

Report to: Planning Committee
Application No: 220339
Location: Lion Works, Sidley Road, Eastbourne
Proposal: Demolition of the existing building and erection of 5no. 2 x bedroom dwellings
Applicant : HGP Investments
Recommendation: Approve subject to conditions

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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1. Executive Summary

- 1.1 This application is presented to the Planning Committee in line with the Scheme of Delegation as a total of 26 letters of objection and one petition with 28 signatures (which includes signatures from same address) have been received.
- 1.2 The application seeks permission to replace the existing two-storey office building with new 5no. 2 x bedroom dwellings. The proposed buildings will be two-storey in nature and would largely occupy similar footprint to the extant building albeit slightly larger.
- 1.3 The proposed development will be car free, but 12no cycle parking spaces would be provided on-site.
- 1.4 The fall pack position for change of use from office to residential property under permitted development rights is a material consideration. Instead of converting the building into residential units under permitted development rights, the proposal seeks to provide a well-designed scheme in this sustainably located brown site.
- 1.5 The application is considered acceptable in principle and is compliant with the Local Plan policies and the NPPF. It is therefore recommended that the application is approved subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework (NPPF) 2021:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
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 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C3: Seaside Neighbourhood Policy
- C5 Ocklynge & Rodmill Neighbourhood Policy
- D1: Sustainable Development

D5: Housing
D8: Sustainable Travel
D9: Natural Environment
D10a: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

NE4: Sustainable Drainage Systems
NE5: Minimisation of Construction Industry Waste
NE6: Recycling Facilities
NE7: Waste Minimisation Measures in Residential Development
NE22: Wildlife Habitats
NE28: Environmental Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT7: Landscaping
US2: Water Resource Adequacy
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
US4: Flood Protection and Surface Water Disposal
US5 Tidal Risk
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO3: Retaining Residential Use
HO7: Redevelopment
HO9: Conversions and Change of Use
HO11: Residential Densities
HO12: Residential Mix
HO20: Residential Amenity
TO1: Tourist Accommodation Area
TO2: Retention of Tourist Accommodation
TR2: Travel Demands
TR4 Quality Bus Corridors
TR6: Facilities for Cyclists
TR11: Car Parking.

2.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016):

Policy EL1 – Economy and Employment Land.

2.5 Eastbourne Town Centre Local Plan 2013:
TC6 – Residential Development in the Town Centre
TC9 – Building Quality
TC10 – Building Frontages.

2.6 Supplementary Planning Documents and other relevant guidance:
Sustainable Building Design SPD
EBC Sustainability in Development TAN
EBC Biodiversity Net Gain TAN.

2.7 Other Guidance:
National Design Guidance.

3. Site Description

3.1 The application site relates to a two-storey office building consisting of brick with access from Sidley Road along a narrow single access road.

3.2 To the rear the site backs onto a private pedestrian access serving the rear gardens of properties fronting Royal Parade.

3.3 It is located in a residential area and is surrounded by two storey properties fronting Sidley Road to the north-west and Royal Parade to the south and south-east.

3.4 Site Constraints
Predominantly Residential Area
Source Protection Zone
Flood Zones 2 and 3.

4. Proposed Development

4.1 Planning permission is being sought for the demolition of the existing building and erection of 5no. 2 x bedroom dwellings.
The proposed units 1-5 all have two bedrooms (one single and one double).

4.2 During the application the proposal was amended as follows:

- Height of south-eastern end of the proposed building was reduced from two storey to single storey to prevent harmful impacts on residential amenity of adjacent occupiers and as such the proposed structure would be similar to the existing.
- Unit 6 removed from the scheme due to EA objection to ground floor sleeping accommodation reducing the total proposed units from six to five.

- 4.3 Cycle storage and refuse bins storage would be provided to the front of the units and the development would be car free.

5. Relevant Planning History

- 5.1 050492 - Change of use from storage (B8) with ancillary offices to offices (B1) with photographic, voice over and video editing suites. General repairs and upgrading of building including re-surfacing parking area, creation of garden and replacement UPVC windows. Approved conditionally - 24/10/2005
- 5.2 970130 - Change of use from book binding workshop with ancillary storage to storage with ancillary offices. - Approved conditionally 14/08/1997.

6. Consultations

- 6.1 East Sussex Highways:
No objection subject to the conditions.

The main issue with this development is the lack of parking provided; however, considering the previous use on the site, the associated parking demand and substandard width of the access an objection solely on this basis would be difficult to uphold.

- 6.2 Environmental Health:
No response received.

- 6.3 Waste Services:
No response received.

- 6.4 SUDS:
The LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from the proposal.

- 6.5 Environment Agency:
30/03/2023
Conditional response.

16/05/2022
Conditional response
Bedrooms to be restricted to first floor and above, with non-sleeping accommodation only on the ground floor.

