

App.No: 160794	Decision Due Date: 6 September 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: Various	Type: Planning Permission
Site Notice(s) Expiry date: 24 th November 2016 (reconsultation on revised scheme)		
Neighbour Con Expiry: 21 st November 2016 (reconsultation on revised scheme)		
Press Notice(s): N/A		
Over 8/13 week reason: Extension of time agreed to facilitate amendments to scheme and re-consultation prior to reporting case to planning committee.		
Location: Unit 2, Fort Lane, Eastbourne		
Proposal: Development of 7 no residential units and 16 no car parking spaces, located on 2 adjacent sites in Fort Lane: SITE A - Unit 2, located on East side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, West side of Fort Lane, comprising: 4no x 2bed terraced houses, 1x 3 bed house (Site B) 1no x 2bed houses (Site A). (REVISED SCHEME WITH AMENDMENTS TO ORIGINAL PROPOSAL)		
Applicant: Mr M Ward/Eastbourne Homes		
Recommendation: Approve conditionally		

Executive Summary:

This application was previously reported to planning committee on 18th October 2016, where 9 new residential units were proposed with eleven parking spaces. Members resolved to refuse that scheme on the grounds that it was an overbearing and unneighbourly form of development, and due to concerns that there was insufficient parking provided which could give rise to highway and pedestrian safety issues. The officers report for the previous proposal is copied out below.

The applicant has subsequently revised the proposal to reduce the number of units being provided to seven, and an increase in available parking with two parking spaces being provided for each unit, along with two additional parking spaces for visitors to the development.

The additional parking area has been created by the removal of two of the seven units which formed part of the terrace of site B.

The proposal now comprises

- Two freestanding two bedroom houses with two linear parking spaces per unit (Site A)
- A terrace of five units (4x2 bedroom house and 1x 3 bedroom house), with two linear parking spaces per unit accessed from Fort Lane.
- Two additional visitor parking spaces.

<i>Type</i>	<i>Size Proposed</i>	<i>Minimum national standard</i>
<i>6 x 2 bedroom houses 2p, 2bed 2 storey</i>	<i>90 Sqm</i>	<i>79 Sqm</i>
<i>1 x 3 bedroom house 5p 2 storey</i>	<i>125Sqm</i>	<i>93 Sqm</i>

The Highway Authority support the proposal, and officers consider that these amendments provide sufficient parking to avoid any risk of additional parking stress in the surrounding area.

In residential amenity terms officers consider that, as previously, there is an acceptable relationship between the proposed development site and surrounding properties along Myrtle Road and Allfrey Road. The bay windows closest to the properties in Myrtle Road will be partially made of obscure glass, the arrangement proposed will avoid direct overlooking whilst retaining the amenity of future residents by providing some outlook and sufficient levels of light to the proposed rooms.

The neighbouring residents have been re-consulted. One objection has been received on the grounds of unacceptable impact on parking and amenity grounds. One letter of support for the application has been received, drawing attention to the benefits of the proposed housing.

Officers consider that the proposal remains acceptable in planning terms, and the amendments proposed address the concerns expressed by planning committee. The proposed development is recommended for approval subject to the same conditions as previously recommended.

Conditions:

1. Development within 3 years
2. Development in accordance with approved plans
3. Areas of waste storage to set out on approved plans prior to occupation.
4. Parking and turning areas provided prior to occupation.
5. Details of cycle parking approved and occupied prior to occupation.
6. Details of a) site investigation and b) remedial works provided prior to commencement of development.
7. Details of a verification report demonstrating implementation of remediation prior to occupation

8. Development to be monitored and maintained in accordance with remediation measures approved.
9. Contamination to be reported to Local Planning Authority.
10. Obscure Glass to be retained permanently
11. Parking to be retained permanently for residents and users
12. Working Hours – Monday to Friday 8-6, Saturday 8-1.
13. PD rights removed: Rear extensions.
14. PD rights removed: Windows.

