

# Planning Committee

## 20 November 2018



Working in partnership with **Eastbourne Homes**

### Time and venue:

**6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG**

### Membership:

**Councillor Jim Murray (Chair); Councillors Janet Coles (Deputy-Chair) Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch, Margaret Robinson and Barry Taylor**

### Quorum: 2

*Published: Monday, 12 November 2018*

## Agenda

- 1 Minutes of the meeting held on 23 October 2018. (Pages 1 - 6)**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 147 Priory Road. Application ID: 180865. (Pages 7 - 16)**
- 7 Langney Shopping Centre Car Valet, Langney, 64 Kingfisher Drive. Application ID: 180931. (Pages 17 - 24)**
- 8 Savoy Court Hotel, 11-15 Cavendish Place. Application ID: 180826 (PPP) and 180827 (LBC). (Pages 25 - 42)**
- 9 Unit 7 and 8, The Crumbles. Application ID: 180666/7. (Pages 43 - 52)**
- 10 South Downs National Park Authority Planning Applications.**

## Information for the public

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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## Speaking at Planning

### Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

**Please note:** Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

## Information for councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:** Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01323 410000

**Website:** <http://www.lewes-eastbourne.gov.uk/>



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## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 23 October 2018 at 6.00 pm**

### **Present:**

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch and Gordon Jenkins (Reserve) (as substitute for Barry Taylor)

### **Officers in attendance:**

Leigh Palmer, Senior Specialist Advisor for Planning  
James Smith, Specialist Advisor for Planning  
Joanne Stone, Lawyer for Planning

### **Also in attendance:**

Katie Maxwell, Committee Officer

### **52 Minutes of the meeting held on 25 September 2018.**

The minutes of the meeting held on 25 September 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

### **53 Apologies for absence.**

Apologies for absence were reported from Councillor Robinson and Taylor.

### **54 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Metcalfe MBE, declared a prejudicial interest in minute 57 Site 8, Pacific Drive, Sovereign Harbour, as he lived directly opposite the application site. Councillor Metcalfe MBE, withdrew from the room whilst the application was considered and did not vote thereon.

### **55 15 Hatfield Road. Application ID: 180801.**

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 – **UPPERTON.**

**Resolved: (Unanimous)** That permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-  
2017-94-03;  
2017-94-04.
3. 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.
4. 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.
5. 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.
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.
7. 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.
8. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
9. 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.

10. 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.

**56 2-4 Moy Avenue. Application ID: 180006.**

Proposed refurbishment and extension to existing former telephone exchange building and the construction of two, part two, three and four storey buildings to the rear to provide a total of 85 residential units, 58, one and two bed flats and 27, two storey, one and two bed maisonettes. A total of 88 on site car parking spaces will be provided – **ST ANTHONYS**.

The committee was advised, by way of an addendum report, that since the publication of the agenda, 27 further responses had been received and were summarised as follows:

1. The application wrong for the site
2. Overlooking
3. There would be highway and parking problems
4. It would be overbearing to properties in the areas
5. There would be a loss of privacy
6. There would be an adverse impact on living conditions
7. The local infrastructure would be impacted (doctors schools etc)
8. The visibility splay will cause issues / blocking causing safety issues
9. Loss of light
10. Not suitable for disabled access to the flats, not compliant with Part M of the building regulations
11. Parking for disabled were few and poorly located and designed
12. Too many units
13. Located on a school route
14. Right to light
15. When assessed on nearby development site may have a communicative impact.

Ann Clarke addressed the committee in objection stating that the development was not in keeping with the surrounding area, Council policy states that there should be no more than 42 dwellings on the site. She stated that there would be a loss of light, overshadowing and loss of privacy. Ms Clarke was also concerned about the effect on the infrastructure, which would harm the surrounding neighbourhood.

Nicola Mason, addressed the committee on behalf of the Neighbourhood Panel, stating that there would be a loss of amenity space, loss of light and the proposed access and visibility splays would not be sufficient or safe for access and egress. Ms Mason also mentioned the lack of wheel chair access to the ground floor flats.

Councillor Tutt, Leader of the Council and Ward Councillor, addressed the committee in objection stating that the principle of development was

supported by residents however the number of dwellings had now trebled. He stated that the applicant had met with residents and himself to discuss amendments which had subsequently not been made. He stated that there would be a loss of light and privacy and agreed with Ms Mason regarding the access / egress to the site and with Ms Clarke regarding the effect on the infrastructure.

Simon Bareham, addressed the committee on behalf of the applicant and stated that the proposal was a well-designed scheme for open market and affordable housing. Both the applicant and Officers had met to resolve the Inspector's concerns. The number of dwellings had been reduced to mitigate the overlooking concerns. Both the height and appearance of the proposal had been acceptable to the Inspector.

The committee discussed the application and felt that the increase in the number of dwellings would have a serious and detrimental effect on the infrastructure and neighbouring residents. Members were also concerned that the Horsey sewer path through the site had not been established.

**Resolved (Unanimous):** That permission be refused on the grounds that:

By virtue of the scale of development, the number of units, the height, bulk and mass of the proposed buildings on the site (blocks 2 and 3) the proposal is considered an unneighbourly over development of the site with an overbearing and unneighbourly relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of outlook, privacy from overlooking to properties and their rear gardens contrary to saved policy HO20 of the Borough Plan 2007, Policy B2 of the Core Strategy Local Plan 2013 and Paragraph 17 of the National Planning Policy Framework 2012.

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.

**57 Site 8, Pacific Drive. Application ID: 180858.**

Variation of conditions 2 (Approved Drawings) and 3 (Boundary Treatments) following grant of reserved matters dated 8 June 2015 for the development of Site 8, for up to eight dwellings to provide vehicle access gates to the driveway, additional side access to No.1 Port Moresby Place (previously plot 8) amendments to the layout of the car parking area, and alterations to the landscaping plan with retaining wall to area for future berth holder facilities (Ref: 141469) – **SOVEREIGN**.

The committee was advised, by way of an addendum report, that two letters of objection had been received and were summarised as follows:



1. The gates would prevent emergency and maintenance access. The land was for public use and it would be wrong to limit access;
2. The gates should only be at the access to the car park;
3. There had been unacceptable delays in providing access to the public open space.

The committee considered the application and requested that one of the plants proposed for landscaping be removed due to the size and speed with which it grows and that the managing company ensure the emergency services are provided with the relevant codes to access the secure gates.

NB: Councillor Metcalfe, MBE left the room whilst this item was considered.

**Resolved (Unanimous):** That the variation of condition application for the amendments set out in the application be granted.

**58 Appeal Decision - 2 Upland Road.**

The Inspector dismissed the appeal.

**Resolved:** That the appeal decision be noted.

**59 South Downs National Park Authority Planning Applications.**

There were none.

The meeting ended at 7.32 pm

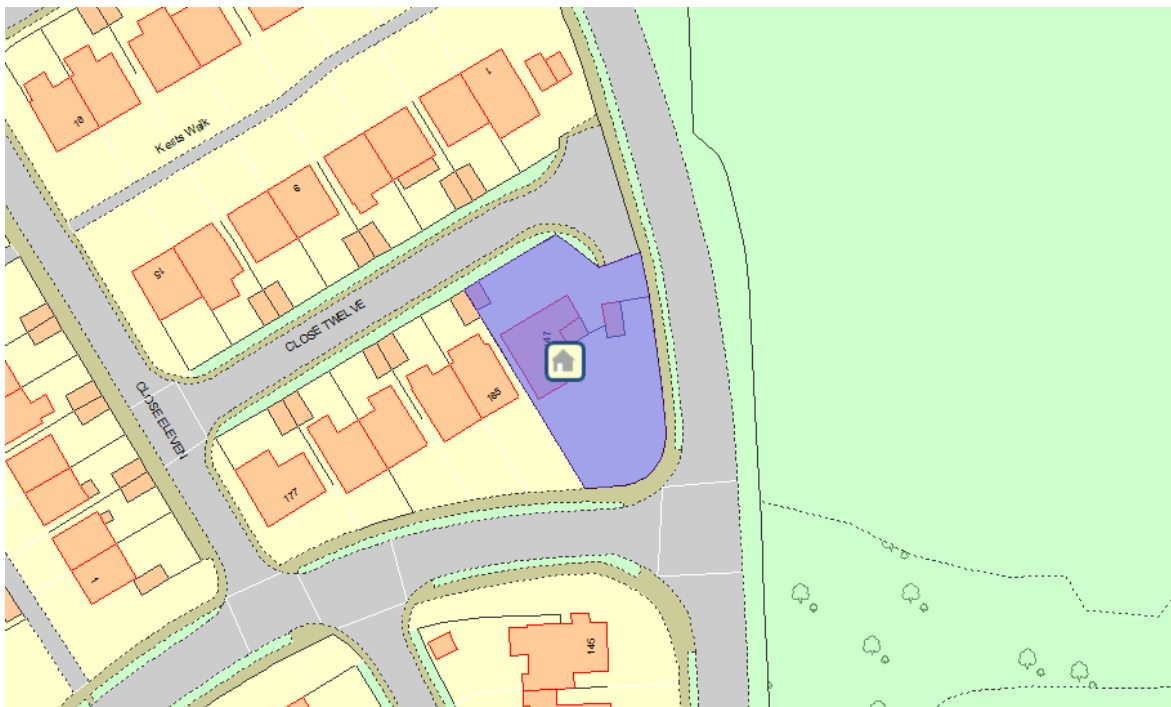
Councillor Jim Murray (Chair)

