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| App.No: 160538 (PPP) | Decision Due Date: 15 th September 2016 | Ward: Upperton |
| Officer: Thea Petts | Site visit date: 7 th July 2016 | Type: Planning Permission |
| Site Notice(s) Expiry date: 20 th July 2016 | | |
| Neighbour Con Expiry: 20 th July 2016 | | |
| Press Notice(s): 26 th July 2016 | | |
| Over 8/13 week reason: Cycle of planning committee meeting | | |
| Location: Land to rear of 48 St Leonards Road, Eastbourne | | |
| Proposal: New build 3 storey residential accommodation consisting of 11 dwellings and 11 car parking spaces | | |
| Applicant: Mr S Khalil | | |
| Recommendation: Approve conditionally | | |

Executive Summary:

The principle of residential development has been accepted by way of the recent appeal decision for a two storey development.

It is accepted that there is a need for additional housing within this neighbourhood in particular and the borough in general.

The Council is currently unable to demonstrate a full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the planning period to 2026.

However it is considered that the scale, bulk, separation distances and appearance of the proposal is such that it would be harmful to the character of the area and also by way of over dominance, loss of privacy and neighbourliness result in a severe loss of residential amenity.

Scheme is recommended for refusal.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 55. Sustainable development

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 multi-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

150141 New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces. (Amended description). Refused and allowed on Appeal 26/02/2016

Proposed development:

This application essentially seeks an extra storey on the appeal approval earlier in 2016.

The scheme now proposes a three storey flat roofed building with Undercroft parking with flats over.

The proposed building is approximately 9.2m high 24.30m wide and 16.6m deep. The accommodation provided:-

| Location of Accommodation | Size | National Requirement |
|--|---------|----------------------|
| Ground Floor | | |
| 11 car parking spaces inc. 1 disabled and refuse enclosure | | |
| 1 X 2b 4person | 85 Sqm | 70sqm |
| First Floor | | |
| 1 X 3b 5 person | 77.5sqm | 86sqm |
| 3 X 1b 2 person | 46sqm | 50sqm |
| 1 X 2b 3 person | 50sqm | 61sqm |
| Second Floor | | |
| 1 X 3b 5 person | 77.5sqm | 86sqm |
| 3 X 1b 2 person | 46sqm | 50sqm |
| 1 X 2b 3 person | 50sqm | 61sqm |

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.

There are a number of the flats below National space standards however the majority have the benefit of planning permission by way of the appeal scheme and all of the flats have access to external amenity space (balconies), this would offset the shortfall in internal space.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – Low grade tree on boundary 48/52, this tree is not considered to be a constraint to development.

Specialist Advisor (Regeneration) – No objection subject to the S106 agreement controlling Local Labour initiatives.

Specialist Advisor (Waste) No objections subject to space sufficient to provide 3 X 1280 bulk refuse bins.

External:

Lead Local Flood Authority: - Acknowledge green roof within the scheme and given that the site is impermeable then it is considered that their surface water management is considered to be acceptable.

Southern Water: - No objections subject to an informative controlling connections.

East Sussex County Highways: - Given the history and the likely impact upon the local highway network there no objections subject to proposal subject to conditions

Neighbour Representations:

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

- Insufficient parking in Commercial Road where parking is very difficult and made worse by proposal
- Insufficient number of spaces proposed.
- Loss of parking in the existing car park.
- Esher House parking court is abused by non-residents
- 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.
- Proposal has been refused for fewer units
- Size of proposed flats is small and does not provide quality living environment.
- Failure to propose a scheme that is reflective of the local area and thereby contrary to local plan policies that promote 'local distinctiveness'. Should be limited to two storeys.
- No disable facilities

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). Moreover the site has planning permission by way of the recent appeal scheme for a two storey building containing 7 apartments.

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 townscape and urban heritage.

An application for a 3 storey building for 11 flats under a flat roof with the majority of the site covered by the building is considered to have an overbearing and unneighbourly relationship to the occupiers of the nearby residential properties. It is considered that the separation distance to Esher House to the rear of the site is some 12.5m and that this distance does not provide sufficient privacy buffer to those new residential occupiers within that property.

It is accepted that an approval already exist for a new two storey building however it is considered that the addition of a third storey would be likely to result in direct overlooking at over a short distance and due to the orientation create an inhospitable environment between the proposed building and Esher House. Given this relationship it is likely that the scheme would have a material impact upon the quality of the living environment for these residents.

It is accepted that there is marginally greater separation to the properties on the southern side of Commercial Road (15m) and to some extent this distance is mitigated by the orientation. However it is considered that the scale and mass of the proposed building would be likely to dominate this part of the street scene which is formed by small two-up two-down terraced properties. In this context it is considered that the proposed building would be out of character with the local area and not of sufficient design quality to justify the stark erosion of local distinctiveness.

The building would be set back slightly from the pavement providing an element of relief from the street and the undercroft parking at ground floor would result in a less solid appearance within the street and provide limited views through the site to Esher House at ground level, however it is considered that this design feature does not mitigate sufficiently the harm caused by the design quality of the overall building.

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 however for the reasons outlined above the impacts of the additional floor is such that the scheme remains unacceptable in townscape and residential amenity terms.

Quality of the living environment:

It is accepted that the scheme proposes flats which are below the minimum National standard, however the majority of these have already have planning permission (appeal decision) and all of them have access to a private balconies. In this context it is considered that the internal layout of the proposed flats would provide an adequate living environment for the future occupiers of the building.

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 it is evident that the scheme would require in excess of one space per unit. However ESCC Highways acknowledge that the previous scheme on the site proposed a similar scheme with comparable parking ratio which attracted a highway recommendation for approval and allowed on appeal and as such it was deemed to unlikely to give rise to any material highway concerns. Given this no objections on highway grounds can be substantiated on highway grounds.

Given the advice from ESCC Highways if the scheme is to be supported then conditions are recommended controlling issues in the main relating to cycle parking and construction method statement.

Local residents have raised concerns 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.

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 the tree on the common boundary between the site and No 52 St Leonards Road is not considered to be an impediment to development and as such its loss would not lead to or substantiate a reason for refusal.

Other Issues:

Affordable Housing: - The application is supported by an affordable housing statement as the development is above the threshold for the delivery of the affordable housing. This statement does not justify why the affordable housing could not be provided on site, notwithstanding this the statement does promote that the applicants acceptance to pay for an off-site contribution. No mechanism has been supplied to meet with this element of the proposal.

Refuse and Recycling: - Based on the proposed ground floor layout officers are not satisfied that the scheme promotes refuse and recycling facilities sufficient to meet the likely demand and in the absence of information to the contrary this had led to a reason for refusal .

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:

By way of the appeal approval the principle of residential redevelopment of the site is acceptable however the nature of this proposal in terms of its visual impact in the street scene and impact upon the amenities of the occupiers of nearby properties is considered to be unacceptable.

Scheme is recommended for refusal.

Recommendation:

Refuse Planning Permission

- 1 Design
- 2 No S106 for affordable housing
- 3 refuse and recycling not enough space, unusable configuration.