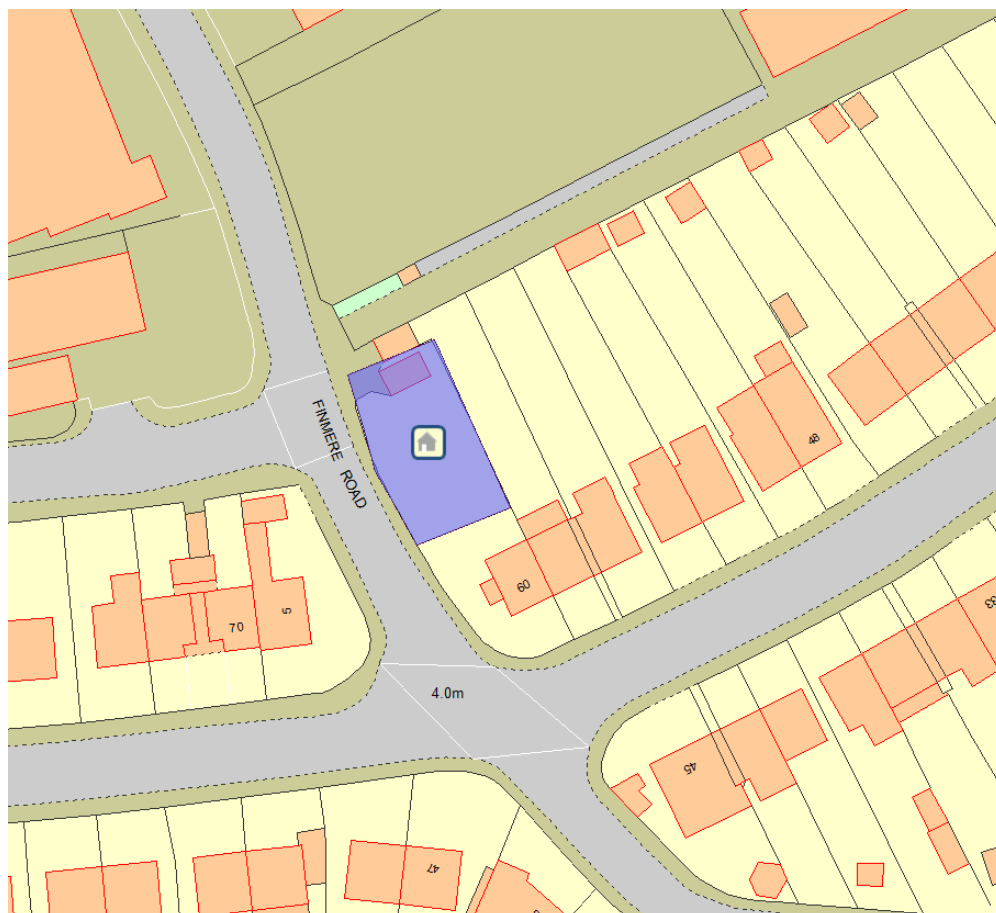


App.No: 180231	Decision Due Date: 31 October 2018	Ward: St Anthonys
Officer: William De Haviland-Reid	Site visit date: 20 April 2018	Type: Planning Permission
Site Notice(s) Expiry date: 11 August 2018		
Neighbour Con Expiry: 11 August 2018		
Press Notice(s): N/A		
Over 8/13 week reason: To negotiation amendments to the scheme and bring to committee.		
Location: land to the rear of 60 Northbourne Road, Eastbourne		
Proposal: : Proposed new 2 bedroom dwelling.		
Applicant: Mr Paul Achilleous		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** William De Haviland-Reid
Post title: Customer Caseworker
E-mail: William.dehaviland-reid@lewes-eastbourne.gov.uk
Telephone number: 01323 415696



