

<b>App.No:</b> 180437	<b>Decision Due Date:</b> 25 June 2018	<b>Ward:</b> Langney
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 24 May 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 27 May 2018		
<b>Neighbour Con Expiry:</b> 31 May 2018		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> n/a		
<b>Location:</b> Land off Biddenden Close, Biddenden Close, Eastbourne		
<b>Proposal:</b> Demolition of existing garages, and construction of 5no 2 bed 4 person houses; including associated parking, access, & landscaping		
<b>Applicant:</b> Eastbourne Homes Ltd		
<b>Recommendation:</b> Grant planning permission subject to conditions		

**Executive Summary:**

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

4. Promoting sustainable transport

6. Delivering a wide choice of high quality homes
7. Requiring good design

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- HO8: Redevelopment of Garage Courts
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

**Site Description:**

The site refers to an existing garage court of 24 garages, with existing access from Biddenden Road to the South. The whole site is hard surfacing with no landscaping or trees.

The site is surrounded on three sides by two storey single family dwellings. The surrounding dwellings are all of a similar height, character and appearance in terms of materials.

Opposite the site on Biddenden Road are blocks of flats four storey's in height and a nearer purpose built block of flats four storeys in height on the corner of Pembury and Faversham Road.

There is also a nearer development within Appledore Close to the north of the site which is of a modern design/character with rendered panels, black cladding and grey roofs in contrast to the older residential properties.

The site is not situated within a conservation area.

**Relevant Planning History:**

None specifically relevant to this application.

**Proposed development:**

The application proposes the demolition of the existing garages and erection of 5 two storey dwellings on the site.

The proposed layout is for three dwellings facing Biddenden Close, two to the western side of the existing access one to the eastern side; and a further two dwellings to the north of the site adjacent to No.12 Appledore Close. 5 off street parking spaces are proposed, 1 for each residential property.

**Consultations:**

Specialist Advisor (Planning Policy) No objections for the reasons outlined below:

The site is located in Langney Neighbourhood as defined by the Core Strategy (adopted 2013). The vision for Langney Neighbourhood is to make a significant contribution to the delivery of additional housing in a sustainable location. The vision will be promoted by providing new housing through the redevelopment of underutilised sites.

The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.

The site was assessed (ref:LA22) for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.

Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 178 dwellings in Langney Neighbourhood.

Policy D5 focusses on delivering housing within sustainable neighbourhoods. Old Town Neighbourhood is defined as a sustainable neighbourhood, it is ranked number one in section B2 of the Core Strategy.

Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the

NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of five dwellings.

HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes five car parking spaces.

Policy US4 of the Eastbourne Borough Plan states that 'All development should make adequate provision for floodplain protection and surface water drainage.' On site remediation through Sustainable Drainage Systems (SuDS) would be required to deal with surface water run-off and drainage into the Eastbourne Park Flood Storage area.

In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

#### CIL

The application is CIL liable, however as the dwellings are proposed to be Social Housing no payment will be liable.

#### Southern Water

Require a formal application for a connection to the public sewer to be made by the Applicant or Developer. Informative to this affect requested.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Southern Water seeks to ensure that appropriate means of surface water disposal are proposed for each development. It is important that

discharge to sewer occurs only where this is necessary and where adequate capacity existing to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The planning application form makes reference to drainage using sustainable urban drainage systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

#### Highways ESCC

No objections raised, refer to standing advice.

#### **Neighbour Representations:**

8 objections have been received and cover the following points:

- Impact on privacy of surrounding properties
  - Overlooking of rear gardens
  - Loss of light
  - Loss of the alley way
- Loss of garage spaces
- Impact on on-street parking
- Impact from the construction
- Lack of lighting to the development
- No specific plans of how surface water will be dealt with

#### **Appraisal:**

##### Principle of development:

The principle of the redevelopment of the garage court for residential development is acceptable in principle.

The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.

The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important community facility.

Therefore the principle of the development is acceptable.

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

The three properties to the southern boundary of the site (Plots 1, 2 and 3) facing onto Biddenden Close will have limited impacts on the surrounding residential properties. These properties would form part of the existing street scene and whilst additional overlooking would occur to the neighbouring properties this is a normal form of overlooking of rear gardens of a terrace of dwellings in an urban area.

The two properties to the north of the site (Plots 4 and 5) adjacent to No.12 Appledore Close would have a normal overlooking impact on the properties to the rear of Faversham Close with a separation distance elevation to elevation of 20m.

These two properties are proposed with windows to the front elevation at first floor level fixed shut and obscurely glazed, these serve the master bedroom. A second window is proposed to each properties side elevation for outlook/natural light. The obscuring and fixing shut of these windows removes any overlooking that would otherwise occur to the rear elevation/garden of the adjacent property no.14 Appledore Close which would otherwise impact on the occupiers of this properties amenity given the dwelling is set back only 6m from the boundary. This can be controlled by condition.

