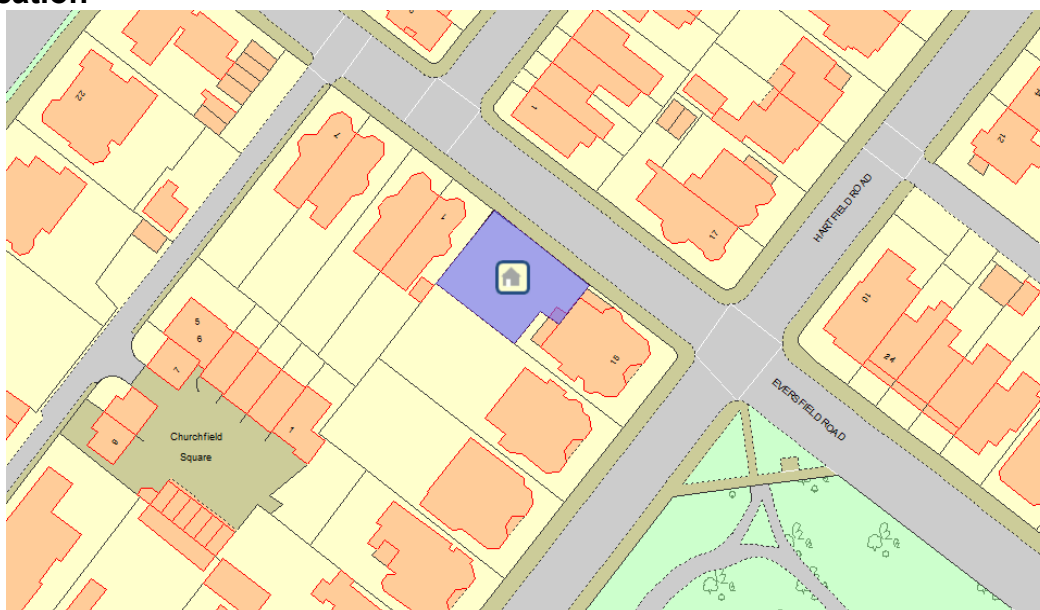


App.No: 180801	Decision Due Date: 10 th October 2018	Ward: Upperton
Officer: James Smith	Site visit date: September 25 th 2018	Type: Planning Permission
Site Notice(s) Expiry date: 8th September 2018 Neighbour Con Expiry: 8 th September 2018 Press Notice(s): N/A		
Over 8/13 week reason: In order to take the application to Committee. Extension of time agreed with applicant.		
Location: 15 Hartfield Road, Eastbourne		
Proposal: : Proposed change of use of land at the rear of 15 Hartfield Road from residential curtilage and parking to commercial parking for use by St Anne's Veterinary Group, Eastbourne with part of a low level wall to be rebuilt, provision of new sliding entrance gate and a widened vehicle cross over.		
Applicant: Mr Paul Bowler		
Recommendation: Approve conditionally		
Contact Officer(s):	Name: James Smith Post title: E-mail: Telephone number:	

Map location



1 Executive Summary

- 1.1 The application is being taken to Committee as officers consider that the history of the site justifies the need for member scrutiny.
- 1.2 The proposed application overcomes raised against the previous scheme as it can be demonstrated that hours of use can be effectively controlled and sufficient screening can be provided to minimise visual impact upon neighbouring residents.
- 1.3 The proposed use would not detract from the character and setting of the surrounding Conservation Area and would provide a viable use for the site, which is currently in a poor state of upkeep.
- 1.4 The proposed use would not result in any negative impact in terms of traffic generation and would relieve parking pressure on surrounding roads.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 2. Achieving sustainable development
- 4. Decision-making
- 11. Making effective
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

2.2 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D10: Historic Environment

2.3 Eastbourne Borough Plan Saved Policies 2007

- NE14: Source Protection Zone
- NE18: Noise
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT5: Protecting Walls/Landscape Features
- UHT7: Landscaping
- UHT15: Protection of Conservation Areas
- HO20: Residential Amenity
- TR11: Car Parking