1 Executive Summary

- 1.1 This application has been brought to committee due to the volume of objections received from members of the public, given that the officer recommendation is to approve the application.
- 1.2 A previous application for the erection of a new dwelling on the site was refused. The current application has responded to objections raised by officers in refusing the previous scheme as well as concerns raised by neighbouring residents during the consultation process. An amended Flood Risk Assessment (FRA) was also received following objections from the Environment Agency.
- 1.3 The proposed development has overcome previously raised objections regarding the retention of a sufficient amount of private amenity space for the occupants of 60 Northbourne Road, visual impact within the surrounding area and the overshadowing of neighbouring properties.
- 1.4 It is considered that the proposed dwelling could be accommodated within the site without compromising the character and appearance of the surrounding area or the amenities of neighbouring residents whilst also providing suitable amenities for future occupants. It is therefore recommended that the application is approved

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

1. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

2.2 Core Strategy Local Plan 2013 Policies

- B2 Creating Sustainable Neighbourhoods
- C6 Roselands & Bridgemere Neighbourhood Policy
- D5 Housing
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO20 Residential Amenity
- UHT1 Design of New Development
- UHT4 Visual Amenity
- US1 Hazardous Installations
- US4 Flood Protection and Surface Water
- US5 Tidal Flood Risk

3 Site Description

- 3.1 The application site forms part of the residential curtilage of 60 Northbourne Road, an end of terrace property which stands on the corner of Northbourne Road and Finmere Road and shares a rear boundary with the industrial estate. The site has been annexed from the main rear garden at 60 Northbourne Road, with a gateway and fencing used as a partition. The total area of the site measures 293m².
- 3.2 The existing dwelling house fronts Northbourne Road and flanks Finmere Road. The property benefits from a front garden and sizable rear garden, divided by a fence with an off road parking space.
- 3.3 The rear garden appears to have been subject to historic alteration in that it has been shortened to provide a garage and vehicular access for the adjoining property at no. 58 Northbourne Road. Further to this, a dropped kerb and vehicular serves the host property to provide off-road parking at the far end of the garden, adjacent to the garage serving no. 58.

4 Relevant Planning History

- 4.1 000171
Erection of garage at rear accessed from Finmere Road.
Planning Permission
Approved unconditionally
10/05/2000

- 4.2 170668
Proposed new 3 bedroom dwelling
Planning Permission
Refused for the following reasons:

1. The proposed development would have a significant negative impact on the host dwelling, no. 60 Northbourne Road due to the reduction in the private amenity space serving this dwelling to facilitate the development. The new dwelling would reduce the amount of natural light received by adjacent gardens, at nos. 56 and 58 Northbourne Road. For these reasons the scheme is found discordant with Policy HO20 of the Borough Plan Saved Policies.

2. In design terms, the scheme is inappropriate with regard to siting, scale and layout. The proliferation of parked cars to the front worsens the visual impact of a property which would look out of character and out of place. Outlook from neighbouring properties to the east of the site would be unacceptably affected too. Therefore, the scheme is found to be discordant with Policy D10a of the Core Strategy and Policies UHT1 and UHT4 of the Borough Plan Saved Policies.

3. The conflict in the operational uses of the new residential dwelling and the established designated Industrial Estate contravenes the strategy formed to deliver, protect and support uses within employment land. Therefore, the scheme contravenes Policies BI2 of the Borough Plan Saved Policies and

5 Proposed development

- 5.1 The applicant seeks to erect a 2 bed detached property to the rear of 60 Northbourne Road.
- 5.2 Off-street car parking for the proposed dwelling would be provided to the north of the dwelling in the form of 2 x tandem parking spaces which would be served by way of widening the existing crossover to the rear of the site. An additional two spaces would be provided for use by the occupants of 60 Northbourne Road.
- 5.3 The proposed dwelling would provide 91.2 m² of floor space, distributed over ground and first floor levels.
- 5.4 The proposed dwelling would be approximately 6.86 metres in height to roof ridge level and 5.05m to the eaves level. The roof would be hipped on all sides and surfaced with interlocking tiles.
- 5.5 The north elevation of the proposed dwelling would be the principle elevation, incorporating the main access to the property from the drive. It would also include 4no. windows, 2 at first floor level and 2 at ground floor level of the property.
- 5.6 The east elevation would not have any windows, save for a skylight with obscured glass in the roof of the property.
- 5.7 The south elevation would have patio doors which allow access to the rear garden. It would also feature 2no. windows, one on the first floor level which serves a bathroom and is obscure glazed and one is on the ground floor which serves a toilet and is also obscure glazed. The proposed design of the obscure glazed windows on the South elevation has been amended in order to make use of high level fan lights to minimise overlooking onto neighbouring properties.
- 5.8 The original application included 2no. windows at ground floor and 2 no. windows at first floor level within the western of the dwelling. Amended plans were received (and re-consulted) which saw the removal of one of the first floor windows, with the remaining window being made obscure glazed in order to prevent any undue overlooking or perceived overlooking.
- 5.9 Covered bin and cycle storage would be provided, adjoining the eastern elevation of the proposed dwelling. Full details of these structures are not included on the submitted elevation plans and, as such, a condition would be attached to any approval to require the submission of such details.