The side elevation window to the north facing no.12 Appledore Close is proposed as a projecting bay with window facing east and west to remove any potential overlooking towards the adjacent properties front elevation.

Therefore the impacts on the existing surrounding residential properties is considered acceptable.

Impact of proposed development on amenity of future occupiers:

The proposed internal floor area of the dwellings is in excess of the recommended minimum (79m<sup>2</sup>) for a two storey, two bedroom house (approximately 81-82m<sup>2</sup>), as contained in the DCLG's Technical Housing Standards. All properties will also have access to a private rear amenity space.

Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'.

The properties by virtue of their size and layout within the site will provide good quality accommodation for future occupiers.

Therefore the proposal is in accordance with policy B2 of the Core Strategy and para 9 of the NPPF aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the choice of high quality homes.

#### Design issues:

The materials proposed are a yellow stock brick to the ground floor of the elevations off set with a grey fibre cement board fixed vertically at first floor level and to either gable end, with a grey artificial slate tiled roof.

The development is two storeys in height which is as per the pattern of the wider development of the area. The existing surrounding properties are red brick with brown tile roofs. The proposed design is considered acceptable and whilst in contrast to the existing properties will represent a modern addition to the street scene. There is evidence of such in the wider area with the large development of flats on Pembury Road, and the housing development on Appledore which is similar to that proposed under this application.

Given the location/context this design response is considered appropriate as are the materials.

#### Impacts on trees:

There are no trees on or adjacent the site to be impacted by the development. A small section of landscaping is proposed at the access to the site from Appledore close which will soften the appearance of the development/hardstanding.

#### Impacts on highway network or access:

The provision of five additional residential properties in this residential area would have limited impacts on the highway network in terms of increased car movements when considering the existing 24 garages on the site.

The development is proposed with one car parking space per dwelling. The ESCC Car Ownership Parking Demand Calculator advises a development of this nature would create a demand for 7 car parking spaces. The calculator takes into account Census data by ward and by housing tenure.

The ESCC Minor Planning Application Guidance for proposed development comprising of 5 dwellings or less 2017 states that car parking should generally be provided at 1 space per 2 bed dwelling. The proposed development will not allow for visitor parking which is proposed to be accommodated on street.

The applicant has submitted a document setting out the current occupancy of the garages. Of the 24 garages 3 are unoccupied, and 13 of those occupied are rented by residents in the immediately surrounding area; officers have assumed for the purpose of evaluating the impacts of the scheme that they house a vehicle that would otherwise need to be accommodated on street.

The garage court should not provide for indiscriminate car parking. The loss of parking available at the site would be limited to the garages themselves.

A parking/access statement has been submitted in support of the application. This states survey's carried out identified that the local road network could accommodate the displaced garage site users and additional development parking.

Objections have been received in relation to the impact on demand for on street parking.

The above guidance also recommends that parking spaces are increased in width to 3m (normally 2.5m) when adjacent to fences/walls to allow easier access. Where necessary a condition is recommended to ensure this space is delivered.

Cycle parking would be provided by means of a shed within each private rear garden.

Whilst it is accepted that the area is heavily parked, there is a large amount of on street parking provided in the area, with unallocated parking bays provided at the end of Biddenden Close and surrounding the blocks of flats.

On balance and considering the surveys submitted by the applicant it is considered that the displaced parking from the loss of the garages, and the additional parking created by the development above that provided on site can be accommodated on street in the wider area. Therefore it is not considered that in accordance with Paragraph 32 of the NPPF the development would result in severe impacts on the local highway network to justify the refusal of the application on this ground.

### **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 site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore in accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The proposal will result in the net gain of five residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

**Recommendation:** Grant planning permission subject to the following conditions;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. Materials to be as stated on the approved drawings unless agreed otherwise
4. Car parking to be laid out as approved prior to first occupation
5. Removal of permitted development rights for outbuildings, extensions, alterations to roofs and no windows within the side elevations of the dwelling houses.
6. Windows in the front (east) elevation at first floor level of properties 4 and 5 shall be obscurely glazed and fixed shut unless over 1.7m above the floor of the floor.
7. Notwithstanding the approved drawings, the car parking space for plot 2 shall be increased in width to 3m.
8. Details of surface water disposal details
9. Prior to commencement details of finished floor levels shall be submitted.
10. Submission of evidence of completion of surface water details
11. Prior to demolition and/or construction submission of a construction management plan
12. Standard hours of working condition

**Informatives:**

Southern water informative

**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**.