Previous report attached in full below:-

App.No: 160794	Decision Due Date: 6 September 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: Various	Type: Planning Permission
Site Notice(s) Expiry date: 6 August 2016		
Neighbour Con Expiry: 7 October 2016		
Press Notice(s): N/A		
Over 8/13 week reason: Extension of time agreed to facilitate amendments to scheme and re-consultation prior to reporting case to planning committee.		
Location: Unit 2, Fort Lane, Eastbourne		
Proposal: Development of 9no residential units and 11no car parking spaces, located on 2 adjacent sites in Fort Lane: SITE A - Unit 2, located on East side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, West side of Fort Lane, comprising: 5no x 2bed terraced houses (Site B); 2no x 2bed houses (Site A); 1no x 1bed flat (Site B); 1no x 2bed flat (Site B). AMENDED PLANS RECEIVED.		
Applicant: Mr M Ward/Eastbourne Homes		
Recommendation: Approve conditionally		

Executive Summary:

This application is reported to committee due to the number of objections received and due to the applicant being Eastbourne Council.

Planning permission is sought for the demolition of a light industrial complex and its replacement with a development comprising seven new residential

dwelling and two flats. Eleven car parking spaces are to be provided as part of the development.

Objections have been received from surrounding residents of Myrtle Road and Allfrey Road which back on to the existing light industrial site, raising issues regarding the impact of the new building to on the residential amenity of existing residents, and of the impact of additional housing on demand for existing on street parking.

The proposal is considered to create additional new housing in a sustainable location and a considerable improvement to the local residential environment. It is considered acceptable in amenity and highways terms.

The application is recommended for conditional approval.

Planning Status:

The existing site is a light industrial complex (B1c use class) currently used by a steel fabricator and partially vacant land most recently used as vehicle storage. It is split in to two parts with Fort lane running through the centre of the site.

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*

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE17: Contaminated Land

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO1: Residential Development Within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO20: Residential Amenity

BI1: Retention of Class B1, B2 and B8 Sites and Premises

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

Site Description:

The site is divided in to two by Fort Lane which is currently a service road serving the former industrial premises on the site.

Site A is a derelict space bounded by residential gardens and the car park/garden area to the rear of the Alexandra Arms pub.

Site B is bounded by Fort Lane, Myrtle Road and Allfrey Road and occupied by a light industrial unit currently in use by a steel fabricators.

An access alleyway runs alongside the gardens of both the Myrtle Road and Allfrey Road properties separating the houses from the industrial unit. To the rear of the steel fabricators is a further industrial building currently used as a car workshop accessed from Myrtle Lane. This is not part of the development site and is to remain in situ.

Relevant Planning History:

Development of 3no two bedroom residential units and 3no car parking spaces.

Planning Permission

Withdrawn

12/01/2015

Proposed development:

The proposed development involves the construction of a block comprising 5 x two bedroom houses and 2 flats (1x1 bed and 1x2 bed), together with freestanding building comprising 2 x 2 bedroom houses accessed directly from Fort Lane. 11 parking spaces are provided together with landscaping

showing the construction of gardens and access routes through the development.

Type	Size	Minimum national standard
7 x 2 bedroom houses 2p, 2bed 2 storey	90 Sqm	79 Sqm
1 x 2 bedroom flat 1 storey	65 Sqm	61 Sqm
1x1 bedroom flat 1 storey	50 Sqm	50 Sqm

The semi-detached property is formed from brick under a slate roof to a ridge height of approximately 7.1m and 15.5m in width and 8.8m in depth.

The terrace is formed from an identical material palette to the semi-detached units and measures approximately 8.3m to the top of the ridge line and 30m for the length of the terrace and 11.1m in depth.

Consultations:

Internal:

Specialist Advisor (Environmental Health): Advise that report desk based study is sufficient in terms of an investigation in to the site. Recommend further conditions are added to any approval to ensure that contaminated land issues are dealt with should development proceed.