6 Consultations

Internal:

- 6.1 Specialist Advisor (Planning Policy):
Full support from a planning policy perspective

- 6.2 CIL
Development is CIL liable
- 6.3 Senior Caseworker Contamination
No evidence of on-site contamination, conditions requiring presence absence surveys will be attached to any approval.
- 6.4 East Sussex County Council Highways
Recommend that the development be in accordance with their standing advice on minor applications.
- 6.5 Environment Agency
No Objection as long as the following condition is attached to the decision notice:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref 3887, June 2018) and the following mitigation measures detailed within the FRA:

1. All mitigation measures listed in Paragraph 7.8 are incorporated.
2. Sleeping accommodation is located on the first floor throughout the lifetime of the development, and finished first floor levels are to be set no lower than 5.92mAOD as stated, to ensure safe refuge, as explained within Paragraph 7.8.
3. Site owners/occupiers sign up to the EA Flood Warning Service (Paragraph 7.8), and an evacuation plan is implemented, including identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as stated within the 'Flood Evacuation Plan' section of the FRA. This will need to be approved by the Lead Local Flood Authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

7 Neighbour Representations – Only material representations are considered.

- 7.1 Following the amended plans being submitted and re-consultation the neighbouring comments remain as below:

Objections have been received from 44, 48, 50, 54, 58 Northbourne Road and 5 Finmere Road, covering the following points:

- Worried that the proposal will affect the privacy of neighbouring properties
- Concerned property will be used for rental purposes and have a detrimental effect on the private area of the garden with different tenants moving in and out.
- House placement will impact character of area and look out of place in the street scene.
- Car parking will become an issue on the street and will increase traffic

- pressure and pedestrians.
- Believes intended use of property does not fulfil housing need.
- Application states that site has been unused for several years, objector states this is untrue and the land has been rented out for storage.
- Will result in over-development
- Overcrowding land intended as green space.
- Building will be overbearing and detrimental to the amenity of neighbouring properties, as well as overshadowing.
- No need for more housing in the area
- Loss of light to neighbouring properties.
- Applicants reduction in length of property does not effectively deal with overshadowing and proposed development appears to be taller than other builds in the area.
- Believes house would be better built next to 60 Northbourne Road, not behind it.
- Overshadowing is likely to block light to rear gardens and rear elevations of properties, such as upstairs bedrooms.

8 Appraisal

8.1 Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs.

8.1.1 The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of one dwelling.

8.1.2 The main issues to consider when assessing this application is how the proposal will affect the amenity of the neighbouring properties and amenity of the local street scene, including highway impacts and flood risk potential.

8.2 Impact of proposed development on amenity of adjoining occupiers:

8.2.1 The original application was refused due to concerns relating to the amount of private amenity space that would remain available for use by the occupants of 60 Northbourne Road, the visual impact of the development, potential for overlooking and overshadowing of neighbouring properties and concerns relating to the proximity of the proposed dwelling to the adjacent industrial estate.