3 Site Description

- 3.1 The site was formerly part of the rear garden of 15 Hartfield Road, a large detached dwelling which has since been subdivided into flats. The site itself flanks Eversfield Road. It has been annexed and is largely hard surfaced in concrete although it is partially overgrown in places. An approximately 1.6 metre high brick and stone wall delineates the boundary alongside Eversfield Road, with a gap formed to allow for access from the road via a dropped kerb crossover. The northern site boundary is shared with 1 Eversfield Road and the brick and stone wall continues along this boundary. The western boundary is marked by fencing and hedging and borders the rear amenity space used by the occupants of flats at 13 Hartfield Road.
- 3.2 The site is predominantly flat but is slightly raised above the level of the dwellings that line Hartfield Road.
- 3.3 The site is located within the Upperton Conservation Area which is made up of the original Upperton Estate, which was developed towards the end of the 9th Century. Hard and soft landscaping is recognised as an important characteristic by the Conservation Area Appraisal document, which was issued in 2011.

4 Relevant Planning History

- 4.1 850183
Change of Use to 5 self-contained flats.
Approved Conditionally
26/06/1985
- 4.2 040566
Removal of Condition 2 of planning permission ref EB/1985/0176 requiring parking provision on site
Approved
08/11/2004
- 4.3 040787
A pair of semi-detached three bedroom 2-storey dwellinghouses.
Refused
08/11/2004
- 4.4 110419
Erection of three two bedroom self-contained flats with off street parking at front.
Refused
27/10/2011
- 4.5 120617
Erection of 2 No. 3 bedroom dwellings with off street parking at front.
Refused
18/01/2013
- 4.6 120617
Erection of 1 No. 3 bed detached chalet bungalow.
Refused

09/01/2014

4.7 160259
Erection of detached 5 bed dwelling on land rear of 15 Hartfield Road facing Eversfield Road.
Refused
28/04/2016

4.8 171202
Proposed change of use of land at rear of 15 Hartfield Road from residential curtilage and parking to commercial parking for use by St Anne's Veterinary Group, Eastbourne.
Refused
05/12/2017

5 Proposed development

5.1 The proposal involves surfacing the site in 'grasscrete' and providing a total of 10 off street car parking spaces which would be allocated exclusively for use by staff at St Anne's Veterinary Group, which is based at 6 St Anne's Road, which is approximately 215 metres walking distance from the site.

5.2 Access to the car park would be controlled by a sliding railing gate which would be activated by pin code only. The gate would be approximately 1.5 metres in height. The existing dropped kerb crossover would be widened to 4.5 metres in order to meet ESCC Highways standards.

5.3 The northern, western and southern car park boundaries would be marked by a combination of 1.8 metre high timber post and rail fencing with beech hedging planted to the front of it.

6 Consultations

6.1 County Archaeologist:

6.1.1 Although this application is situated within an Archaeological Notification Area, based on the information provided, I do not believe that any significant archaeological remains are likely to be affected by these proposals.

6.2 Specialist Advisor (Conservation):

6.2.1 This application seeks permission for a change of use to the rear of this property from residential curtilage to allow for designated parking for a local veterinary practice. It is proposed that a gate is installed at the entrance to provide security and privacy, which, along with perimeter planting, will screen the change and create a contained and discrete space. In conservation terms, it is not anticipated that the proposed works will create any significant challenge to the character and appearance of the broader environment and on this basis, I do not wish to register an objection.

6.2.2 However, I would ask that a condition be applied requiring that a design for the

gate is submitted for our agreement before works go ahead in order to ensure that any installation is sensitive to its setting and locationally appropriate.

6.3 County Highways:

6.3.1 The proposed parking makes use of an existing access off an unclassified road. In addition, the proposed parking is likely to keep parked cars off the highway and, as such, we need not be formally consulted.

6.4 Southern Water:

6.4.1 No development or new tree planting shall be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public gravity sewer.

6.4.2 In order to protect drainage apparatus, Southern Water requests that, if consent is granted, a condition is attached to the planning permission.

