

App.No: 180556	Decision Due Date: 27 July 2018	Ward: Upperton
Officer: James Smith	Site visit: 25 th June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 12 th July 2018		
Neighbour Con Expiry: 12 th July 2018		
Over 8/13 week reason: Application had to be re-advertised due to altered description. Additional letters of objection received late in determination process. Extension of Time agreed with applicant.		
Location: Greencoat House, 32 St Leonards Road, Eastbourne		
Proposal: Provision of 5 new residential flats through construction of new fourth floor level to accommodate 2 flats and Change of Use of ground floor from clinic (use class D1) to residential (C3) to accommodate 3 flats.		
Applicant: Mr Robert Slee		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisory (Planning)
E-mail: James.Smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026

Map location



1 Executive Summary

- 1.1 The proposed development is similar to a previously approved scheme which has now lapsed (141531). There have been no material changes in relevant planning legislation since the time that application was approved. However, the ground floor of the building is now in D1 use as a wound treatment clinic rather than B1 offices and, as such, the loss of a D1 use is a material consideration.
- 1.2 The wound treatment clinic is not considered to perform an important community function and, as such, could operate from other premises without unacceptable detriment to its clients.
- 1.3 The height and design of the extended building would be consistent with that of nearby buildings that also provide residential accommodation. The layout of the building, configuration of windows, openings and balconies and separation distances between surrounding residential properties ensures that there would be no detrimental impact upon the amenities of neighbouring residents.
- 1.4 Adequate on site car parking to serve the development would be provided through the use of existing basement and open air car parking facilities.

2 Relevant Planning Policies

2.1 National Planning Policy Framework 2012:

- 2. Ensuring the viability of town centres
- 4. Providing Sustainable Transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

2.2 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D5: Housing

2.2 Eastbourne Borough Plan Saved Policies 2007

- NE14: Source Protection Zone
- NE15: Protection of Water Quality
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT5: Protecting Walls/Landscape Features
- UHT6: Tree Planting
- UHT7: Landscaping
- HO1: Residential Development Within the Existing Built-up Area
- HO6: Infill Development
- HO9: Conversions and Change of Use
- HO20: Residential Amenity
- TR11: Car Parking
- LCF21: Retention of Community Facilities

3 Site Description

- 3.1 The site is occupied by a four-storey building which currently provides office space at first, second and third floor level with a wound treatment clinic (Use Class D1) at ground floor level. The third floor is incorporated into a flat top tile hung mansard roof. All elevation walls are finished in red/brown brick. There is a lift shaft that projects above the height of the main roof.
- 3.2 Off-street car parking is provided at basement level as well as a hard surfaced car park to the rear of the site, both of which are accessed via a dropped kerb crossover on Commercial Road. There is also dropped kerb access serving a hard surfaced area to the front of the building which appears to be used for parking by clients of wound treatment clinic.
- 3.3 The site topography is generally flat but steps down in height to the rear as Commercial Road is at a lower level. This change in levels enables access to the basement car park.

- 3.4 The site is located on a town centre road which is flanked by a mix of residential flats and offices, the majority of which are 3 – 5 storeys in height. A number of the residential buildings have been converted from office use, either through a planning permission or through the use of prior approval rights.

4 Relevant Planning History

4.1 080770

Extension of existing hardstanding to create a disabled parking space to the front and covered cycle rack to the side with access pathway
Planning Permission
Approved conditionally - 13/02/2009

4.2 141527

Change of use from office (class B1) to residential (class C3), comprising 12no. self-contained apartments.
Prior Notification Class J
Approved - 19/02/2015

4.3 141531

Rebuilding of third floor and construction of a new fourth floor to provide two self-contained apartments. (NB: Prior Approval to convert the existing building from office (B1a) use to residential (C3) use comprising twelve self-contained apartments is being considered under a separate application ref:141527).
Planning Permission
Approved conditionally - 23/03/2015

4.4 161311

Change of use from Office (B1) to Clinic(D1). Conversion of ground floor offices into a wound treatment centre of 8 treatment rooms, reception area, clinical office and a kitchen and toilet(kitchen and toilet are existing) .
Planning Permission
Approved conditionally
21/12/2016

4.5 180567

Prior Approval application Change of Use of the first, second and third floor of the building from office use (Class B1(a)) to residential (Class C3) to provide 9 self-contained flats.
Prior Notification Class O
Approved – 03/07/2018

5 Proposed development

- 5.1 The proposal involves the Change of Use of the existing ground floor from a D1 wound treatment clinic to C3 residential, allowing for 3 new residential units to be formed. An additional storey to the building is also proposed. This involves extending the elevation walls to incorporate the third floor of the building and to replicate the existing roof above it but with a stepped in rear projection to allow for the provision of roof top terraces and a small recessed section in the front slope to allow for a shared roof terrace.