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# Agenda Item 6

<b>App.No:</b> 180865	<b>Decision Due Date:</b> 26 <sup>th</sup> October 2018	<b>Ward:</b> St Anthonys
<b>Officer:</b> James Smith	<b>Site visit date:</b> 17 <sup>th</sup> September 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 1 <sup>st</sup> October 2018 <b>Neighbour Con Expiry:</b> 1 <sup>st</sup> October 2018		
<b>Over 8/13 week reason:</b> To allow for the application to be presented at committee.		
<b>Location:</b> 147 Priory Road, Eastbourne		
<b>Proposal:</b> : Demolish part of the existing dwelling and garage and erect a new detached bungalow and create an additional 2 off street parking spaces with new vehicular access		
<b>Applicant:</b> Mr P Potter		
<b>Recommendation:</b> Approve Conditionally		

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



## **1 Executive Summary**

- 1.1 This application is being presented to committee as it has an officer recommendation for approval and more than 6 letters of objection have been received from members of the public.
- 1.2 The proposed dwelling would be in keeping with neighbouring residential development, would not erode the amenities of neighbouring residents and would provide a good standard of living conditions for future occupants.
- 1.3 The proposed dwelling would not result in any adverse impact upon highway safety.
- 1.3 The proposed dwelling incorporates suitable flood mitigation measures that would prevent future occupants from being subjected to unacceptable risk of flooding.

## **2 Relevant Planning Policies**

### **2.1 Revised National Planning Policy Framework 2018**

2: Achieving sustainable development  
4: Decision Making  
5: Delivering a sufficient supply of homes  
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 Local Plan Policies 2013**

B1: Spatial Development Strategy and Distribution Sustainable Centre  
B2: Sustainable Neighbourhood  
C8: Langney Neighbourhood  
D5: Housing  
D10a: Design

### **2.3 Eastbourne Borough Plan Policies 2007**

UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
HO20: Residential Amenity  
TR11: Transport & Parking  
US4: Flood Protection and Surface Water Disposal

## **3 Site Description**

- 3.1 The site is occupied by a detached L-shaped bungalow dwelling which has red/yellow brick elevation walls and a tiled, gable ended roof. A single-storey lean-to extension has been added to the front and side of the building and a

further flat roof extension has been added to the rear of this. There is also a detached flat roof garage to the side of the dwelling which is accessed from the rear of the site via Close Twelve.

- 3.2 The site occupies a corner plot on a residential road, the frontage facing on to Wordsworth Drive with the side elevation running parallel to Priory Road. The site frontage is open plan, in common with the majority of neighbouring development. The site backs on to Close Twelve which is a cul-de-sac which provides rear vehicular access to the site and other neighbouring dwellings.

## **4 Relevant Planning History**

- 4.1 EB/1972/0999  
Erection of a detached bungalow in lieu of a pair of semi-detached bungalows previously approved.  
Approved Conditionally  
1973-01-25

## **5 Proposed development**

- 5.1 The proposed development involves the demolition of the single-storey extensions to the existing dwelling, as well as the detached garage, and replacement with a new detached two-bedroom bungalow dwelling.
- 5.2 A new dropped kerb crossover would be formed to the rear of the site to provide access to 2 x hard surfaced car parking spaces which would serve the existing dwelling. The existing crossover which serves the detached garage to the rear of the site would be utilised to provide access to a further 2 x hard surfaced car parking spaces which would serve the proposed dwelling.

## **6 Consultations**

- 6.1 Specialist Advisor (Planning Policy)
- 6.1.1 The Core Strategy policy B1 identifies Langney as a sustainable neighbourhood and it states that higher residential densities will be supported in these areas. The site is located within a predominantly residential area as defined by Eastbourne Borough Plan Policy HO2. The National Planning Policy Framework supports sustainable development and planning permission should be granted to meet local and national housing needs. 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). This application will result in a net gain of 1 dwelling and the Council relies on windfall sites as part of its Spatial Development Strategy Policy B1.
- 6.1.2 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 1<sup>st</sup> 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'.

6.1.3 The size of the proposed bedrooms is above the standard specified within the 'Technical Space Standards – nationally described space standard.'

6.1.4 The application is supported by policy.

## 6.2 Environment Agency

6.2.1 We consider that planning permission could be granted to the proposed development, as submitted, if a condition is attached to ensure development is carried out in accordance with the submitted Flood Risk Assessment (FRA). Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

## 7 **Neighbour Representations**

7.1 Letters raising objections to the development have been received from 7 individual addresses. A summary of the objections raised is included below:-

7.2 Letters raising objections to the development have been received from 7 individual addresses. A summary of the objections raised is included below:-

- Overdevelopment of the site, too much is crammed in;
- Would restrict visibility at the exit of Wordsworth Drive on to Priory Road where there is already visibility issues;
- The service road to the rear of the property is not suitable for more vehicles;

## 8 **Appraisal**

### 8.1 Principle of development:

8.1.1 Para. 11 of the revised NPPF (2018) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.

8.1.2 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.

8.1.3 The site is located within the built-up area, where the principle of development is acceptable. The site also falls within an area identified as predominantly residential within the Eastbourne Borough Plan. Infill development of sites in predominantly residential areas is encouraged by Policy HO2 of the Borough Plan.

8.1.4 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of

the paragraph which instructs decision to take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change;

- 8.1.5 Para. 127 refers to potential impacts on character and remarks that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'
- 8.1.6 The principle of the development is therefore considered to be acceptable, subject to accordance with relevant planning policies.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area :
- 8.2.1 The proposed dwelling would be positioned on a corner plot, in general alignment with the existing dwelling at 147 Priory Road. Due to the orientation of the dwelling and the siting of the plot, the front elevation would face out towards Priory Road, as would the eastern (side) elevation, whilst the rear elevation would face back on to the service road (Close Twelve). As such, the proposed bungalow dwelling would have a similar relationship with neighbouring dwellings as does existing residential development in the locality.
- 8.2.2 The single-storey height of the proposed dwelling combined with the degree of separation from neighbouring dwellings to the front and rear, and the alignment with front and rear elevations of neighbouring dwellings to the side would prevent the proposed dwelling from appearing overbearing or causing undue levels of overshadowing.
- 8.2.3 All windows would be at ground floor level. Any views from the side and rear facing windows would be interrupted by site boundary treatment in the form of 1.8 metre high timber fencing. Front facing windows would look out towards the road. In any case, the nearest residential property that would be within view of primary habitable room windows serving the proposed dwelling is 1 Keats Walk, which is located approximately 26 metres to the north-west.
- 8.2.4 The use of the proposed building as a two bedroom dwelling is considered to be fully compatible with surrounding residential uses, being of a similar size to nearby dwellings.
- 8.2.5 The proposed dwelling provides a Gross Internal Area (GIA) of 85.9 m<sup>2</sup>, which comfortably exceeds the minimum GIA of 70 m<sup>2</sup> prescribed for a single storey 2 bedroom dwelling within the Technical Space Standards – nationally described space standard document.
- 8.2.6 The proposed dwelling would be well served by windows on all aspects of the building, providing good levels of natural light permeation and natural ventilation. The future occupants would have access to garden space of comparable size to neighbouring residential properties, as would the occupant of the existing dwelling following the partitioning of the site.

8.2.7 It is therefore considered that the amenities of neighbouring residents would be preserved whilst the amenities enjoyed by future occupants would be of a good standard.

8.3 Design and impact on character of surrounding area :

8.3.1 The proposal involves partitioning the existing site, which is currently occupied by one dwelling, in order to annex the plot for the proposed development. It is noted that the original residential development of the area included the siting of two dwellings within this space, but that this was amended at a later date under application EB/1972/0999. The redevelopment of the site, accounting for the presence of two dwellings, would result in a residential density of approximately 27 dwellings per hectare, which remains lower than the prevailing density within the surrounding area which is approximately 38 dwellings per hectare. It is considered that this demonstrates that the site has the capacity for an intensification of development.

8.3.2 The front and rear elevations of the proposed dwelling would be in broad alignment with the row of dwellings consisting of 177 – 185 Wordsworth Drive and 147 Priory Road. The open plan nature of the front garden area would also be maintained. As such, the spatial characteristics of the surrounding area would not be compromised by the proposed development.

8.3.3 The proposed dwelling would be marginally higher at ridge height than the neighbouring property but not to the extent that it would appear overly dominant and incongruous within the street scene. This is a necessary design feature due to the requirement for raised floor levels as a flood mitigation measure. These requirements would apply to any new building work within Flood Zone 3. The overall design, being that of an L-shaped bungalow dwelling, would be consistent with the character and appearance of neighbouring dwellings. Furthermore, the proposed dwelling would replace an assortment of extensions and a detached garage associated with the existing dwelling and would therefore result in a less cluttered appearance to the site, improving the character and appearance of the surrounding area.

8.3.4 The proposed development would not result in the loss of any valuable landscape features and would maintain the open plan nature of the surrounding area.