7 Neighbour Representations

7.1 5 letters of objection received, raising the following concerns:-

- The use of the site for commercial car parking would not preserve or enhance the Upperton Conservation Area
- Would result in unacceptable living conditions to occupants of 15 Hartfield Road due to loss of privacy, air pollution and noise.
- Will increase volume of traffic and result in highway safety issues.
- Vehicles would be in and out all day and evening.
- Light pollution from car park lighting and car headlights.
- Will there be a management plan for the car park?
- This plot was never designed to accommodate a car park, it is a back garden.
- The boundary wall will be lowered and this would create a commercial, municipal looking eyesore.
- Would lead to a plethora of similar applications.
- Surface water would overload the sewerage system.

7.2 1 letter of comment raising the following points:-

- Do not object to the proposal but maintenance work needs to be carried out on the wall before the beech hedge is planted.
- Could the ground level of the site be brought down to previous levels as hardcore has been dumped on it over the years, raising the height.
- If these issues are addressed, I feel the proposal would be a good use of the land.

8 Appraisal

8.1 Principle of development

- 8.1.1 The site is located within the built-up area where the principle of development is considered to be acceptable.
- 8.1.2 The site has been annexed from the rear garden of 15 Hartfield Road for a substantial period of time, having originally been required, by planning condition, to be used as a car parking area serving the flats contained within that property. This requirement was removed following the approval of application 045066 and has since been annexed so as to be a separate planning unit to 15 Hartfield Road. It is therefore not considered to represent garden land.
- 8.1.3 Chapter 11 of the Revised National Planning Policy Framework (NPPF) instructs Local Planning Authorities to make efficient use of brownfield land, particularly as a means to respond to identified needs such as house building. The site has been the subject of numerous applications for housing that have all been refused, including those that have been subject to appeals. As such, it is considered that the site is not viable for residential development and, as such, an alternative use is more appropriate.
- 8.1.4 It is therefore considered that the principle of using the site for car parking is acceptable, subject to an assessment being made of potential impacts upon the character and appearance of the surrounding Conservation Area, the amenities of neighbouring residents and impact upon parking and highway safety.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.2.1 The site borders residential properties on three sides, these being 1 Eversfield Road to the west, 13 Hartfield Road to the south and 15 Hartfield Road to the east. 13 and 15 Hartfield Road have been subdivided into flats whilst 1 Eversfield Road is an individual dwelling.
- 8.2.2 A previous application for a car park occupying the site was refused under 171202 due to the amount of noise and disturbance that would have been generated and the negative impact this would have had upon the occupants of the above-mentioned properties.
- 8.2.3 The proposed application includes measures to address the previous reason for refusal. The hours of use of the car park would be restricted to the core business hours of the veterinary practice, these being as follows:-
- 08:00 – 19:00 Monday to Friday;
 - 09:00 – 16:00 Saturday
 - 09:30 – 12:00 Sunday/Bank Holidays

Concerns were raised against the previous application as no means for controlling the hours of use of the car park had been provided. The current application includes a sliding metal railing gate that could only be operated by keypad access. As such, the use of the car park could be sufficiently controlled to prevent use outside of the above hours, thereby reducing potential amenity impact.

8.2.4 Boundary treatment in the form of timber fencing and beech hedging would screen the site, ensuring its visual impact is reduced as well as preventing overspill from car headlights towards the windows of neighbouring properties. The screening would also help to dampen noise emissions. The amount of parking has also been reduced from 12 spaces to 10, thereby reducing intensity of the use and ensuring parking spaces are positioned slightly further away from neighbouring properties.

8.2.5 The level of parking provided would not be significantly greater than that which may have been expected had the site been used for car parking associated with the neighbouring flats, which is a common arrangement in such situations. Furthermore, as the parking would be used by staff members, there is less likely to be vehicle movements continuing at different times throughout the day as they are more likely to be concentrated around the start and end of shifts. As such, there would be unlikely to be sustained levels disturbance emanating from the site.