External:

Highways ESCC:

Support the application on the basis that the change of use will result in a lower intensity of use on the site and therefore no trip generation. Amount of parking spaces provided and layouts are acceptable. Proposal is considered acceptable subject to conditions.

Neighbour Representations:

*Seven objections were received and cover the following points:
Original scheme (consultation July 2016)*

Design

- *Concern that proposal represents an overdevelopment of the site.*

Residential Amenity

- *Proposal will result in a loss of light and overshadowing of surrounding residential gardens.*
- *Proposal will result in overlooking of surrounding residential properties.*

Highways and Parking

- Concern that proposal will result in additional parking demand on surrounding streets.
- Concern that proposal will result in blocking of public highway and illegal parking.

Other issues

- Concern about impact of dust and noise from construction works.
- Proposals for alternative methods of traffic management and parking.
- Concern that rear access to properties on Myrtle Road is to be changed.
- Concern that insufficient provision is made for waste storage.
- Concern about loss of existing business and employment provision on the site.

Amended scheme (re-consulted 9th September)

- Concern about overshadowing and loss of light to properties along Myrtle Road.
- Concern about additional parking pressure created by proposed development.

Appraisal:

Principle of development:

The site is not located in a defined industrial or employment area. As such there is no objection in principle to the loss of the existing business and its replacement with a residential led development.

The proposed development creates nine new units. Seven of these are houses and two are flats. Private garden space is provided for all the units except the upper floor flat.

Whilst the general outlook from the new buildings on the site is constrained by its urban infill setting, it is considered that the buildings have an acceptable level of residential amenity for future occupiers and thereby meet the requirement of policy B2 of the Core Strategy.

All the units meet the minimum space standards for new dwellings as set out in central government guidance. A full breakdown of the unit types and size is set out in the table below.

Type	Size	Minimum national standard
7 x 2 bedroom houses 2p, 2bed 2 storey	90 Sqm	79 Sqm
1 x 2 bedroom flat 1 storey	65 Sqm	61 Sqm

<i>1x1 bedroom flat 1 storey</i>	<i>50 Sqm</i>	<i>50 Sqm</i>
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Impact of proposed development on amenity of adjoining occupiers and surrounding area:

A number of objections have been raised by residents of Myrtle and Allfrey Road expressing concern about overlooking from the new dwellings and of additional overshadowing created by the proposed development.

Site B is occupied by an unrestricted light industrial unit which backs on to the gardens of the properties thereby resulting in an existing sense of enclosure and perception of overlooking. This is a material consideration in assessing the impact of the replacement buildings. The proposed building is smaller than the existing building and located 10 metres from the closest rear windows on the Myrtle Road buildings, and 13 metres from the Allfrey Road windows. The applicant has agreed that the glass on the main upper floor panel windows facing the Myrtle Road properties are to be made from obscure glass and therefore avoids direct overlooking of the closest neighbouring gardens. This is reflected in a condition on the decision notice.

In the case of the Allfrey Road windows these are to be built in clear glass. The 13 metre separation distance is considered to be sufficient to prevent any significant additional overlooking of these neighbouring properties given the urban setting and existing position.

The two semi-detached 2 bedroom dwellings to be constructed within site A will not result in a material loss of light or overlooking in respect of any surrounding properties. The applicant has re-sited these dwellings away from the closest property on Myrtle Road. The proposal backs on to a pub beer garden/car park and this relationship is considered acceptable. The relationship between this property and those that surround it is similar to the remainder of the development and the relationship is considered acceptable in amenity terms.

The bulk and scale of the development, at two storeys in height and recessed away from neighbouring gardens is not considered to result in an unacceptable level of overshadowing of neighbouring gardens when compared with the existing position.

Whilst it is recognised that the development will create some additional overlooking, on balance it is considered that the development will deliver an improvement in the overall residential quality of the existing dwellings which is considered to outweigh this objection. In addition, the removal of the light industrial use will reduce the potential for disruption from such a use in terms of noise, heavy industrial traffic and odour.