8.4 Impacts on highway network and access:

8.4.1 The proposed development would include two off-street car parking spaces retained for the occupants of the existing dwelling and a further two provided for the occupants of the proposed dwelling. The parking spaces for the existing dwelling would be accessed via a new dropped kerb crossover whilst the existing dropped kerb crossover serving the garage currently occupying the site would be utilised for the other spaces. The level of car parking provided for the both properties accords with ESCC Highways Standing Advice. As such, it is not considered that the proposed development would result in an increase in on street parking stress on the surrounding highway network.



- 8.4.2 A number of letters of objection have been received which have raised concerns that the proposed dwelling would obstruct views of the highway for motorists turning out of Wordsworth Drive onto Priory Road and vice versa. It is noted that there is already a single-storey garage in a position closer to the road than the proposed dwelling. Furthermore, measurements taken from the junction in question show visibility splays well in excess of the required distance of 43 metres for a 30 mph limit road, would be maintained following the development and, as such, it is not considered that the proposed works would result in an unacceptable risk to highway safety.

## **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 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).

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

25840-01;  
25840 11;  
25840 14;  
25840 16;  
25840 17;

Flood Risk Assessment Ref: 06696-jmla-TP-00-RP-D-2110-S4-P02

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

- 10.4 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (28 August 2018) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are to be set no lower than 3.5m AOD as stated in para. 7.6 of the FRA;
2. A site-specific Flood Emergency Evacuation Plan is implemented as part of the development, as stated in para. 7.6. This is because occupants have no access to safe refuge, thus require identification and provision of

- safe route(s) into and out of the site to an appropriate safe haven;
3. Site owners/occupiers sign up to the Environment Agency's Flood Warning Service as detailed in para. 7.6 of the FRA, in order for them to have sufficient time to evacuate the site in advance should it be required.
  4. Appropriate flood resistance and resilience measures are to be incorporated within the development, as detailed in para. 7.6, to help prevent flood water entering the property and limit the damage caused to the structure and fittings;

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, and ensure the safety of, the proposed development and future occupants.

- 10.5 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 dwellinghouse 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 future occupants due to loss of garden space and for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan

- 10.6 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing dwelling at 147 Priory Road.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 10.7 The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan 25840 11 to allow for 2 cars to be parked on each site. Thereafter, the parking and turning spaces shall be maintained in place throughout the lifetime of the development.

Reason: To enable vehicles to enter and leave the site in a forward gear in the interest of highway safety.

- 10.8 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 hardstanding or and/or car parking spaces shall be formed to the front of the dwelling, nor shall any

vehicular access be provided from Priory Road or Wordsworth Drive.

Reason: In the interests of road safety and in order to preserve the character and appearance of the street scene.

- 10.9 The hard standing areas hereby approved shall be surfaced in porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard standing to a permeable or porous area or suitable soakaway within the curtilage of the property.

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

- 10.10 Prior to occupation of the approved dwelling, full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) site boundary treatment;
- (iii) car parking layouts;
- (iv) hard surfacing materials;
- (v) soft landscaping plans;
- (vi) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (viii) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 10.11 **Informative:**

- 10.12 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.

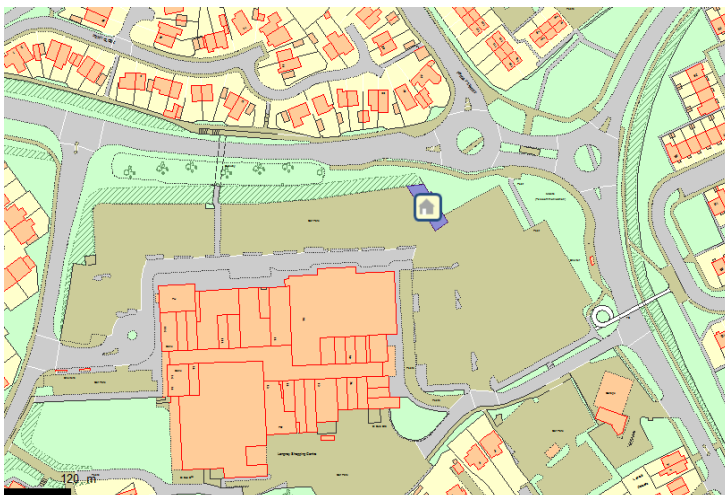
## **11 Appeal**

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.

# Agenda Item 7

<b>App.No:</b> 180931	<b>Decision Due Date:</b> 16 November 2018	<b>Ward:</b> Langney
<b>Officer:</b> Chloe Timm	<b>Site visit date:</b> 18 October 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 22 October 2018 <b>Neighbour Con Expiry:</b> 22 October 2018 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Planning Committee		
<b>Location:</b> Langney Shopping Centre Car Valet, Langney, 64 Kingfisher Drive, Eastbourne		
<b>Proposal:</b> Proposed change of use of part of the surface area car park to Langney Shopping Centre and construction of a single storey industrial building for use as a tyre fitting, tyre repair and wheel replacement premises containing 4 no. bays for customer vehicles and associated office, staff area and reception (Amended scheme following refusal of application 180257).		
<b>Applicant:</b> Mr Jay French		
<b>Recommendation:</b> Approve Conditionally		

**Contact Officer(s):**      **Name:** Chloe Timm  
   **Post title:** Senior Caseworker  
   **E-mail:** Chloe.Timm@lewes-eastbourne.gov.uk  
   **Telephone number:** 01323 415962



## **1 Executive Summary**

- 1.1 The application is reported to planning committee at the request of ward Councillor and due to the number of objections received and officers supporting the proposal.
- 1.2 The site of the proposal is within the north car park of Langney Shopping Centre.
- 1.3 The application is seeking planning permission for business P1 Pitstop to operate within the car park of Langney Shopping Centre to include the erection of an office and maintenance bays. P1 Pitstop would offer services of tyre replacements.
- 1.4 The proposal has been amended following the previous committee decision and now proposes the tyre fitting centre solely with the car wash being deleted from
- 1.5 the proposal.

Scheme, design and appearance are considered appropriate for the site and surrounding area and is recommended for approval subject to conditions.

## **2 Relevant Planning Policies**

- 2.1 Revised National Planning Policy Framework 2018  
2: Achieving Sustainable Development  
4: Decision-making  
11: Making effective use of land  
12: Achieving well-designed places
- 2.2 Core Strategy Local Plan 2013 Policies  
B1: Sustainable Neighbourhood  
C8: Langney Neighbourhood Policy  
D1: Sustainable Development  
D4: Shopping: Langney Shopping Centre  
D5: Housing  
D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007  
B17: Design Criteria  
NE3 Conserving Water Resources  
NE4: Sustainable Drainage Systems  
NE28: Environmental Amenity  
HO20: Residential amenity  
SH7: District Local and Neighbourhood Centres  
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal  
US4: Flood Protection and Surface Water  
UHT1: Design of New Development  
UHT4: Visual Amenity  
UHT8: Protection of Amenity Space

### **3 Site Description**

3.1 The application site relates to part of the surface car park serving the existing Langney Shopping Centre.

### **4 Relevant Planning History**

#### **4.1 130229**

Extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping.

Planning Permission

Approved conditionally

24/09/2014

#### **4.2 180257**

Proposed installation of an office, maintenance bays, car washing canopy and car cleaning facilities within the car park area of Langney Shopping Centre for use by P1 Pit Stop. Services to include tyre replacement, vehicle valeting and detailing.

Refused 30 May 2018

- 1) The proposed development by reason of its design, layout and appearance would result in a form of development that would incongruous and discordant with the prevailing pattern of development in the area and as such fails to maintain local distinctiveness. The scheme is found to be discordant with Policies Policy D10a of the Councils Core Strategy.
- 2) The proposed development would be considered to introduce an ' industrial activity' within this prime retail location and such may have an adverse impact upon the retail function , supporting car parking and thereby have the potential to impact upon the long term viability of this District Centre. The scheme is found to be discordant with Policy C8 and D4 of the Eastbourne Borough Plan.

### **5 Proposed development**

5.1 The proposal is to install a new building within the existing surface car park to support a proposed new business (P1 Pit Stop) which is primarily a tyre fitting, wheel balancing and puncture repair centre.

5.2 The new building would provide accommodation for 4 bays for tyre fitting and tyre maintenance/repair together with ancillary office accommodation and reception

5.3

The P1 Pit Stop building will measure 27m in length, 7m wide and a maximum height of 3.8m high and formed from black powder coated steel cladding to the walls under a mono pitched roof.

The proposed development will use up approximately 10 car parking spaces.

## **6 Consultations**

### **6.1 Specialist Advisor (Arboriculture)**

Assuming the area beyond the boundary of the car park is within the ownership of the applicant, and this is not clear from the plans, this area which is currently grassed, could be planted with medium sized trees. This would have the effect of visually softening and visually breaking up the large surface area of the hard standing/car parking area and to help integrate the large surface area of the hard standing into the local landscape.

### **6.2 Specialist Advisor (Planning Policy)**

In principle, the development is situated in an appropriate location, a car park of a designated shopping centre and is in accordance with Policy C8 of the Core Strategy. Surface water mitigation measures appear to have been considered, so there is no objection to the current proposal from a planning policy perspective, in principle. However it needs to be determined whether an appropriate SuDS is considered as part of this application by the case officer.