- 5.2 The roof extension would accommodate 2 x fourth floor flats. The overall height of the building would increase by approximately 3.2 metres as a result of the proposed extension.
- 5.3 Overall, the proposal would provide 5 new residential units (3 x 1 bedroom, 2 x 2 bedroom).
- 5.4 Existing parking facilities serving the office would be repurposed to serve the proposed residential use, 11 spaces in total would be provided, with 2 spaces lost within the basement parking area due to the need to accommodate bin and cycle storage.
- 5.5 The applicant intends to convert the remainder of the building to residential use and has submitted a Prior Approval application to convert the office uses on the first, second and third floor to secure this. Should both applications be approved, a total of 14 residential units would be provided (6 x 1 bedroom, 8 x 2 bedroom).

6 Consultations

6.1 Specialist Advisor (Arboriculture):

- 6.1.1 The block plan appears to show the tree at the front retained but there are no further details to this effect. A simple planning condition to protect it during construction should suffice.
- 6.1.2 OFFICER NOTE: The tree referred to is to the rear of the site, adjacent to Commercial Road.

6.2 Specialist Advisor (Planning Policy):

- 6.2.1 Policy C1 is The Town Centre Neighbourhood Policy, which sets out the vision for this area as the following; “The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan”. It aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood. This vision will be promoted through a number of factors including ‘Delivering new housing through conversions, infill development and redevelopment’.
- 6.2.2 The Core Strategy states that the Town Centre Neighbourhood is one of the town’s most sustainable neighbourhoods. It also states that “The Town Centre will make an important contribution to housing needs as a sustainable centre. Future residential development will be delivered through conversions and changes of use of existing buildings”. Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that ‘in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne’s housing provision to be provided on brownfield land’.

- 6.2.3 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 1st April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.
- 6.2.4 Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre. Proposals for new residential development in the Town Centre must demonstrate how the following design issues have been addressed:
- Protecting the amenity of residential occupiers by minimising potential conflicts between different land uses including noise disturbance, smell and vibration through the design and siting of servicing areas, ventilation and mechanical extraction, and external light sources.
 - Provision of a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
 - Provision of outdoor amenity space in the form of a shared communal garden, useable private balcony or roof terrace that forms an integral part of the design of the building.
 - Provision of adequate bin and recycling storage that is screened from publicly accessible locations including adjoining streets, parking facilities and open space.
- 6.2.5 As the proposed development is an extension to an existing building which complies with TC6, and the extension does not alter the nature of the building, the development can be seen to generally comply with this policy. Specifically the amenity of the residentially occupiers will not be affected, aside from the additional strain of two extra flats. There is access to a shared balcony, which is moving from the third floor to the fourth floor. The bin and recycling storage will continue to be screened from public view.
- 6.2.6 The site is covered by Policy TC11 in the Eastbourne Borough Plan which states that "Planning permission will be granted for residential development or B1 uses in St Leonard's Road (numbers 1-32 and 26-52) provided that...the development is well designed in terms of siting, materials and landscaping..." As this is an addition to an existing building construction can be said to conform with these design standards.
- 6.2.7 The Core Strategy states that the Town Centre Neighbourhood is one of the Borough's most sustainable neighbourhoods. Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that 'in accordance with principles for sustainable

development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 2 residential units and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

6.2.7 This application is not liable for CIL as it is a development of flats which is not chargeable under Eastbourne's current charging schedule.

6.2.8 The size of the bedrooms exceeds the standard specified within the 'Technical Space Standards – nationally described space standard.'