Conditions removing permitted development rights are recommended to prevent new windows being built and extensions (rear extensions and roof extensions) being constructed on the dwellings hereby approved. This is because of the proximity of the site to surrounding residential properties and the potential to create overlooking of neighbouring properties.

Design issues:

This is an infill site that is not located within a conservation area or an area of high townscape value. The surrounding streets are predominantly comprised of two storey Victorian terraced residential buildings and post war rendered semi-detached houses. Many of the historic buildings have already been heavily altered.

The building fits in with the general flow of the townscape with the ridge height of the roof eaves being generally consistent with the buildings along Allfrey and Myrtle Road. The proportions, height and depth of the building reflect those that surround it.

The proposed brick and render terraced housing interspersed with some defining features (such as bay windows) and provision of landscaping and external amenity space is considered to achieve a good standard of urban design.

The proposal is considered acceptable in design terms and objections that the proposal represents an overdevelopment cannot be supported.

Impacts on highway network or access:

The proposed development provides eleven car parking spaces which equate to more than one per unit, these are to be located in a row off Fort Lane with pedestrian access to the new dwellings. The freestanding semi-detached buildings have 2 spaces each on a private driveway.

Local residents are concerned that the development will result in an increase in parking demand for on street parking and additional highway movements resulting in danger for highway users.

The highway authority consider that the eleven spaces will be sufficient to prevent overspill and additional demand for on street parking in the local area. Whilst the development is likely to generate some additional parking demand the removal of the existing light industrial use would also remove some parking demand, so on balance therefore the impact is likely to be neutral.

Regarding the potential for additional highway movements, the existing use is broadly estimated to create around 90 trips per day. In terms of expected vehicular activity for residential use, family dwellings typically generate 5-7

daily trips and flats 2-3. For this proposal between 39 and 55 daily trips would be likely which would be lower than the existing use. In light of this, there are not considered to be sustainable grounds to resist the application on the grounds of increased vehicular movements on the site.

Issues relating to illegal parking and proposals for alternative traffic management are outside the scope of this planning decision.

The proposal is considered to be acceptable in highways terms.

Impacts on trees:

There are no trees within the vicinity of the site.

Planning obligations:

Not relevant on a scheme of this size, although the dwelling houses are fall within the Councils CIL charging schedule.

The applicants are promoting an exemption to the CIL charge as these properties are deemed to be 100% affordable.

Sustainable development implications:

None relevant.

Other matters:

The applicant has submitted a contamination report identifying the potential for contamination on the site. The specialist advisor for environmental health advises that this is acceptable and a number of conditions are recommended. These are reflected in the draft conditions.

A number of respondents express concerns about the future of the existing access routes to the rear of the Myrtle Road and Allfrey Road premises. These are land ownership/rights of way issues that fall outside the scope of the planning decision before the committee. Notwithstanding this it is noted that the plans indicate that the access routes will be retained in a similar position to that which exists at present.

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 proposal is acceptable in Land Use, amenity, design, highways and all other relevant planning considerations.

Recommendation:

Grant conditional approval.

Conditions:

- 15. Development within 3 years*
- 16. Development in accordance with approved plans*
- 17. Areas of waste storage to set out on approved plans prior to occupation.*
- 18. Parking and turning areas provided prior to occupation.*
- 19. Details of cycle parking approved and occupied prior to occupation.*
- 20. Details of a) site investigation and b) remedial works provided prior to commencement of development.*
- 21. Details of a verification report demonstrating implementation of remediation prior to occupation*
- 22. Development to be monitored and maintained in accordance with remediation measures approved.*
- 23. Contamination to be reported to Local Planning Authority.*
- 24. Obscure Glass to be retained permanently*
- 25. Parking to be retained permanently for residents and users*
- 26. Working Hours – Monday to Friday 8-6, Saturday 8-1.*
- 27. PD rights removed: Rear extensions.*
- 28. PD rights removed: Windows.*

Informatives:

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**.*