## **7 Neighbour Representations**

### **7.1** 19 letters of objection have been received from neighbouring residents, including a local Ward Member. The points raised are summarised below.

- The amendment does not change the business use proposed which was previously refused
- Noise & Air Pollution /Health and Safety of residents nearby
- Industrial Development on a retail site
- Lorries/Large Vans will have to go through the car park to collect waste tyres
- Loss of car parking spaces
- Conflict with the market held on Tuesday and Saturdays
- Removal of 2no trees
- There are other similar businesses within the area another is not needed
- Pond within 220m of the site
- Risk of Fire Vandalism and Crime
- Will look out of place and spoil views from surrounding residential properties

## **8 Appraisal**

### **8.1** Principle of Development:

**8.1.1** It is accepted that the previous application was resisted at planning committee for reasons that go to the heart of the proposal however it is considered by officers that given the site's brownfield and sustainable location that there is no objection in principle to the new commercial accommodation at the site.

**8.1.2** The principle of the proposed development should be balanced against the need for it to be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance



with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

8.1.3 The main issues to consider when assessing this application are the impact of the proposal on the character and vitality of this area and the retail function of the shopping centre, and how the development impacts upon visual amenity and neighbouring amenity.

8.2

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

8.2.1

It is considered that the proposed development will not cause a severe detrimental impact on the amenity of the surrounding area or of the residents surrounding.

8.2.2

Objections have been raised in relation to the necessity of having the new proposed business on the site when there are other businesses of similar operations within the area. The proposed development complies with planning policy in line with the vision for the future of Langney Shopping Centre by encouraging extensions and redevelopment of the area.

8.2.3

The noise pollution impact has been outlined in the enclosed Design and Access Statement with measures to reduce potential noise pollution resulting from the proposal. This includes acoustic barrier walls, noise absorbent rubber matting and the use of all equipment within the internal surroundings of the proposed units.

8.2.4

The residential properties surrounding are not directly adjacent to the application site and as such it is considered that the impact from the proposal would be minimal. The shopping centre and the surrounding roads are relatively busy with traffic and any additional noise caused by the new development is likely to be minimal and not be materially harmful to residential amenity. Also, the proposed hours of opening between 8am and 6pm Mondays to Saturdays, and 10am until 4pm on Sundays and Bank Holidays, are considered to be reasonable.

8.2.5

8.2.6

The proposal has been amended to no longer include the canopy to provide car washing and valeting services, this mitigates the concerns raised in relation to Langney Avon Pond which is situated close to this application site.

8.2.7

The proposed development will not see the storage of used tyres, there will be daily waste disposal by P1 Pitstop. There will be 360l wheelie bins for general and recyclable waste. There are no concerns raised in relation to materials being left on site causing a nuisance, fire risk or attracting anti-social behaviour.

8.2.8

The proposed units will have roller shutters for security when out of operating hours. There is no reason to suggest that there would be an increase in criminal activity from this proposed development.

8.3

8.3.1

The proposed site is within a commercial area and is therefore considered to be appropriate and recommended for approval.

#### Impacts on trees:

- 8.4 There are trees protected by planning conditions within the application site which would be required to be removed if this proposal is approved. The Arboriculture Specialist Advisor has been consulted and advised that there is no objection to the proposal provided that a hard and soft landscaping scheme is provided prior to works commencing to ensure that the character and amenity of the area is not compromised.
- 8.4.1

#### Impacts on highway network or access:

- 8.4.2 Langney Shopping Centre has planning permission approved conditionally (pc 130229) for the extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping. Within this application it states that once the development is completed there will be 641 spaces for cars to park at the shopping centre.

- 8.4.3 This application represents a loss of less than 2% of the parking spaces within the car park (equal to 10 car parking spaces) and a survey conducted on 27 April 2018 found that the car park is used at around 70% of capacity. Therefore it is considered that the proposed new facilities will not have a detrimental impact on the usage and availability of spaces for those wishing to use to the shopping centre.

The shopping centre car park in its current state has some operational issues and it is considered that the upgrade planned as part of the extant consent (130229) and the new signage connected with this proposed development would give location and directional way finding signage that would help to mitigate the impact/conflict between delivery/serving vehicles and patrons of the shopping centre and the new tyre fitting business.

## **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 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions
- 10.2 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)

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

Drawing No. P1P/2018/101/01

Drawing No. P1P/2018/101/02

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

10.3

Prior to the use commencing a full soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The details as approved shall be implemented at the site on the first planting season following the use commencing and be retained as such thereafter. If within a period of two years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

10.4

Reason: To enhance the appearance of the site and to protect the amenity of the area.

The premises hereby permitted shall not be open for trade or business except between the hours of 8.00am, and 6.00pm Mondays to Saturdays inclusive, and between the hours of 10.00am and 4.00pm on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties from noise, disturbance and other detrimental effects arising.

## 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.

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# Agenda Item 8

<b>App.No:</b> 180826 (PPP) 180827 (LBC)	<b>Decision Due Date:</b> 11 October 2018 (LBC) 15 November 2018 (PPP)	<b>Ward:</b> Devonshire
<b>Officer:</b> Yves Watt	<b>Site visit date:</b> 28 August 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 15 September 2018 <b>Neighbour Con Expiry:</b> 15 September 2018 <b>Press Notice(s):</b> Yes		
<b>Over 8/13 week reason:</b> Within Time		
<b>Location:</b> Savoy Court Hotel, 11-15 Cavendish Place, Eastbourne		
<b>Proposal:</b> Planning permission for conversion of existing hotel into 15 residential one bedroom self-contained flats (Listed Building Consent sought under application 180827)		
<b>Applicant:</b> Mr Sajjad Shah		
<b>Recommendation:</b> <b>1. 180826 Planning Application:-</b>  Subject to Legal Agreement covering: Local Labour Initiatives and Affordable Housing.  Then planning permission be granted subject to conditions  <b>2. 180827 Listed Building Consent</b>  Granted Listed Building Consent subject to conditions		



## 1 Executive Summary

1.1 These applications have been resubmitted following the refusal of planning/listed building applications 180352 and 180353.

The reason for refusal was as follows:

1.2 *"By virtue of the small size, the proposed flats would provide substandard accommodation for future occupiers; and given the number of flats proposed (no. bedroom/occupation) the development would constitute an overdevelopment of the site detrimental to the amenity of the future occupiers and existing surrounding occupiers contrary to the core principles of the National Planning Policy Framework 2012, and Policy B2 of the Core Strategy Local Plan 2013".*

1.3 The applications before Council have now overcome the previous refusal reason. The proposed new layout and room sizes of the flats are considered to provide an appropriate living environment as they all now meet the requirements set out within Technical housing standards - nationally described space standards, March 2015.

1.4 The applications propose the conversion of an existing hotel within the secondary tourist accommodation zone. The applications are accompanied by evidence outlining that the loss of the hotel/bed space confirms with adopted Local Plan policies.

1.5 The delivery of 15 apartments in this highly sustainable location would contribute to meeting housing requirements within the town centre and comply with National and Local policies. The internal/external refurbishment

makes a positive contribution to the local street scene and towards the living environment of future occupiers.

Planning and Listed building consent is recommended for approval.

## **2 Relevant Planning Policies**

### **2.1 Constraints:**

#### **Listed Building**

II

1949-05-27

Cavendish Place - Nos. 1 to 24 (consecutive)

1190211

#### **Conservation Area**

Town Centre and Seafront Conservation Area

### **2.2 Relevant Planning Policies:**

National Planning Policy Framework 2018

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 7 Ensuring the vitality of town centres

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

### **2.3 Eastbourne Core Strategy Local Plan Policies 2013**

B1 Spatial Development

B2 Creating Sustainable Neighbourhoods

C1 Town Centre Neighbourhood

D1 Sustainable Development

D8 Sustainable Transport

D3 Tourism

D5 Housing

D10 Historic Environment

D10a Design

### **2.4 Eastbourne Borough Plan Saved Policies 2007**

TO1 Tourist Accommodation Area

TO2 Retention of Tourist Accommodation

HO20 Residential Amenity

UHT1 Design of New Development

UHT4 Visual Amenity

UHT7 Landscaping

UHT15 Protection of Conservation Area

UHT17 Protection of Listed Buildings

NE14 Source Protection Zone

TR6 Facilities for Cyclists

TR11 Car Parking

### **3 Site Description**

3.1 The application site relates to a mid-terrace property on the eastern side of Cavendish Place, currently used/occupied by Savoy Court Hotel. The hotel is located within the 'secondary frontage' as identified by the Councils tourist accommodation zone.

3.2 The building is a Grade II listed building (1949) and possesses some interesting external features (canopies & railings) which add to the wider character of the area.

### **4 Relevant Planning History**

4.1 180352 & 180353

Conversion of existing hotel into 15 residential self-contained flats  
Planning/Listing Building Consent - Refused – 11 June 2018

4.2 030091

Reinstatement of canopies, cornices and decorative pelmet on balconies on front elevation, and replacement window to first and second floor bays.  
Planning Permission -Approved unconditionally -14/04/2003

4.3 030094

Reinstatement of canopies, cornices and decorative pelmet on balconies on front elevation, and replacement window to first and second floor bays.  
Listed Building Consent - Approved unconditionally -14/04/2003

### **5 Proposed development**

5.1 Planning and listed building consent is sought for the change of use from Hotel to self-contained residential accommodation.

