

App.No: 170163	Decision Due Date: 7 th April 2017	Ward: Upperton
Officer: Thea Petts	Site visit date: 26 th March 2017	Type: Non-Material Change
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 18 th March 2017		
Press Notice(s): N/A		
Over 8/13 week reason: Cycle of Planning Committee		
Location: 27 St Leonards Road, Eastbourne		
Proposal: Non-material changes to planning permission 150172 - Erection of mansard roof to provide for four self-contained flats. Alterations to fenestration on building's facade. Changes include: Rooflights, vent pipes on roof, rainwater pipes, relocation of bin store and replace the approved glass to 2no. balcony's guarding with powder coated metal sheet.		
Applicant: Mr Bernard Leach		
Recommendation: Approve unconditionally		

Executive Summary:

This application has been reported to Planning Committee at the discretion of the Senior Specialist Advisor in order that the issues/merits of the proposal can be discussed.

The submission of this non-material amendment was made following enforcement investigation and the identification of certain divergences from the planning consents already issued in relation to the property.

The changes are considered to be acceptable and the scheme is recommended for approval.

Planning Status:

Former office building converted to residential units

Relevant Planning Policies:

National Planning Policy Framework 2012

6. Delivering a wide choice of high quality homes

7. Requiring good design

10. Meeting the challenge of climate change, flooding and coastal change

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C2: Upperton Neighbourhood Policy

D1: Sustainable Development

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO20: Residential Amenity

NE16: Dev within 250m of former landfill site

UHT1: Design of New Development

US4: Flood Protection and Surface Water

Site Description:

27 St Leonards Road stands on the north corner where Eversfield Road and St Leonards Road meet. The property once served as offices but has recently been subject to a change of use under the Prior Approval scheme and subsequently planning applications to make external changes to the appearance of the building and create an additional floor.

Relevant Planning History:

EB/1973/0527

Erection of a three-storey office building, not exceeding 10,000 sq.ft. floor area, together with parking space for 17 cars.

Granted, subject to conditions.

1973-07-12

EB/1973/0277

Demolition of the existing dwelling and erection of a building, containing not more than 10,000 sq.ft. of office accommodation, and parking space.

Granted, subject to conditions.

1973-04-19

EB/1973/0053

Demolition of existing dwelling and erection on the site of a three-storey office building, having a floor area not exceeding 10,000 sq.ft., and parking provision.

Granted, subject to conditions.

1973-01-25

010042 – *Pegasus Court, 29 St Leonards Road*

Demolition of existing offices and erection of five-storey building, incorporating five one-bedroom and fourteen two-bedroom retirement apartments, associated guest bedroom, office, lounge, laundry room, integral refuse store, together with eight covered parking spaces and five open parking spaces at rear of building (amended plans).

Planning Permission
Approved conditionally
20/07/2001

141030

Prior Notification for Conversion of offices in to 12 self-contained flats under Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Prior Notification Class J

Prior Approval - not required

30/09/2014

150172

Erection of mansard roof to provide for four self-contained flats. Alterations to fenestration on building's facade.

Planning Permission

Approved conditionally

14/05/2015

150179

Change of use from B1 (office) to C3 (residential) - comprising 12no. self-contained flats.

Prior Notification Class J

Prior Approval - not required

13/04/2015

160381

Rendering of external elevations, variation of roof finish and revision of car parking layout, cycle store position with alterations to crossover

Planning Permission

Approved conditionally

11/05/2016

Proposed development:

The applicant wishes to make a number of minor alterations to the development, which they consider to be non-material changes. These changes are summarised as follows:

- 9 no. projecting rooflights
- Rainwater pipes and down pipes to the building
- 10 no. vent pipes and 1 no. dry riser air valve to the roof
- Guarding to the two recessed balconies to be changed from glass to powder coated sheet metal (colour to match cladding)
- Relocation of bin store to comply with Building Regulations

Consultations:

Neighbour Representations:

92 neighbour consultation letters were sent out.

3 objections have been received from occupiers of the adjacent block.