8.2.2 The previously refused scheme had the rear boundary of the curtilage of the proposed dwelling within 2.5m of the rear elevation of 60 Northbourne Road, resulting in an unacceptably small rear garden for the existing dwelling. The revised application has pulled back the proposed site boundary further to the north, providing a 5.3m long garden to the rear of 60 Northbourne Road, thereby ensuring a sufficient amount of garden space is retained for the occupants of

that property. A condition will be placed on the decision notice which ensures compliance.

- 8.2.3 The garden of the proposed development would measure 126m² which is the side and rear garden incorporated. It is considered this is adequate garden amenity for a 2 bed 2 storey property.
- 8.2.4 While it is acknowledged that the property has not changed in orientation or approximate height, based on the sun rising in the East and setting in the West, it is likely that any overshadowing generated by the development would be concentrated to the rear of the rear gardens at 58 and 56 Northbourne Road. The gardens along Northbourne Road measure 30m in length, as such it is unlikely the application can be refused based on this. It should also be noted that each property has a 1.8m panel fence which separates them, already causing overshadowing.
- 8.2.5 The eastern elevation of the proposed dwelling would be set 3.5m away from the curtilage of 58 Northbourne Road and would be stepped further back in part. This set back has been increased from the 2 metre set back shown in the previously refused scheme. The hipped roof of the proposed dwelling would also angle away from the eastern boundary, reducing any overbearing impact. The first floor level of the proposed dwelling would be finished in render so as to break up the appearance of a flat brick wall, when viewed from 58 or 56 Northbourne Road.
- 8.2.6 The roof lights on the Eastern part of the roof were of concern in the previous application in that there would be perceived overlooking, the applicants have reduced the number of roof lights to one and have proposed the remaining roof light be obscure glazed to further reduce the overlooking effect. It is considered that the change is enough to reduce the perceived overlooking to neighbouring properties to an acceptable level.
- 8.2.7 As such it is considered there will be no issues of overlooking in this proposal. A condition will be placed on the application to remove PD Rights for Windows/Doors to ensure the amenity of the neighbouring properties is protected.
- 8.2.8 The North and West elevations look onto the industrial estate and onto the highway respectively, as such it is considered that the proposal will not affect the amenity of the neighbouring properties in this regard.
- 8.2.9 The nationally described space standards require a 2 bed 2 storey property to have at least 79m² floor space and the proposed property more meets this standard with a combined ground floor and first floor area of 91.2m².
- 8.3 Design issues and surrounding area:
- 8.3.1 It is noted that the proposed property does not have a door which faces the highway. This is acceptable on balance given the side access facilitates the layout of the property to provide the staircase at the rear therefore not requiring any windows within the East elevation. The presence of windows would also

help the proposed dwelling engage within the street scene.

- 8.3.2 The proposed property will be located close to the industrial estate in Finmere Road, with a private road separating the proposed property and the nearest industrial unit and its service and storage yard. Whilst it is noted that noise could be of concern given how close the proposed property will be to the industrial estate, for the yard area is used by a builders merchants (a sui generis use), which operates at working hours only and could not be sued for any noise generating industrial uses without first obtaining planning permission. As such, it is not considered that the future occupants of the dwelling would be subjected to undue levels of noise, air or light pollution nor would the continued use of the neighbouring site be prejudiced by the presence of the proposed dwelling. Appropriate sound proofing of the proposed dwelling would also be secured during the Building Regulations process.
- 8.3.3 The design of the property is not too dissimilar to the properties located in Northbourne Road which share features such as render on the first floor and upvc windows, meaning the property would be in keeping with the appearance of surrounding residential development.
- 8.3.4 Finmere Road is mostly industrial estate, however the presence of the proposed building on the outskirts of the industrial estate would not seem out of place due to a recognisable separation line being present, and would serve to further define the line between residential and industrial.
- 8.3.5 The property would be fairly unique in its location, being the only residential property in that part of Finmere Road; the street scene itself is of no historical relevance and has no definable features that would be at risk should the proposed property be erected. Furthermore, the dwelling would visually assimilate with the predominantly residential areas to the south of the site.
- 8.3.6 It is considered that due to the location, and size of the area to be developed the proposed development would not have a significant adverse impact on the amenity of the street scene.
- 8.4 Impacts on highway network or access:
- 8.4.1 The parking area of the property has been designed for allocation of 2 no. cars, with an additional 2 spaces retained for use by the occupants of 60 Northbourne Road, in order to compensate for the loss of existing parking spaces as a result of the proposed development. An existing crossover access from Finmere Road would be widened in order to serve the development. It is considered that allowing for parking for 4 motor vehicles will help alleviate on street parking, even with the loss of 1.6m of kerb.
- 8.4.2 Finmere Road carries traffic to and from the industrial estate on a regular basis. While it is likely that the inclusion of the footpath nearest the North elevation will allow a good visibility splay for drivers to see traffic and pedestrians coming from left, the fencing furthest away from the North elevation and nearest to the existing garage will likely block the view of pedestrians and traffic coming from the right. As such, a condition shall be placed on the application which states the