5.2 The existing building is a hotel formed by the amalgamation of 3 former town houses; this scheme proposes to revert the building back to its original 3 property footprint. The three buildings are proposed to be converted internally to provide a total of 15 one bedroom self-contained flats (5 flats in each building by developing 1 flat to each floor of differing sizes throughout the building).

5.3 The conversion is supported by internal alterations and limited external changes. The property has been altered over the years with the result that some features have been altered or removed. The proposal is to reinstate two original windows and the stairs to the top two flights of the stair of No. 13 and infill the 2no. windows to the rear elevation of the small rooms to the top two floors of No. 13. The modern rear lean-to of No.11 is also to be removed and steps reintroduced/added to the front of Nos. 11 and 13 from the pavement down to the lower ground floor. A new window to the side of each front elevation bay at lower ground floor is to be included to reflect No. 9 and glazing is to be added to the front door also at lower ground floor level.



5.4 Cycle and refuse storage is proposed within the rear yard/garden area and dedicated internal domestic storage cupboards at ground floor level are proposed for each property.

## 6 PROPOSED ACCOMMODATION SCHEDULE

6.1 The table below illustrates how each building will be divided and the accommodation proposed and compares this with the National Space Standards.

<b>Lower ground floor</b>	<b>Space provided</b>	<b>Refused Scheme</b>	<b>Size of the unit</b>	<b>No. of persons</b>	<b>National Space standards requirements</b>
<b>No 11</b>	<b>61.4 m<sup>2</sup></b>	<b>64</b>	<b>1 bed</b>	<b>2</b>	<b>50 m<sup>2</sup></b>
<b>13</b>	<b>61.7 m<sup>2</sup></b>	<b>63</b>	<b>1 bed</b>	<b>2</b>	<b>50 m<sup>2</sup></b>
<b>15</b>	<b>60 m<sup>2</sup></b>	<b>64</b>	<b>1 bed</b>	<b>2</b>	<b>50 m<sup>2</sup></b>
<b>Upper Ground Floor</b>					
<b>No 11</b>	<b>38.4 m<sup>2</sup></b>	<b>35</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>13</b>	<b>43.8 m<sup>2</sup></b>	<b>39</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>15</b>	<b>38.5 m<sup>2</sup></b>	<b>35</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>First Floor</b>					
<b>No11</b>	<b>43.9 m<sup>2</sup></b>	<b>46.5</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>13</b>	<b>50 m<sup>2</sup></b>	<b>56</b>	<b>1 bed</b>	<b>2</b>	<b>50 m<sup>2</sup></b>
<b>15</b>	<b>50 m<sup>2</sup></b>	<b>41</b>	<b>1 bed</b>	<b>2</b>	<b>50 m<sup>2</sup></b>
<b>Second Floor</b>					
<b>No11</b>	<b>39.9 m<sup>2</sup></b>	<b>41</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>13</b>	<b>45.7 m<sup>2</sup></b>	<b>56</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>15</b>	<b>39.4 m<sup>2</sup></b>	<b>41</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>Third Floor</b>					
<b>No 11</b>	<b>41.6 m<sup>2</sup></b>	<b>41</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>13</b>	<b>47.2 m<sup>2</sup></b>	<b>56</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>
<b>15</b>	<b>40.4 m<sup>2</sup></b>	<b>41</b>	<b>1 bed</b>	<b>1</b>	<b>37 m<sup>2</sup></b>

6.3 The above table outlines how the scheme has been re-appraised and in summary there are two broad areas of change; one relating to the reapportionment of accommodation with the apartments to increase the floor area and the other to ensure that the where the bedrooms are small

that they fall to be assessed against a 1 bedroom 1 person category.

## **7 Consultations**

- 7.1 **Specialist Advisor (Planning Policy)** – **No objection**, the principle of the loss of the tourist accommodation and conversion to residential is supported as it meets the criteria set out in the Tourist Accommodation Retention SPD.
- Economic Regeneration Officer:** **No objection.** Given scale of development Local Labour initiatives should be applied.
- 7.2 **CIL:** Given that the scheme proposes flats then it would not be liable for a CIL charge.
- 7.3 **Conservation Officer:** **No objection** subject to conditions, specifically relating to external joinery details and an external decorative scheme.
- 7.4 **Conservation Area Advisory Group (CAAG).** **No objection.** The Chair decided that they didn't need to take these new planning/listed building applications to CAAG as they saw the last applications. These applications are not materially different (in terms of what they can discuss).
- 7.5 The above comments were provided by the Conservation officer on 9 October 2018 via email.
- 7.6 **County Archaeologist:** **No objection** to the proposal on archaeological grounds.
- 7.7 **ESCC Highways:** **No objection** to the application in principle subject to the conditions, specifically relating to a Construction Traffic Management Plan and cycle parking spaces to be provided.
- 7.8 **Southern Water:** **No objection** to the proposal. Approval is strictly related to the proposed scale and extent of the works. Several informatives are recommended, specifically in relation to foul and surface water procedures to undertake.
- 7.9 **Sussex Police (comments from planning reference no: 180325 are still relevant):** **No objection** subject to the recommended crime prevention measures being implemented.
- 7.10 **Eastbourne Tourist Accommodation Consultation Group (comments from planning reference: 180352 are still relevant):** **No objection**  
*The group was established to support the Councils Tourist Accommodation SPD Feb 2017 and is considered to offer informed but impartial advice on applications that promote the loss or change of tourist accommodation with the town. The group does not have any statutory function in its own right, but its guidance will be a material consideration for EBC assessment of planning applications.*
- 7.11 The groups' recommendation: the panel concluded that all aspects of the

SPD had been met by this proposal namely:-

- that there is no interest in the business being brought as a going concern
- that the business is being run in a reasonable and professional manner
- that the running costs of the business cannot be covered.

. Comment: ESCC Highways have no objection to the proposal.

- 7.12 The applicant does not propose to provide on-street parking, nor does there appear to be scope to provide this. The trip generation analysis suggests that the existing hotel usage would have a higher on-street parking demand than the proposed usage. Therefore, the proposal is not expected to have a significant impact on the traffic or car parking demand on the local highway network

## **8 Neighbour Representations**

- 8.1 Neighbour Representations:  
One (1) letter of support was received

One (1) letter of objection was received relating to parking.

## **9 Appraisal**

- 9.1 Principle of development:

The National Planning Policy Framework supports residential development in sustainable locations, particularly where it can support local housing need. It states that housing applications should be considered in the context of the presumption in favour of sustainable development, unless other material considerations prevent this.

- 9.2 The existing building is a hotel formed by the amalgamation of 3 former town houses; this scheme proposes to revert the building back to its original 3 property footprint.

- 9.3 The application has been resubmitted following the refusal of planning/listed building applications 180352 and 180353.

- 9.4 The reason for refusal was as follows:

*"By virtue of the small size, the proposed flats would provide substandard accommodation for future occupiers; and given the number of flats proposed (no.bedroom/occupation) the development would constitute an overdevelopment of the site detrimental to the amenity of the future occupiers and existing surrounding occupiers contrary to the core principles of the National Planning Policy Framework 2012, and Policy B2 of the Core Strategy Local Plan 2013".*

- 9.5 Pre-application discussion, including presentation to Eastbourne Tourist

Accommodation Consultation Group where full support was given.

- 9.6 The new scheme would deliver new apartments that would be evaluated as 'windfall' units in terms of the Councils 5 year housing land supply and these are to be welcomed within this highly sustainable town centre location. The lack of a 5 year housing land supply (3.16 years) is a significant material consideration in the determination of this application.
- 9.7 It is considered therefore that the conversion to self- contained apartments is acceptable in principle.
- 9.8 Impacts of the scheme:-
- 9.9 The main issues to consider in the determination of this application are:
- change of use
  - the impact on the character and appearance of the listed building and the wider conservation area
  - residential amenity and flat size
  - affordable housing
  - the impact on the highway network or access
  - Noise
  - Landscaping
  - Flooding
  - Waste Management
  - other matters
- 9.10 Development Plan and/or Legislative Background:  
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-
- 9.11 "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 9.12 Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 9.13 The applications are considered to comply with all relevant planning policies for the following reasons:
- 9.14 Change of Use  
The application site is situated in the 'Town Centre Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan (2013). It is located within the Tourist Accommodation Area as defined in the Borough Plan saved policies and the Core Strategy. It's also important to note that it is in a conservation area, and is a listed building.
- 9.15 The Core Strategy 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". This vision will be promoted through a number of factors including 'Delivering new housing through conversions, infill development and redevelopment'.*

- 9.16 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 1 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. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. This means that the presumption in favour of sustainable development applies.
- 9.17 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 Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 15 dwellings. As such, the principle of residential development in this sustainable location is supported.
- 9.18 Policy TO2 (Retention of Tourist Accommodation) of the Borough Plan states that within the Tourist Accommodation Area, planning permission will not be granted for the redevelopment or change of use of tourist accommodation to any other use. Only in exceptional circumstances will planning permission be granted for any other use. This means that the applicant must demonstrate that the continuing use of land as tourist accommodation is no longer viable.
- 9.19 A Tourist Accommodation Retention Supplementary Planning Document (SPD) was adopted in February 2017 to provide interpretation on the implementation of this policy. The SPD divides the tourist accommodation into a primary sector and a secondary sector. The application site is located within the Secondary sector of the Tourist Accommodation Area.
- 9.20 Within the secondary sector, there are criteria that need to be met to demonstrate that continuing the tourist accommodation use is unviable. These criteria are:
- Criteria F – There is no interest in the tourist accommodation business being bought as a going concern;
  - Criteria G – The tourism accommodation business has been run in a reasonable and professional manner; and
  - Criteria H – The running costs of the business cannot be covered.
- 9.21 Evidence supplied with the application demonstrates that the premises have been on the market at an appropriate price for a period exceeding the one year required by the SPD. Samples of marketing material and approaches used to promote the business were supplied, and it is considered that genuine, and it is considered that genuine efforts have been made to run the

business in a reasonable and professional manner. In addition, evidence from the accounts supplied shows that the running costs of the business cannot be covered. Therefore it is considered that the application complies with the criteria in the SPD relating to the loss of tourist accommodation in the secondary sector of the Tourist Accommodation Area.