6.2.9 Therefore, policy has no objections to this application.

7 Neighbour Representations

7.1 Nine letters of objection have been received from seven different addresses. The letters raise the following points:-

- 7.2
- The additional storey will cause overshadowing of my kitchen at Beaufort Court.
 - Will overlook the communal roof garden at Beaufort Court.
 - Would overshadow and overlook third floor property at Homelatch House opposite.
 - The fourth floor balcony would directly overlook properties at Homelatch House.
 - Concerned about the design and external appearance.
 - Would lead to an increase in traffic, pollution and noise.
 - Too many offices have been converted to residential and this is causing excessive disruption to residents on Commercial Road and St Leonard's Road.
 - The area already suffers from noise and parking problems. Town Centre development has been very noisy. Have been unable to open doors and windows.

8 Appraisal

8.1 Principle of development:

8.1.1 Para. 17 of the National Planning Policy Framework (NPPF) lists the reuse of existing resources, including conversion of existing buildings within the 12 core land use planning principles that underpin decision taking.

8.1.2 Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 8.1.3 Currently, Eastbourne is only able to demonstrate a 3.26 year supply of land. This proposal, for 10 additional units, would make a contribution towards increasing the number of year's supply of housing land.
- 8.1.4 The site is located within the Town Centre neighbourhood, as defined within the Core Strategy. This is recognised as a sustainable neighbourhood, with Policies B1 and C1 of the Core Strategy encouraging development of up to 180 dwellings per hectare in this location. Policy C1 identifies the conversion of existing buildings to provide housing as a suitable means for providing new housing that is required within the Town Centre neighbourhood.
- 8.1.5 The conversion of the ground floor of the building would result in the loss of a D1 use, in the form of the wound treatment clinic currently operating there. Policy LCF21 of the Borough Plan seeks to prevent the loss of D1 community facilities unless there is no longer a demonstrable need for the facility or compensatory provision to equivalent community benefit will be made in the immediate vicinity.
- 8.1.6 The D1 use is currently operating on the site. However, given the nature of the use as a wound treatment clinic it is not seen as a use that is vital for the immediate community and it is not considered that it is sacrosanct that it is sited in its current location. Furthermore, it is noted that a condition attached to the approval for D1 use prohibits the use of the ground floor for any D1 use other than a wound dressing clinic on account that other D1 uses may be disruptive to neighbouring residents.
- 8.1.7 It is therefore considered that the loss of the wound treatment clinic would not deprive local residents of an important community facility and that residential use is more compatible with the surrounding environment in any case.
- 8.1.8 It should be noted that the revised NPPF (2018) para. 118 (e) supports upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.
- 8.2 Planning History:
- 8.2.1 An application which included roof extensions identical to those proposed was approved under application 141531 but this permission has now lapsed. There have been no material changes in relevant planning policies or surrounding development since the time of the previous approval.
- 8.3 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.3.1 The proposal would change the overall use of the building and would also involve an increase in its height by one storey.
- 8.3.2 The use of the building for residential dwellings is considered to be consistent with the environment of the surrounding area, in which residential development of the scale proposed is a common presence. It is therefore not considered that the proposal would bring about an unsympathetic or over-intensive use of the site that would detract from the amenities of neighbouring occupants.

- 8.3.3 It is considered that the increased height of the building would not result in undue levels of overshadowing towards neighbouring residential property, nor would it render the building as an overbearing element. The linear pattern of development on the street means that the flank elevations of Greencoat House face towards flank elevations of neighbouring properties, which are of similar height. There are no windows within the side elevation of 'Map House' which is the adjacent property to the north. Windows in the side elevation of Beaufort Court serve kitchens whilst north facing windows on the fourth floor unit serve a landing. It is therefore considered that none of these windows serve primary habitable rooms and that any overshadowing of these windows would not impact on residential amenity.
- 8.3.4 It is noted that there is a fourth floor unit with access to associated roof top amenity space at Beaufort Court. The southern flank wall of Beaufort Court extends to provide screening and security to the roof top amenity space and would largely screen the proposed roof extension from impact upon the amenity space. It is also noted that Greencoat House is to the north of Beaufort Court, thereby reducing the overshadowing impact it would have upon it, and, in any case, the roof terraced has unobstructed access to natural light to the east and west which would not be impacted upon by the proposed works.
- 8.3.5 The majority of the windows serving the proposed flats would face to the front of the site, onto St Leonard's Road, or to the rear of the site, towards properties on Commercial Road. The relationship between these windows and neighbouring residential properties would therefore be similar to the relationship between existing residential properties on the eastern side of St Leonard's Road and neighbouring dwellings. A small amount of bedroom windows would be installed in the side elevations, facing towards the flank elevations of Beaufort Court and Map House. These would not face directly towards any habitable room windows and, in the case of the south facing windows serving the fourth floor flats, would not allow intrusive views towards the roof terrace at Beaufort Court due to the presence of a brick wall screening along the northern side of the amenity space.
- 8.3.6 The proposal includes the provision of amenity space at fourth floor level in the form of private space to serve each of the two fourth floor flats which would be located to the rear of the building and a communal area, accessed from the hallway, which would be positioned to the front of the building. This arrangement is considered to be comparable to that which is present at Beaufort Court. Although the balconies to the front and rear would offer views towards Homelatch House and 12-16 Commercial Road respectively, it is considered sufficient distances are maintained between the balconies and these properties to prevent invasive levels of overlooking, these being approximately 27 metres between the front balcony and Homelatch House and ranging from 23 to 26 metres between the rear balconies and properties on Commercial Road. The provision of suitable balcony screening can be secured by condition for the purposes of safety and privacy.