- 6.6 CIL Consultations:
This application would be liable for CIL as per EBC charging schedule, provided they are houses and not flats.

7. Other Representations

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters
- b. site notices displayed in roads neighbouring the site and

7.2 Neighbour Representations:

A total of 26 letters of objection and one petition with 28 signatures which includes signatures from same address) have been received in which the following summarised concerns were raised:

- Overdevelopment
- Noise
- Air pollution during the build
- Design an external appearance of the proposed buildings
- Loss of light on adjoining houses – due to roof design
- Overlooking and loss of privacy due to insufficient separation distances
- Contamination risks
- Flooding risks on adjoining properties
- Increased traffic and pressure on on-street parking
- Lack of parking for residents
- Changing use to residential would open the area up to 24/7 activity and leading to decrease in privacy and noise for adjacent occupiers
- Pollution from refuse bins for adjoining no.16 Sidley Road
- No suitable parking areas for construction and trades vehicles
- Very narrow access for emergency services
- Narrow pedestrian access
- Contrary to policy B1 which seeks continued usage for the same purpose
- Lack of water efficiency calculations
- Lack of transport assessment report
- Lack of waste and recycling checklist
- Increased pressure on drainage and sewerage
- Negative environmental and health impact on no.16 from the refuse bins

Non-planning considerations:

- Risk to existing foundations of and services to adjoining properties (Officer note: This is covered under Building Regulations legislation)
- Damage to neighbouring properties (Officer note: This is a civil matter)
- Devaluing of surrounding properties.

8. Appraisal

8.1 Key Considerations:

8.2 Principle of Development:

Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.

The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43-year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site is located within a sustainable location and the approved use of the building is currently in office use. Economic objectives are one of the three overarching objectives of sustainable development. Para. 80 of the NPPF states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

8.3 Design, Character and Impact Upon Landscape:

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF:

The proposed development would have limited public vistas and only visible from Sidley Road as one travels north to south. The scale and design would be in keeping with the existing building to be replaced and also with the wider area.

The proposed external materials are traditional bricks and tiles to reflect those used in the surrounding area. This is considered acceptable and would be secured by way of condition.

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

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013 and para. 130 of the NPPF.

The site is in current use as offices with windows at first floor level overlooking the properties to the west nos. 2-16 Sidley Road and the current arrangement between properties is similar to the proposed development. It is thus considered that the proposed buildings would not lead to unacceptable levels of overlooking/loss of privacy and would not increase in noise or general disturbance emanating from the site over and beyond the existing. To the rear, there are proposed rooflights to the units serving bathroom, hallway and stairway and to prevent overlooking, this can be controlled via a condition by restricting the cill-height of any openable parts. The proposed is not considered to harm the amenities of the area which is characterised by a variety of land uses.

In addition, the site has a fall-back position for change of use from office to residential property under permitted development rights which is also a material consideration. Instead of converting the building into residential units under permitted development rights, the proposal seeks to provide a well-designed scheme in this sustainably located brown site

Officers are mindful of a similar development at 145A Ashford Road ref no. 200242 which was allowed on appeal where noise disturbance and overlooking wasn't considered to be a reasonable reason for refusal.

It is therefore considered that there would be no adverse impact upon the amenities of neighbouring residents.

8.5 Amenity and living standards of future occupiers:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy.

2-bedroom, 3person, 2 storey dwelling: Requirement = 70sqm /Proposed units 1-5 = approx 70-76sqm.

2-bedroom, 4person, 2 storey dwelling: Requirement = 79sqm /Proposed unit 6 = approx 88sqm.

Para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area; the proposed height meets this requirement in all properties.

Single aspect and all habitable rooms would be served by clear glazed windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. The guidance in the National Design Code advises that good quality housing creates a pleasant indoor environment with adequate levels of natural lighting, and sunlight, without problems of overheating, good quality ventilation and privacy from overlooking. Internal layouts should maximise access to natural daylight and provide appropriate levels of glazing to ensure adequate internal lighting without problems of overheating. The scheme meets these aims.

Each unit would be provided with an outdoor amenity space.

8.6 Transport and Parking:

Relevant policy: Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and para. 110 of the NPPF.

ESCC Highways Authority has been consulted and they have raised no objection subject to conditions. They have also commented that considering the previous use on the site, the associated parking demand and substandard width of the access an objection solely on this basis would be difficult to uphold.

ESCC Highways Authority have also commented that given the location of the site, width of the access and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, and this would be sought via a planning condition.

With regards to cycle parking the East Sussex County Council Guidance for Parking at Residential Developments, a 2-bedroom house should be provided with 2 cycle parking space per unit. The proposed development seeks to provide 12 cycle parking spaces. A cycle storage should be covered, secure and located conveniently for users. Details of the cycle stores have not been submitted with this application, but these can be sought by way of a condition in any given approval.