existing fence should be reduced to 1m in height, allowing the driver to see traffic and pedestrians.

8.4.3 The dropped kerb is to be widened from 1.44m to 3.1m to allow for the proposed parking and access to and from Finmere Road, a lamp post will also need to be re-located. The local authority cannot give authorisation for such works as they fall under East Sussex County Council Highways and as such an informative will be placed on the application to make the applicant aware that permission will need to be sought from East Sussex County Council for such works to go ahead.

8.4.4 Finmere Road is not a classified road and, therefore, planning permission is not required for access to and from the highway from the LPA.

8.5 Other Matters:

8.5.1 *Flood Risk:*

The application submitted a full Flood Risk Assessment for this application upon request by the EA.

After re-consultation the EA no longer object to the proposal but have requested a condition is attached to any approval to ensure that relevant mitigation measures set out within the FRA are incorporated within the development and adhered to.

8.5.2 *Housing needs:*

Currently the Borough does not meet the required 5 years' worth of housing land supply and this application would contribute a net gain of 1 dwelling towards this.

Use as residential dwelling for renting purposes:

The property will be classed as C3 Dwelling house, whether the owner decides to live in the property or rent the property to tenants is not a consideration that can be taken into account when assessing this application.

8.5.4 *Potential Land Contamination:*

As outlined earlier in this report a condition will be placed onto the decision notice concerning the potential for the site.

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

10.1 Approve Conditionally

10.2 **Conditions:**

- 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 County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 18 July 2018:

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the existing or approved dwelling house (including any new window, dormer window, door, roof light or other openings) and no outbuildings shall be erected within the curtilage of the dwelling other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan.

- 4) Prior to the occupation of the proposed dwelling hereby approved, the fence located on the southern site boundary of the proposed property shall be positioned in the location shown on Drawing No. SK3 Revision B.

Reason:

To ensure the amenity of 60 Northbourne Road is safeguarded.

- 5) No part of the development shall be occupied/brought into use until visibility splays of 43 metres by 2.4 metres have been provided at the site vehicular access onto Finmere Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety

- 6) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref 3887, June 2018) and the following mitigation measures detailed within the FRA:

1. All mitigation measures listed in Paragraph 7.8 are incorporated.
2. Sleeping accommodation is located on the first floor throughout the lifetime of the development, and finished first floor levels are to be set no

lower than 5.92mAOD as stated, to ensure safe refuge, as explained within Paragraph 7.8.

3. Site owners/occupiers sign up to the EA Flood Warning Service (Paragraph 7.8), and an evacuation plan is implemented, including identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as stated within the 'Flood Evacuation Plan' section of the FRA. This will need to be approved by the Lead Local Flood Authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to ensure safe access and egress from and to the site and reduce the risk of flooding to the proposed development and future occupants.

- 7) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local

Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: To safeguard the health of future residents or occupiers of the site

- 8) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding.

- 9) The windows of the development shown on the approved plans as being obscure glazed shall remain obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjacent Properties.

10.3 **Informative**

- 1) The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- 2) The applicant is advised that the proposed development is liable for CIL and as such the CIL process will commence once the decision notice has been issued.

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.

12 **Background papers**

The background papers used in compiling this report were as follows:

- Case file