and trickle vents suggested to attend to the noise pollution created by the plant machinery installed to the rear at first floor level. Subsequently, the case was deferred to the August Planning Committee Meeting to allow the applicant to provide an alternative means of reducing the noise pollution.

The applicant has stated that they are of the opinion that the double glazed windows and trickle vents are sufficient to attend to the noise levels at the property. They declined from reconfiguring the internal layout of the three residential units to ensure that the habitable rooms are located to the front of the building and will not seek to install an acoustic structure around the plant to reduce noise emissions. The applicant has stated that by providing the "double glazing and ventilation which provides a level of amenity that meets all the guidance" they have made adequate provision to address the noise nuisance and are not prepared to alter the scheme further.

In a statement from the acoustic specialists consulted by the applicant, the following assessment was made:

*Site inspection and analysis of the noise monitoring time histories suggests that the plant noise contributions, when operational, are similar in level to the typical ambient LAeq levels due to other surrounding noise sources (i.e. road traffic).
Average daily ambient noise levels at the proposed flats would therefore be the same if the plant was not there...
Enclosing the plant items, as suggested, is understood to not be possible as the plant is not part of the development, and hence out of the control of the developer... enclosing the plant is not likely to result in a reduction of average façade noise levels to those measured during the survey.*

Members were clear in the debate and resolution from the July Planning Committee that for them residential amenity was an overriding material consideration that should be given significant weight in the assessment of the proposal. In this regard without further mitigation the application was unlikely to be acceptable.

As is evident above officers have tried to solicit improvements/changes to the scheme without success and following the July committee resolution a reason for refusal is now tendered in order to give members some guidance if they want to overturn officers recommendation.

The revised recommendation is due to the proposed scheme not sufficiently addressing the issues raised with regards to residential amenity and that the subsequent development would not be considered to be of a high enough standard expected in Eastbourne. The habitable rooms affected by the sound of the plant when windows are open would restrict occupiers in opening windows especially during the night (when the plant would still be active, but road traffic noise would be at a minimum). Therefore, the scheme is not considered to deliver environmental well-being (as specified in Policy D1 of the Core Strategy Local Plan 2013 Policies) and will not fully respect residential amenity (as specified in Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007).

Revised recommendation

The proposed residential flats by reason of their proximity to noise emitting plant and machinery without satisfactory mitigation is considered to give rise to poor quality living environment for the occupiers of this accommodation. The scheme is not considered therefore to deliver environmental well-being (as specified in Policy D1 of the Core Strategy Local Plan 2013 Policies) and will not fully respect residential amenity (as specified in Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007).

JULY COMMITTEE REPORT (BELOW)

Executive Summary:

The application relates to a case which was deferred at the last Planning Committee meeting because it was thought that details referring to the noise impact of the plant and machinery associated with the Sainsbury's retail store at ground floor level would need to be assessed before a decision could be reached. The proposal is for the sub-division of the existing first floor residential unit above the Sainsbury's retail store (previously the "manager's flat" above 'The Drive' public house). The applicant seeks permission to create two additional units, which will provide three self-contained flats in total.

The siting, scale and design/appearance of the proposed property is considered to be appropriate to the predominant character of the area and as such the proposal is considered to be acceptable in principle.

In addition, the information supplied by the applicant with regards to the noise impact of the plant and machinery has led to the recommendation of the inclusion of an additional condition. This condition seeks to ensure that the internally experienced noise levels do not exceed the guidelines set out by the World Health Organisation and complies with the National Planning Policy Framework.

Planning Status:

Residential unit above Sainsbury's retail store (previously 'The Drive' public house)

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy
D1: Sustainable Development
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas
HO20: Residential Amenity
UHT1: Design of New Development
UHT4: Visual Amenity

Site Description:

Victoria Drive is formed predominantly of residential properties of a substantial size with street trees appearing at intervals along the pavements.

153 Victoria Drive (former Drive Public House) occupies the corner plot where Beechy Avenue meets Victoria Drive, on the west side of Victoria Drive. Adjacent to the site are the junctions of Milton Road and Victoria Drive and Green Street and Victoria Drive. South of no. 153 is a bowling club with associated car park.

The property was most recently used as a pub with residential unit (Managers flat) above, although it was last occupied and used as such some time ago.

The ground floor of the property is currently under refurbishment as a Sainsbury's retail store. The building has a hip-to-pitch roof and a number of dormer windows at first floor level to the front, rear and south side. The principal building is set back from the road, with a substantial hard surfaced area to the front and sides, used formerly as pub car park.

Relevant Planning History:

There is an extensive planning history for the site with majority relating to the former Public House. The most recent applications relating to the Sainsbury's scheme are listed below:

120758

Installation of ATM to front elevation together with extension of roof overhang

Planning Permission - Approved conditionally, 03/04/2013

130124

Ventilation and extraction units

Planning Permission - Approved conditionally, 21/05/2013

130125

Exterior alterations and modifications

Planning Permission - Approved conditionally, 30/05/2013

130128

Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear

Planning Permission - Refused, 11/06/2013

130129

Demolition of conservatory and infilling side elevation at ground floor level

Planning Permission - Approved conditionally, 29/05/2013

130225

Remove and reconstruction of boundary y wall, provision for hard landscaping, parking and bollards

Planning Permission - Withdrawn, 02/05/2013

130261

Conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flats

Planning Permission - Withdrawn, 02/05/2013

130304

Fascia signs.

