

App.No: 160428	Decision Due Date: 27 th July 2016	Ward: Upperton
Officer: Thea Petts	Site visit date: 7 th July 2016	Type: Variation of Condition
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 30 th June 2016		
Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: The Courtyard, Wharf Road, Eastbourne		
Proposal: Removal of condition 5 (Garages to be permanently retained for the occupiers of or visitors to the units hereby approved) of planning permission granted 27 May 1999 for the proposed change of use to form six dwellings with garages (Ref: EB/1999/0124).		
Applicant: Mr Tim Fuller		
Recommendation: Approve unconditionally		

Executive Summary:

This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor Planning and it follows planning permission 141327.

Planning permission was granted in 2015 (Ref: 141327) to convert part of the garage space of the garage serving no. 5 The Courtyard to habitable space on the condition that the remaining garage space would be used to park a small car, motor cycle or store bicycles and for no other purpose.

The application proposes the removal of a condition requiring the retention of garages at the six existing dwellings in The Courtyard, Wharf Road.

The subject garages do not meet ESCC Highways minimum space requirements for car parking spaces as they fall below 3m x 6m, rendering them unusable for most modern cars. This issue is further exacerbated by limited space in which to manoeuvre vehicles within the courtyard.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 7. Requiring good design

8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C1: Town Centre Neighbourhood Policy

D1: Sustainable Development

D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Area

HO20: Residential Amenity

TR2: Travel Demands

TR11: Car Parking

Site Description:

The Courtyard is a collection of six dwellinghouses with integral garages, which stand on the south of Wharf Road in Upperton Ward. The dwellings stand between nos. 2 and 4 Wharf Road with the Enterprise Centre to the immediate south, with the railway station just beyond. It is considered to be in a Town Centre location.

The courtyard in the centre of the collection of dwellings is hard surfaced to allow vehicular access to the garages. It is approximately 126m² in area at approximately 7.5m wide and 17m long.

The garages attributed to the properties vary in size slightly measure approximately 11.75m² – 13.25m² and 2.35m – 2.7m wide and 4.9m – 5m long.

Relevant Planning History:

130175

Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.

Planning Permission – Refused, 28/06/2013

141327

Conversion of part of the garage to extend habitable space

Householder - Approved conditionally, 07/01/2015

990674

Proposed change of use to form six dwellings with garages, together with alterations, part raising of roof and the introduction of dormer windows and roof lights.

Planning Permission - Approved conditionally, 27/05/1999

Proposed development:

The applicant seeks permission to remove condition 5 from the original planning permission which states:

*That the garages shown on the approved drawing shall be provided before the residential units are first occupied and shall permanently be retained for the occupiers of or visitors to the units hereby approved.
Reason: To avoid the obstruction of surrounding streets by waiting vehicles*

Consultations:

External:

Highways ESCC – do not wish to restrict the grant of consent

- That the garages are below the current recommended dimensions and are considered too small for the purpose of housing a vehicle
- Many modern vehicles would fit in the space there would not be enough space to exit the vehicle
- Current standards indicate that a garage can be only classed as a parking space if it meets the minimum required dimensions of 3m x 6m
- Location of garages in relation to courtyard would also make a number of garages very difficult to use with limited manoeuvring space
- The use of garages for parking is generally fairly low and it is likely to be even lower if they are used at all
- ESCC Parking Team indicate that residents would not qualify for permits as there is limited parking available on street, however proximity of train station, bus stops and Eastbourne Town Centre mitigate the potential effects of removal of garages
- Not considered to have a major impact on the surrounding network and would be in accordance with the NPPF

Neighbour Representations:

Eight neighbour consultation letters were sent to nearby properties. One representation of support has been received from another owner/occupier of a dwelling on the site which reaffirms the points made by the applicant.

Appraisal:

Principle of development:

In principle, dwellings should have access to parking provision to alleviate pressure for on road parking and this was the purpose of the condition.

It is accepted that the garages at the site cannot accommodate modern vehicles and allow sufficient space for the driver/passengers to exit that vehicle, if this application were to be supported then it would be at the discretion of the home owner if they chose to implement it. For those who chose to retain their garages they would continue to provide for domestic storage and parking cycles and motor cycles.

Notwithstanding this it remains a fact that the application site is in a very sustainable location and that the size of the garage are not fit for purpose and as such they do not contribute to alleviating the pressure to on road parking. As such, in principle the removal of the condition is acceptable.

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

Current Situation

According to the supporting documentation with the application and the consultation response from ESCC Highways, the garages currently do little to alleviate on road parking for the car owner occupiers of the dwellings as they are rendered almost unusable for the purpose due to their small size and limited manoeuvring space of the courtyard.

Therefore, it is likely that on road parking is already affected by occupiers of these dwellings who own cars. As such, it is not considered that the removal of his condition will negatively affect surrounding residents any further. In addition, the location of the properties is considered to be highly sustainable, being a short walk to Eastbourne Rail Station, major bus routes and amenities of the town centre.

Parking Provision

The condition may have been effective when it was attached to the original planning permission in 1999; however, by modern parking standards it cannot be considered that the dwellings offer parking provision. Furthermore, planning conditions should only be applied where they are effective. Policy TR11 of the Borough Plan states:

Planning applications for new development, changes of use and extensions to existing premises must comply with approved maximum car parking standards.

In this case, the application to have the condition removed must be assessed on its own merits and the condition would appear to have little merit and serves to prevent the residents of the properties from being able to apply for residents parking permits (where required). In any case, the garages do not comply with ESCC minimum car parking space standards and in this highly sustainable location, the retention of the condition is not supported by ESCC Highways or by locally adopted policies.

Design issues:

Future conversion of the garages is not considered likely to have a negative impact on the appearance of the area. The Courtyard is not highly visible from the public realm, nor does it stand in a Conservation Area. As such, the removal of this condition will have a neutral effect on the character and appearance of the area.

Impacts on highway network or access:

There is a possibility of increased demand for on road parking by residents of these dwellings if the condition is removed. However, the location of the dwellings is considered likely to attract occupiers/owners who are attracted to the comparative ease of travel within a town centre location. Furthermore, the limited effectiveness of the garages will have already had some impact on the nearby on road parking as the garages cannot be used for most modern cars.

As such, the impact of the removal of the condition is considered to be neutral in impact on the highway.

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:

Considering all of the enclosures of the application, the consultee response from ESCC Highways and our adopted policies, it is considered that the removal of the condition is acceptable and will have a neutral impact on the residential amenity of nearby occupiers. It is not considered that there are any other conditions required in lieu of the removed, therefore it is recommended that the condition is removed without the further implementation of conditions.

Recommendation:

Approve unconditionally

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**.