9.22 In addition, the proposal was considered by the Tourist Accommodation Consultative Group at pre-application stage on 9th January 2018. The group agreed that the proposal complies with the criteria set out in the SPD.

9.23 The listed building and its setting

The applications have been the subject of negotiations, which has resolved issues of detailing on the main facades facing Cavendish Place and the proposed layout, and in this respect there are no outstanding matters.

9.24 It is considered that the refurbishment, replacement and reinstatement of former features would result in form of development that is respectful to the listed character of this parade and the wider conservation area.

9.26 The National Planning Policy Framework places strong emphasis on good design, and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It requires development to harmonise with the character of the area and respect local distinctiveness. It is considered that given the retained layout and external features are such that the proposal is beneficial in this respect.

9.27 The proposed alterations have the full support of the Councils Conservation officer subject to conditions.

It is accepted that the hotel as a business is not covering costs and if the business were to fail then there is the potential for the building to fall into disrepair affecting the local character of the area. This application if supported would help to retain the long term retention of this this listed building and therefore make a positive contribution to the street scene.

9.28 Residential amenity and flat size:

Given that this scheme is broadly a conversion there are no significant external works that should impact upon the residential amenity of the occupiers of adjacent residential properties in terms of loss of outlook, interlooking, sunlight/daylight, noise, privacy and distance between

9.29 properties. Similarly it is considered that the residential use of the property would be likely to have less of an impact than the commercial use of the property as a hotel. It is envisaged that the future occupants will experience a good quality living environment without impact from existing neighbouring residential properties.

9.30 The proposed new layout and room sizes of the flats are considered to be appropriate as they all meet the requirements set out within Technical housing standards - nationally described space standards, March 2015. All

flats will retain natural light and ventilation. An informative will be added to the consent in relation to sound proofing. Furthermore, the proposed works will provide a positive contribution to the living environment at this site and for any future occupiers.

9.31 The proposed flat sizes are comparable to those within the near vicinity for example at the former Elm Park Hotel (20-24 Cavendish Place), and at Nos 3, 5 and 7 Cavendish Place.

9.32 Affordable housing:

The scheme proposes the conversion of the building to create 15 new 1 bedroom self-contained apartments; this would be in excess of the affordable housing threshold and as such the scheme should comply with the Councils affordable housing policy.

9.33 There is limited information on this issue within the application and will be controlled via a planning condition and or legal agreement.

9.34 Impacts on highway network or access

This is a very sustainable location in the town centre, and it would be unreasonable to require parking spaces to be provided even if it were possible. Given the size of the flats, it is unlikely that car ownership would be high. It is noted that the highway loading bays could be reassigned to general on-street parking and thereby creating an additional 6 on-street spaces.

9.35 It is considered that the conversion into residential to the density proposed is likely to place less impacts upon the local highway network than the current commercial use as a hotel.

9.36 It is considered that the provision of off-street or allocated parking spaces is not required in this instance. A condition is recommended to require submission of a construction traffic management plan prior to the commencement of the development.

9.37 There are no anticipated highway issues.

Noise

9.38 Noise and disturbance during the construction phase could also be controlled through the use of conditions. It is considered that the additional activity associated with the scheme would not adversely affect the amenity of neighbouring residents.

9.39 Landscaping

The existing garden will be levelled, trees kept but each building will have its own garden, segregated by a 1.8m high close boarded fence and each will have cycle store, refuse store, grassed area, access to upper and lower ground floors and to the rear service path.

9.40 Flooding

The proposal will have no impact in terms of flooding.

9.41 Waste Management

A waste management plan has been submitted as part of the application. A condition will be placed on the consent ensuring that the recommendations within the waste management plan are carried out in accordance with the submitted plan.

9.42 Other matters

Given the scale of the development there is the potential to secure some local labour opportunities. This issue can be controlled via a planning condition and or a legal agreement.

**10 Human Rights Implications**

10.1 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.

11 **Conclusion:**

This scheme complies with National and Local policies which aim, to safeguard heritage assets and deliver new windfall residential accommodation in a sustainable location in this regard the scheme is considered acceptable and as such planning and listed building consent is recommended.

**12 Recommendation**

12.1 1. 180826 Planning Application Grant Permission  
Subject to Legal Agreement covering:  
Local Labour Initiatives and Affordable Housing Initiatives. Then planning permission be granted subject to the following conditions

12.2 2. 180827 Listed Building Consent  
Grant consent subject to the following conditions:

12.3 Conditions for 180826 & 2. 180827

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 16 August 2018:



2995/3/00 – Location and block plans  
2995/3/01 'C' – Lower Ground Floor Plan As Proposed  
2995/3/02 'B' – Upper Ground Floor Plan As Proposed  
2995/3/03 'B' – First Floor Plan As Proposed  
2995/3/04 'B' – Second Floor Plan As Proposed  
2995/3/05 'C' – Third Floor Plan As Proposed  
2995/3/06 'A' – Third Floor Plan As Proposed  
2995/3/07 'C' – Front Elevation As Proposed  
2995/3/08 'B' – Rear Elevation As Proposed  
2995/3/09 'B' – Rear/Side Elevation As Proposed  
2995/3/010 'B' – Section As Proposed  
2995/3/11 'A' – Site Plan As Proposed  
2995/3/12 'A' – LG Floor External Steps 13 Cavendish Place  
2995/3/13 'A' – LG Floor External Steps 11 Cavendish Place

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

3) The materials to be used must match as closely as possible, in type, colour and texture those listed in the Heritage Statement (note: summary of work Section amended 12/09/18) and Section 9 of the application.

Reason: To ensure a satisfactory visual relationship of the new development to the existing.

4) The refuse and recycling storage areas and cycle storage areas shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times; details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: To ensure that satisfactory storage of waste and facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

5) Prior to the first occupation of the development hereby approved details of the hard and soft landscaping to the rear yard area shall be submitted to and approved in writing by the local planning authority; and all existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with relevant British Standards (BS 5837:2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as

may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

6) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

7) Prior to the first occupation of the development hereby permitted details of any external boundary treatments other than those agreed on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the character and appearance of the area.

8) Prior to the first occupation of the development hereby permitted details of any replacement rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the character and appearance of the area.

9) New windows and external doors are to be of timber construction. No works shall commence on site until details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at scale of not less than 1:10 and horizontal / vertical frame sections (including section through glazing bars) at not less than 1:2. These works shall be carried out in accordance with the approved details.

Reason: To protect the character of the Listed Building.

10) No external works shall commence until a scheme of decorative works is submitted and approved by the Local Planning Authority. This is to include

colour samples of proposed new paint colours to the external joinery, painted render, ironmongery and canopies and the proposed new tile finish to the front entrances of No.s 11, 13 and 15.

Reason: To protect the character of the Listed Building.

11) That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

12) No satellite dishes shall be installed to the front elevation of the building. Prior to the first occupation of the development hereby permitted a communal satellite dish shall be erected at roof level in a location agreed by the local planning authority and retained as such unless agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area.

13) No part of the development may be occupied until such time as a mechanism for securing the removal of the loading bays to the front of the site on Cavendish Place has been agreed in writing by the Local Planning Authority.

Reason: to ensure adequate on-street parking in the interest of highway safety and the operation of the public highway.

14) No part of the development shall be occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.

Reason: To safeguard the operation of the public highway.

15) Site Waste Management shall be undertaken in accordance with the approved plan, dated August 2018

Reason: To minimise the amount of construction waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.

16) No bonfires or burning of waste materials shall take place anywhere on the site at any time.

Reason: In the interest of maintaining the character and amenity of the area and to ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems.

## Informatives

- 1) The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for local labour contributions.
- 2) The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for affordable housing contributions.
- 3) Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
- 4) The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
- 5) The applicant should consult the Building Control Section with regard to sound insulation and sprinkler system.
- 6) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 7) It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H of the Building Regulations prioritises the means of surface water disposal in the order
  - a Adequate soakaway or infiltration system
  - b Water course
  - c Where neither of the above is practicable sewer
- 8) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.
- 9) The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 10) In order to provide a safe and secure environment for future residents, Sussex Police suggest the following recommendations are implemented:
  - Communal entrance doors are to be checked to ensure they are fit for purpose and have locks that conform to BS3621 / 8621 respectively, and has a door entry system compete with remote access from the flats. Access

control would be advantageous.