The site is located in a sustainable location given the area has frequent bus services and the nearest train station is Eastbourne Town Centre.

A bin storage area along the north boundary and to the front of the buildings has been shown on the submitted block plan. Refuse collection would thus take place from the front of the site. It is considered that the bin storage area for the proposed development is in location where bins can easily be moved to the highway for collection.

8.7 Flooding and Drainage:

Saved Policy US4 states that all development should make adequate provision for floodplain protection and surface water drainage, in order to ensure that:

a) no overall reduction in flood storage capacity and flood waterway area occurs;

b) measures are provided to manage increased surface water runoff to minimise the risk from flooding, whilst not increasing the risk of flooding elsewhere.

Saved Policy US5 states that development will not be permitted in areas considered to be in consultation with the Environment Agency, at an unacceptable risk of flooding from the sea.

The Environment Agency has been consulted and no objection was raised subject to condition that the development is carried out in accordance with the submitted flood risk assessment (FRA, ref 11322, October 2021)

With regards to hard landscaping, the use of hard-surfaced materials and the installation of channel drains to prevent surface water discharge onto the highway would be encouraged. ESCC Highways have not raised any objections regarding surface water runoff. Details of hard landscaping materials can be secured via a condition.

8.8 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.

8.9 Conclusions:

The application is considered acceptable in principle and is compliant with the Local Plan policies and the NPPF.

9. Recommendations

9.1 It is therefore recommended that the application is approved subject to conditions.

10. Conditions:

- 10.1 **Timeframe:** 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).

- 10.2 **Drawings:** The development hereby permitted shall be carried out in accordance with the following approved drawings published on EBC website on 03/05/2022 and 24/03/2023:

- Drawing: 7102/001 site/block plan
 - Drawing: 7102-024-C - Site Sections/Elevations Proposed
 - Drawing: 7102/023 Rev C 7102-024-C - Site Sections/Elevations. Proposed -
 - Drawing: 7102/022 Rev D Roof Plan Proposed
 - Drawing: 7102/021 Rev E First Floor Plan Proposed
 - Drawing: 7102/020 Rev J Ground Floor Plan Proposed.
- Documents -
- Flood Risk Assessment (FRA, ref 11322, October 2021).

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

- 10.3 **Materials:** Samples of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure that the development has a satisfactory appearance.

- 10.4 **Landscaping:** Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
- b) details of all hard surfaces;
- c) all boundary treatments;
- d) a schedule detailing sizes, species and numbers of all proposed trees/plants
- e) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

- 10.5 **Cycle storage facilities:** No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10.6 **Refuse and recycling storage facilities:** Notwithstanding the approved drawing, prior to the first occupation of the development hereby approved details of the enclosure to the proposed refuse and recycling storage facilities shall be provided and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved drawings prior to the first occupation of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

- 10.7 **Demolition, Construction and Environmental Management:** Prior to commencement of development, including any ground and demolition works, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide details as appropriate, which shall address but not be restricted to the following matters:

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of demolition and removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- storage of plant and materials,
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public

highway (including the provision of temporary Traffic Regulation Orders);

- measures to manage the impact upon local air quality;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

Thereafter the approved DCEMP shall be implemented and adhered to in full throughout the entire demolition/construction period.

Reason: In the interests of highway safety and the amenities of the area.

- 10.8 **Foul sewer:** Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of the localised flooding and the amenity of the area.

- 10.9 **Travel Plan initiatives:** Upon occupation of the development each residential unit shall be provided with either a bus taster ticket or £100 cycle voucher plus a supermarket delivery voucher.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10.10 **Flood Risk:** The development shall be carried out in accordance with the submitted flood risk assessment (FRA, ref 11322, October 2021) and the following mitigation measures it details:

- Finished floor levels will be no lower than the stated finished floor levels in Section 3.4 of the FRA (4.2M;4.25M and 4.3 AOD).
- Bedrooms to be restricted to first floor and above, with non-sleeping accommodation only on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 10.11 **Rainwater run off:** 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 shall be retained as such thereafter.

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

- 10.12 **Obscure glazing:** The first-floor windows in the rear elevation of the development, hereby approved, shall be obscurely glazed and non-opening to a minimum height of 1.7m above internal finished floor level, and shall be installed prior to first use of the development and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and future occupiers.

- 10.13 **Permitted development rights removed:** 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 enlargement or extension, window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority to the dwellings hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties.

- 10.14 **Use of flat roof:** The flat roof of the single storey element of unit 5, hereby approved, shall not at any time be used for sitting out, as an amenity area or for any other purpose other than that of an emergency or for maintenance.

Reason: To safeguard the amenity of the occupiers of adjoining properties.

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. **Appendices**

- 12.1 None.

13. **Background Papers**

- 13.1 None.