Advertisement - Advert Approved, 03/09/2013

Proposed development:

The applicant seeks permission to reconfigure the layout of the first floor of the property to create provision for three self-contained units to replace the existing single unit.

The scheme proposes the inclusion of one flat with one bedroom and two flats with two bedrooms which are to be accessed from the rear of the building via an external staircase.

- 1 x 2 bed approx. 93sqm
- 1 x 2 bedroom approx. 60 Sqm
- 1 x 1 bedroom approx. 50 Sqm

There are no external alterations proposed as part of the development.

Consultations:

Internal:

Specialist Advisor (Environmental Health) – no comment

External:

Highways ESCC – Report dated 8th May (excerpt):

The current residential use which could continue without any further consent would create a demand for 1-2 parking spaces and the

proposal would create demand for 3-4 spaces based on local car ownership levels. The increase that would be created would therefore only be 1-2 cars.

Although the surrounding streets are well used for on street parking, as the increase is so minor it is unlikely that there would not be at least 2 free on street spaces within reasonable walking distance of the site. It is also noted that the area is reasonably well served by buses and has a number of shops, services, schools, etc. which limits the need to travel beyond walking distance.

As with all applications the test for highway related issues is whether a severe impact would be created by the development. In this case it is not considered that such an impact would result and therefore I do not wish to restrict grant of consent.

(Condition recommended with regards to cycle parking)

Neighbour Representations:

No objections have been received. Two general comments have been made and one comment of support have been received. These representations cover the following points:

- Lack of parking provision could impact the surrounding area
- No objection to proposal in principal
- General support of proposal

Appraisal:

Principle of development:

There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

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 and Policy D1 of the Core Strategy seeks to protect the residential and environmental amenity and natural and built environment of existing and future residents.

Historically, the first floor of the property has been used as a residential unit. Although two units are to be added as part of this development, it is not considered that it will result in over development of the site.

The scheme submitted initially was to include provision for a fourth studio unit. It was requested that this unit be removed and the space integrated into the remaining three units as the quality of this proposed studio unit

(with a considerable proportion located under the skelining) was not considered likely to provide a good enough standard of accommodation. Since its integration and the subsequent reconfiguration of the proposed layout, the scheme is considered to offer a suitable standard of accommodation.

Some concern has been raised with regards to the lack of parking provision. Although there may be an increase of cars parked on the roads near the property, other reasonable transport links do exist in this location. As such, and in accordance with the recommendation from East Sussex County Council Highways, a condition shall be placed on the permission which will ensure that adequate cycle parking provision is made prior to the occupation of the units. This should encourage occupiers to use alternative means of transport.

The access to the flats via external steps to the rear has been in situ historically. However, under its previous use the first floor was also accessible by way of an internal staircase. As this internal staircase will no longer be available, and with an increase of units at first floor level, there is likely to be an increase in use of this access. It is possible that this may have an impact on the adjacent property to the rear of no. 153, namely 1 Beechy Avenue. The base of the staircase is located approximately 11.8m from the boundary shared with 1 Beechy Avenue. As such, the access in itself is not considered to have a detrimental effect on the amenity of the occupier of the adjacent property. However, as there is to be an area of flat roof alongside the rear access, in addition to the platform which leads from the top of the stairs to the two external doors, a condition will be applied to the permission which will prevent this area from being used as an amenity area. This will ensure that the area is used on a transitory basis for accessing and leaving the property and will therefore avoid causing harm to the amenity of 1 Beechy Avenue.

Design issues:

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state 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. In relation to this, 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 proposed scheme does not include any alterations to the external appearance of the building. As such, there will not be any resultant design implications on the street-scene.

The layout of the three proposed units is considered to offer an acceptable quality of accommodation to prospective occupiers. Although the second bedroom of the smaller two bedroom unit is quite small, it is considered appropriate for a small child or as a study/office. The remaining bedrooms of the development are considered acceptable to spacious in size. Although in some of the rooms, the low skimming will result in the loss of some floor space, it is not considered that this loss of space will result in a poor standard of accommodation.

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 scheme is considered to work in line with the aforementioned policies, both preserving the established character and appearance of the area and not posing a threat to the residential amenity of the area.

Recommendation:

Approve conditionally

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 development hereby permitted shall be carried out in accordance with the approved drawings submitted on 27th January 2015 and 4th April 2015 respectively:

- 12-0106/PL74, Site Location and Block Plan
- 12-0106/PL73, Elevations
- 12-0106/PL71, Floor Plans

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

3) Access to the flat roof adjacent to the principal accesses to the units hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Nor shall this access and ancillary staircase be used as a balcony, patio, roof garden or similar amenity area at any time.

Reason: In order to protect adjoining properties from overlooking and noise disturbance, safeguarding the amenities of the occupiers/users of neighbouring plots/properties

4) The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas 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.

5) The development hereby approved shall not be occupied until recommendations contained within the acoustic report no.

AS8378.150616.NIA dated 16th June 2015 and submitted as part of the application are met.

Reason: To ensure that noise levels experienced internally at the property do not exceed recommendations made by the World Health Organisation and complies with the National Planning Policy Framework.