- Flat front doors to conform to PAS 024-2016.
- Postal arrangements for the flats are through the wall, external or lobby mounted secure postboxes. It is strongly urged the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.
- Ground floor and any easily accessible windows are to conform to PAS 024-2016.
- Internal resistance measures to be incorporated into party walls and shared corridors to any stud partition walls.
- The fitting of dusk till dawn vandal resistant lighting to all entrance door including the lower basement entrances.
- The gating to the rear of the properties should be lockable from both sides.

### 3. 180827 Listed Building Consent

Granted subject to the the following conditions:

1 Time Limit

2 Approved Plans

3 Materials

4 the cycling and refuse accommodation to be provided prior to the first occupation

5 Hard and soft landscaping to include tree protection

6 construction method statement

7 External boundary treatments

8 Rainwater goods

9 External joinery details

10 External decorative scheme

11 Demolition, site clearance or building operations hours

12 satellite dishes

13 Removal of the loading bays

14 Servicing Management Plan

15 Site Waste Management

16 Waste Materials

## **13 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.

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# Agenda Item 9

<b>App.No:</b> 180666/7	<b>Decision Due Date:</b> 14 <sup>th</sup> September 2018	<b>Ward:</b> Sovereign
<b>Officer:</b> James Smith	<b>Site visit date:</b> 3 <sup>rd</sup> September 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 2 <sup>nd</sup> September 2018		
<b>Neighbour Con Expiry:</b> 2 <sup>nd</sup> September 2018		
<b>Press Notice(s):</b> 2 <sup>nd</sup> September 2018		
<b>Over 8/13 week reason:</b> To allow for updated transport assessment, junction modelling and travel plan documents to be submitted.		
<b>Location:</b> Unit 7 and 8, The Crumbles, Eastbourne		
<b>Proposal: 180666</b> - Change of use of Unit 7 (ground and first floor) from a cinema (Use Class D2) to retail (Use Class A1).		
<b>180667</b> - Extension of existing mezzanine floor in Unit 7 to be used for retail purposes (Use Class A1)		
<b>Applicant:</b> - The Prudential Assurance Company Limited c/o M&G Real Estate		
<b>Recommendation:</b> Approve Conditionally		

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



## **1 Executive Summary**

- 1.1 The application has been brought before Committee as it represents a major development scheme.
- 1.2 The use of the building for retail purposes is considered to be compatible with surrounding uses and, as such, would not result in a harmful impact upon the character and appearance of the surrounding area or the amenities of neighbouring residents.
- 1.2 Robust conditions would be attached to any approval given, to ensure the unit is not subdivided into smaller units that may attract businesses more suited to the town centre. Conditions would also be used to control the type of retail operation (in terms of goods sold) that could occupy the unit(s) as a further measure to prevent town centre uses relocating and, consequentially, undermining the viability and vitality of the town centre retail offer.

## **2 Relevant Planning Policies**

### **2.1 National Planning Policy Framework (Revised 2018)**

2: Achieving sustainable development  
4: Decision Making  
6: Building a strong and competitive economy  
7: Ensuring the vitality of town centres  
9: Promoting sustainable transport  
11: Making effective use of land  
12: Achieving well designed places

### **2.2 Eastbourne Core Strategy Local Plan Policies 2013**

B1: Spatial Development Strategy and Distribution Sustainable Centre  
B2: Sustainable Neighbourhood  
C14: Sovereign Harbour Neighbourhood  
D2: Economy  
D4: Shopping

### **2.3 Eastbourne Borough Plan Policies 2007**

UHT1: Design of New Development  
UHT4: Visual Amenity  
HO20: Residential Amenity  
TR2: Travel Demands  
TR11: Car Parking  
SH7: District, Local and Neighbourhood Centres  
LCF10: Location of Major Leisure Developments  
LCF11: Major Leisure Developments



### **3 Site Description**

- 3.1 The site is occupied by a large unit housed within a metal clad structure which is currently in use as a multi-screen cinema. The unit is part of the Crumbles Retail Park which consists of a number of similar sized units, primarily in retail use, which are arranged around a large car parking area. The retail park is accessed via a roundabout on the A259 (Pevensey Road) that is dual carriageway to the west and single carriageway to the south. Pedestrian access is available via crossings on the A259 as well as from the wider Sovereign Harbour development to the south of the site.

### **4 Relevant Planning History**

4.1 EB/1986/0431

Comprehensive mixed use development for residential, commercial business, hotel, leisure and a retail element not exceeding 240,000 square feet gross, also including the constructions of harbours and associated works.  
Approved Conditionally – 20/05/1988

4.2 110848

Demolition of existing health and fitness building, formation of a new pedestrian link and the erection of commercial units (Class A1, A2, A3, D1 and/or D2) facing towards the new pedestrian link, with a replacement cinema above. Change of use of the existing cinema to Class A1 Retail Use, and an extension of existing unit 6 for retail purposes, along with new/ replacement Mezzanine Floors in the retail units. External works to refurbish the retail units, improvements to the related pedestrian walkway and formation of additional car parking. Provision of new vehicular accesses from Atlantic Drive and Harbour Quay (limited to use only by buses)  
Approved Conditionally – 28/11/2012

### **5 Proposed development**

- 5.1 180666 - The proposal involves the Change of Use of the existing unit from a cinema (use class D2) to retail (use class D1). The change of use would apply to the entire unit including the partial mezzanine floor. No external alterations or extensions are proposed. It is also intended to subdivide the unit into two.
- 5.1 180667 – The proposal involves extending the existing partial mezzanine floor of the building to expand it across the whole structure. It is also intended to subdivide the building into two units. No external works are proposed.

### **6 Consultations**

6.1 Specialist Advisor (Planning Policy):

- 6.1.1 This change of use would reduce the number of leisure opportunities available in the vicinity of the Waterfront due to loss of the cinema. However, there is relatively little scope for the unit to be taken over by another cinema proprietor. The change of use will encourage more jobs as the cinema is moving into the

town centre and thus will likely leave this unit vacant.

- 6.1.2 Use class A1 is defined as a main town centre use within the NPPF. Sovereign Harbour is defined as a District Shopping Centre by Policy D4 of the Core Strategy, second only to the town centre in the retail hierarchy. A sequential test was included as part of the Planning and Retail Statement. This test was carried out while assuming the building would be divided into two units (as it was originally) and that the extended mezzanine level, applied for under 180667, is approved. It found that there were no other appropriate sites closer to the town centre.
- 6.1.3 Policy D4 requires the Council to 'support new retail development' which is 'appropriate in scale and function to its location....[and] is fully integrated within the existing shopping area...' As the proposed A1 use is within an existing unit it can be seen to conform with these requirements. Policy D4 also requires that there is no 'unacceptable adverse impact...on the vitality and viability of the town centre...' The Planning and Retail Statement that was included with the application concluded that 'the application proposals would have no adverse impact on the viability and vitality of the town centre...' This application conforms to Policy D4.
- 6.1.4 On balance, policy would support this application, despite the loss of the cinema at the vicinity of the Waterfront. It should be noted that if there were further subdivisions of the unit beyond what was used for the sequential test, this could require further consideration.
- 6.2 East Sussex County Highways:
- 6.2.1 The County Council provided comments on this application in September 2018, stating that while the proposed development was largely acceptable, insufficient information had been provided regarding the impact the proposals would have on the local highway network and the cycle parking facilities. The applicant has provided junction modelling for the Harbour Roundabout and the Service Access junction to show the impact of the development on these junctions.
- 6.2.2 The applicant has undertaken a parking beat survey of the Sovereign Retail Park car parks which demonstrate that a minimum of 195 spaces were available during the weekend peak (3pm – 4pm). Given that there is an expected increase of 107 vehicles as a result of the proposed development, it is considered that the existing car park can adequately accommodate the expected increase in demand.
- 6.2.3 The site is well served by footways between it and local residential areas. The condition of the footways is generally good and the potential severance due to the busy A259 is mitigated by an existing pelican crossing. The National Cycle Route No. 21 runs south of the site and links it to Pevensey, Pevensey Bay and Polegate as well as other areas of Eastbourne. Bus stops are located within 200m of the site. On the whole, it is considered that the site is well served by accessible means.
- 6.2.4 It is regrettable that the models have not been validated, which the County

Council would usually require, however in this instance, given that the turning count survey for the Harbour Roundabout had already been undertaken and the Service Road junction has no current capacity issues it had been agreed that this was not required.

- 6.2.5 The junction capacity assessments for both junctions show that the proposed development is unlikely to result in a significant impact on the local highway network.
- 6.2.6 As noted in the County Council's previous response; further details regarding cycle parking including the number of spaces and the location on a plan should be provided. A retail unit of this size (3323m<sup>2</sup>) would be expected to provide 10 short term spaces, plus 1 long-term space for every 10 full-time staff member. Details of cycle parking; including number of spaces provided, their design and their location should be secured through condition.
- 6.2.7 The targets set out for the development in Year 1, 3 and 5 are sufficiently ambitious. Paragraph 3.3 states that targets will be updated following the baseline survey. While this is acceptable in principle, the County Council would strongly encourage the targeted increases in mode share for cycling and walking to be maintained regardless of their shares in the baseline mode split. Furthermore, a Travel Plan Audit Fee would be required in line with the County Council's guidance
- 6.2.8 I can confirm I have no objections to this application on highways grounds.