The representations cover the following points:

- The works have blighted the view from adjacent properties
- The building looks like a battleship
- Vent pipes point directly at an adjacent property, having a canon-like appearance
- When windy, fumes will blow out of the pipes to the adjacent property and windows will have to be closed
- The roof domes will be disruptive when the lights are illuminated in the building
- Impractical rain chutes which will create stains on the walls of the property
- The changes are out of character with the area, as is the whole redevelopment of the site, especially when viewed from upper levels of the adjacent block, Pegasus Court, 29 St Leonards Road
- The additional floor has resulted in a 90% reduction in views enjoyed from Flat 20, Pegasus Court
- The glass domes and vent pipes are significant changes from the approved plans and should be refused
- The domes and pipes add to the poor appearance of the building
- The domes interfere with remaining outlook from Flat 20 Pegasus Court
- Domes will be lit up at night and will spoil the beautiful outlook
- Pipes associated with central heating may result in a gas smell pervading Pegasus Court
- View of the sky has been blocked with a grey roof
- Fumes emitted from vent pipes, which are almost in line with windows will be breathed in
- Water currently pours through and all down the building

Appraisal:

Principle of development:

The changes to the original consent, although visible, are not considered to be material changes. In the main, the majority of the changes help to facilitate the change of use of the building. As the principle for the building to be used for residential has already been established by previous consents, these non-material amendments are considered acceptable.

Vent pipes and rooflights:

Principally, the main objection from nearby residents to the changes (notably the vent pipes and rooflights), has been with regard to the visual appearance of the building. Objectors express that the vent pipes and rooflights are out of keeping with the area and that the view from their windows has been negatively affected by the development as a whole and also these rooftop additions. Furthermore, some were concerned that the vent pipes would release gas through the windows of their properties and cause problems.

The installation of vent pipes on a domestic building is not usually something that would require further investigation with regard to its environmental health impact. Outside planning legislation, the utilisation/installation of such equipment will be regulated and this concern is not considered a planning matter. Therefore, it is not considered that planning legislation can control these vent pipes with any significant efficacy. The operational use of the vent pipes is considered to be non-material.

Although it is considered unfortunate that a number of flats have a view over the roof of the application building, the question is whether the amendments amount to material changes or not. When the development is viewed as a whole, the appearance of the vent pipes and rooflights are not a significant part. Indeed, from most viewpoints, these items are not even visible. When viewed from the public realm (e.g. the road or pavement), the vent pipes and rooflights cannot be seen. Therefore, it is not considered that the inclusion of these items has had an effect on the character and appearance of the building or wider area. It is noted that they make up part of the view from the upper floors of the west facing elevation of Pegasus Court, 29 St Leonards Road. However, as they do not reduce outlook from these windows and as the concept of entitlement to a view is not a material planning consideration in this case (i.e. there are no significant/protected views affected by the proposal), the vent pipes and rooflights are considered to be non-material.

The approved scheme had rooflights within it albeit fewer in number and of a different design and as such the principle of their use on this building has been considered and deemed acceptable. It is considered that the change in frequency/design of the roof lights and any light pollution that may result are considered insufficient grounds to substantiate a reason for refusal.

Rainwater pipes:

Further objections highlighted the current arrangement for dealing with run-off water from the roof. Chutes high up in some of the walls of the building let water run-off pour onto the ground and potentially down the walls. The proposed amendment is to include the provision for drainpipes/downpipes which are to guide water into appropriate drainage facilities. This is an amendment which is considered will be an improvement on the on the current arrangement and will deal with water run-off appropriately. The installation of drainpipes is regarded as non-material.

Guarding to the recessed balconies:

No objections have been raised with regard to this element of the proposal. The material of the balcony guards on the building are all glass. However, the change in material from glass to metal (colour to match cladding) for the recessed balconies which are not easily visible from the public realm is not considered to constitute a material change. As such, it is agreed that this aspect of the proposal is non-material.

Relocation of bin store:

This element of the proposal has not received any opposition from objectors. The reason for the relocation is to ensure compliance with Building Regulations. This alteration is likely to be beneficial for the residents of Pegasus Court, 29 St Leonards Road as the bin store is to be moved away from the boundary separating the two properties and situated near the entrance to the site on Eversfield Road.

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 changes which are subject to this planning application, which have in part been implemented, are considered to be non-material in their nature. As such, it is considered that the application should be approved.

Recommendation:

Approve unconditionally

Informatives:

For the avoidance of doubt, the plans considered as part of this application and submitted on 14th February 2017 are:

- Site Location Plan
- Block Plans and Proposed Elevations, 16.07.02

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**.