8.3 Design Issues and Impact on Conservation Area

8.3.1 The proposed would maintain the boundary walling adjacent to Eversfield Road, although a small section would be removed to allow for widened access. This wall contributes to the overall characteristic of walled boundaries maintained alongside Eversfield Road. The use of a metal railing gate across the opening would be in keeping with other gates nearby. It is also noted in the appraisal for the Upperton Conservation Area that cast iron railings were once a common feature but a large proportion had regrettably been removed over time.

8.3.2 The Upperton Conservation Area is noted for the presence of landscaping and gardens. Whilst the proposed car park would be hard surfaced, this is not different to the current arrangement on site. Furthermore, it is intended to use grasscrete and this would allow for an element of greenery on the site surface. Additional landscaping would be provided in the form of a beech hedge to be installed on all site boundaries adjoining neighbouring properties. It is considered that this hedging would soften the visual impact of the proposed car park as well as integrate with surrounding landscaping, thereby assisting visual integration of the site with its surroundings.

8.3.3 The Council's Specialist Advisor for Conservation is satisfied that the proposed development would create a contained and discrete site that would not negatively impact upon the overall character and setting of the Conservation Area.

8.4 Impacts on Trees

8.4.1 There are a number of shrubs and small trees distributed around the edges of the site, most of which are a legacy of the site becoming overgrown due to falling out of use. None of these are considered to provide any significant amenity value either on their own or as a group and it is not considered that their loss would be detrimental to the character and appearance of the surrounding area. Furthermore, the planting of the beech hedge would ensure more

sympathetic landscaping for the site.

8.5 Highway Impact

8.5.1 The proposed use would provide off street car parking for staff of the veterinary surgery in an area which is subject to parking pressure, particularly as a result of the number of large properties that have been converted to flats, with limited on site parking being provided. The site benefits from dropped kerb access from the road, and this would be widened in order to ensure that it is suitable for the proposed car park use. It is not considered that the widening of the access, by approximately 1.3 metres, would result in a significant reduction in the capacity of on-street car parking.

8.5.2 It is not considered that there would be any significant increase in traffic, given that the car park would serve an existing use. The gates do not open outwards across the highway and, therefore, will not form an obstruction to pedestrians and traffic when in use.

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 subject to the following conditions:-

10.2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

2017-94-03;
2017-94-04;

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

10.4 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, have been submitted to and approved by the Local Planning Authority.

The development shall then be implemented in accordance with the approved

level details.

Reason: In order to safeguard the amenities of neighbouring residents

- 10.5 Prior to the commencement of development, full details of all boundary screening including surfacing, fencing, landscaping walls (including any necessary repairs to the existing wall), shall be submitted to and approved by the Local Planning Authority and the approved details shall thereafter be provided and maintained in place throughout the lifetime of the development.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In order to safeguard the amenities of neighbouring residents.

- 10.6 Prior to the commencement of the development, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers.

Reason: In order to protect drainage apparatus.

- 10.7 Prior to the commencement of the development, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers.

Reason: In order to protect drainage apparatus.

- 10.8 Prior to the commencement of the development, details of surface water drainage, including measures to prevent discharge of surface water onto the highway and surrounding properties shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and flood management.

- 10.9 The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety.

- 10.10 Prior to the use of the car park, full details of the design and appearance of the gate as well as a method statement regarding the automatic operation of the vehicular access gate shall be submitted to and be approved in writing by the Local Planning Authority. The vehicular access gate shall thereafter be operated in strict accordance with the approved method statement at all times.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

10.11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff employed by St Anne's Veterinary Group.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

10.11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff employed by St Anne's Veterinary Group.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

10.12 The car park hereby permitted shall not be operational except between the hours 08:00 – 19:00 Monday to Friday; 09:00 – 16:00 Saturday and 09:30 – 12:00 Sunday/Bank Holidays

Reason: To safeguard the amenities of the locality

10.13 No external lighting shall be installed within the car park unless and until details of such lighting have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of the locality

10.13 **Informative:**

The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a widened 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.

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.