8.4 Design issues:

- 8.4.1 The roof extension has been designed to replicate the form of the existing roof, albeit with sections removed to allow for terraces. The increase in height would raise the roof top level but this would not compromise the general form of the building which would retain its broadly cubic characteristics, with the height of the building, as measured from street level at St Leonard's Close, similar to the width of its frontage. The existing rectangular pilasters which extend from ground to roof height, edging windows on all elevations, will also be extended to the eaves of the proposed new roof, with the pattern of windows and openings replicated on the extended elevation walls to produce visual consistency.
- 8.4.2 The design, scale and mass of the extended building would remain in keeping with surrounding development, where 5-storey buildings are a common presence, with many accommodating the upper storey within a mansard style roof. It should also be noted that the adjacent building, Map House, has extant planning permission for an additional two storeys to be added (planning ref: 151201).
- 8.4.3 It is therefore considered that the design of the proposed extension would relate sympathetically towards the existing building as well as the wider surrounding area.

8.5 Impacts on trees:

- 8.5.1 There is a mature Acer (Maple) located in the north-eastern corner of the car park to the rear of the site. This tree is not the subject of a TPO but it is intended to be retained and is considered to positively contribute towards the overall appearance of the development as well as provide amenity value to future occupants. As such, conditions will be attached to any approval given to ensure that construction works do not negatively impact upon the health of the tree and the character and appearance of the surrounding area.

8.6 Impacts on highway network or access:

- 8.6.1 The proposed flats would have access to off street car parking which is already present on site. This consists of basement parking and a hard surfaced car park, both of which are accessed via an existing dropped kerb on Commercial Road. 11 car parking spaces would be provided, serving the proposed development as well as 9 further flats which are being provided under Prior Approval legislation. The East Sussex County Council Parking Demand Calculator shows that the proposed development would generate a demand for 9 allocated residents' parking spaces and, as such, the quantum of spaces provided is considered to be adequate.
- 8.6.2 Cycle parking would also be provided within the undercroft.

9 Human Rights Implications

9.1 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.

10 Recommendation (This must include the reasons for each condition).

10.1 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.1.1 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.1.2 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

14019/TP/001;
14019/TP/010;
14019/TP/011;
14019/TP/012;
14019/TP/013;
14019/TP/014;
14019/TP/015;
14019/TP/016;
14019/TP/017;

Reason: For clarity, in the interests of proper planning.

10.1.3 Prior to commencement of development, details of all materials to be used on the external surfaces of the development hereby permitted (including balcony screening) shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and in the interests of visual amenity.

10.1.4 The parking facilities shown on approved plans 14019/TP/010 and 14019/TP/011 shall be surfaced and marked out prior to the occupation of the development hereby approved. Thereafter, the parking facilities shall be maintained in place and be used for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety and the free movement of traffic.

10.1.5 No ground excavations or changes in ground level shall take place within the outermost limit of the branches of the *Acer sp.* tree within the car parking area to the rear of the site and shown on plan 1419/TP/010. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this area.

Reason: In the interests of the health of the tree and the character and appearance of the surrounding area..

11 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.