## **7 Neighbour Representations:**

- 7.1 No letters of representation from members of the public have been received.

## **8 Appraisal**

### **8.1 Principle of development**

- 8.1.1 The site is located within a District Shopping Centre. Policy D4 of the Eastbourne Core Strategy states that 'the Council will enable the enhancement of consumer choice and strengthening of the vitality, viability and accessibility of the district and local centres by supporting new retail development which complies with the sequential approach to site selection.
- 8.1.2 The application was accompanied by a Retail Sequential Assessment that provided clear evidence that no units of the size of the proposed scheme were available within the town centre. The location of the development within the District Shopping Centre, which comes second only to the town centre in the retail hierarchy, is therefore supported by Policy D4.
- 8.1.3 The unit is currently in use as a multi-screen cinema and is being vacated in order to allow relocation to the recently extended Arndale Centre within Eastbourne Town Centre. Policy LCF10 of the Eastbourne Borough Plan identifies the Town Centre as the preferred location for major leisure proposals and, as such, the relocation of the cinema is encouraged by planning policy.

- 8.1.4 The unit is currently in use as a multi-screen cinema and is being vacated in order to allow relocation to the recently extended Arndale Centre within Eastbourne Town Centre. Policy LCF10 of the Eastbourne Borough Plan identifies the Town Centre as the preferred location for major leisure proposals and, as such, the relocation of the cinema is encouraged by planning policy. Furthermore, the site does not form part of 'The Waterfront' as defined in the Key Diagram for Sovereign Harbour within the Core Strategy and, as such, the leisure use of this area would not be impacted upon by the proposed change of use.
- 8.1.5 The proposed change of use scheme is acceptable in terms of retail impact as the size of the units provided are not available within the preferred town centre location. However, should the unit be subdivided into a number of smaller units, there is a significant risk that town centre shops that require smaller units would migrate to these units. As such, a condition will be used to prohibit further subdivision of the retail unit in order to ensure it does not appeal to these retailers, in order to help maintain the vitality and viability of the town centre. A further condition would also be imposed in order to restrict the A1 use to those that would be best suited to an out-of-town retail park and would not compromise the vitality and viability of town centre retail uses.
- 8.1.6 The expansion of the mezzanine floor would increase the amount of floorspace provided. It is anticipated that this additional space would be used for retail purposes as well as ancillary uses such as offices and storage, consistent with the needs of a large retail operation that would be expected to occupy an out-of-town retail facility. It is therefore considered that the proposed extension of the mezzanine floor would provide more versatile and adaptable units that would be more appealing to the types of retail uses that would be encouraged to occupy the premises.
- 8.1.7 It should be noted that planning permission was granted (110848), but has now lapsed, for a scheme to include conversion of the cinema unit to retail use and subdivide into two units (one with a GIA of 1377 m<sup>2</sup> and the other with a GIA of 877 m<sup>2</sup>). This scheme involved re-providing the cinema use on site.

## 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 8.2.1 The site is located within a purpose built retail park where there are a number of similar uses already in operation. The park is self-contained, being screened by fencing and landscaping. The scale of the building would not increase as a result of the proposal. The nearest residential dwellings are at Waterfront, approximately 125 metres to the south-east. It is considered that the level of noise and activity generated by the proposed retail use would be comparable to that produced by the existing cinema use and, as such, it is not considered that there would be any erosion of residential amenities as a result of the proposed development.

### 8.3 Design and impact on the character of the surrounding area:

8.3.1 The external appearance of the building would remain unaltered and the building would continue to visually integrate towards the overall retail park area. The use of the building would be consistent with the use of neighbouring buildings within the retail park. Therefore, the proposed use would not result in any material alteration in the character of the surrounding area either in terms of visual impact or in the nature of the use of the land.

### 8.4 Impacts on highway network or access :

8.4.1 The site is located within an established retail park which is self-contained and is served by a large shared car parking area. Parking surveys conducted by the applicant and assessed by East Sussex County Highways demonstrate that this car park has the capacity to absorb the projected increase in parking demand that the retail use of the building would generate, with additional capacity still available over and above these levels. It is therefore considered that the proposed development would not result in parking pressure on the surrounding highway network.

8.4.2 The retail park has its own designated access which is taken directly from the A259. The applicant has submitted details of the capacity of the junction between the retail park access road and the A259 and ESCC Highways are satisfied that the junction has the capacity to continue to function effectively when taking into account projected increases in vehicular movements. It is therefore considered that the proposed change of use would not result in any unacceptable disruption to the free flow of traffic on the surrounding highway network.

8.4.3 Although the site is not close to the town centre, it is considered to be in a sustainable location from a transport perspective due to the presence of significant residential development nearby, the level of public transport serving the wider Sovereign Harbour development and the pedestrian access provided which includes safe crossing facilities on major roads. The applicant has submitted a Travel Plan which details how sustainable modes of transport would be encouraged as a means for staff to access the site. A condition will be attached to any approval given to ensure that this Travel Plan is adhered to.

## **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 (180666 & 180667)**

10.1 It is recommended that the application is approved, subject to the conditions set out overleaf:-

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:-

2051 URB U7 [08] 00 01 Revision D00;  
2051 URB U7 [08] 00 05 Revision D00;  
2051 URB U7 [08] 10 02 Revision D00;  
Travel Plan produced by Motion and dated 09/10/2018;

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

10.4 Upon the occupation / commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

10.5 The approved retail unit shall not be subdivided to create a unit with a floorspace of less than 1500 m<sup>2</sup>

Reason: In order to protect to protect the vitality and viability of the town centre from significant harm and to control the character of the development.

10.6 Notwithstanding the provisions of the Town and Country Planning Use Classes Order, the retail use hereby approved shall not be permitted to sell to any extent (other than ancillary) any items from the following list unless the end user has been named and agreed in writing by the Local Planning Authority:-

- Fashion (clothing)
- Footwear
- Sportswear
- Children's wear
- Toys
- Food (falling within Use Class A1)

Reason: In order to protect the vitality and viability of the town centre from significant harm, to ensure that the range of goods sold is appropriate for the site's location and layout and to control the character of the development.

10.7 The unit(s) shall not be open to customers outside of the following times:

08:00 – 20:00 Mondays to Saturdays  
10:30 – 16:30 Sundays and Bank Holidays

Reason: In the interests of amenity and the character of the surrounding area.

- 10.8 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 quantum provided must meet or exceed the ratio of 10 short term spaces, plus 1 long-term space for every 10 full-time staff member. 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.

## **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.

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## Appeal Decision

Site visit made on 30 October 2018

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 6<sup>th</sup> November 2018**

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**Appeal Ref: APP/T1410/W/18/3197884**

**5 Fastnet Close, Eastbourne, BN23 6UW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Joan Todd against the decision of Eastbourne Borough Council.
  - The application Ref PC/175088, dated 20 April 2017, was refused by notice dated 22 December 2017.
  - The development proposed is new one bedroom dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposal on the character and appearance of the street scene, and;
  - The effect of the proposed development on the living conditions of occupiers of adjoining buildings and land.

### Reasons

3. The appeal site is comprises a semi-detached bungalow located on a residential estate of similarly designed dwellings in Eastbourne. The proposal seeks the extension of the building with a gable-ended roof perpendicular to the main roof and gable-ended projections to the front and rear.
4. This would create a one bedroom dwelling with living/dining/kitchen area and shower room/W.C. as shown on drawing 269300-03 Revision f. The area of land on which the new dwelling would be erected is set out as an amenity and parking space.
5. The street scene is typified by semi-detached bungalows set in fairly spacious plots, giving an open feel to the wider estate.

### *Character and appearance*

6. The proposal would result in the loss of an area of open space to the side of 5 Fastnet Close, with the development being about 1 metre at it closest point with a footpath that runs between the appeal site and properties facing Viking Way. In practice, the existing gap between the side of the appeal building and

Nos 36/38 Viking Way, which is characteristic of the overall spatial openness of the estate, would be lost. It would also result in the creation of a short terrace of three dwellings which would be at odds with the prevailing pattern of development within the area.

7. I acknowledge the appellant's view that the wider estate has examples of further development, as provided in their Appendix B. However, this does not detract from the fact that the proposal would erode the open character of this part of the estate. This would be further exacerbated by the 3 metres rear extension projecting beyond the rear elevation of No 5 and the 1 metre front projection. I also acknowledge that the 'communal' value of the land is aesthetic rather than a matter of land ownership, which is beyond my remit.
8. The proposal would nonetheless erode the open plan nature of the wider estate. I therefore conclude that it would have an adverse impact on the character and appearance of the street scene. Accordingly, it would be contrary to Saved Policies UHT1 and UHT2 of the *Eastbourne Borough Plan 2007 (EBP)* and Policies D1 and D10a of the *Eastbourne Core Strategy 2013 (CS)*, which amongst other aims seek to ensure that the layout and design of developments contribute to local distinctiveness.
9. It would also conflict with Paragraph 127 b) of the *National Planning Policy Framework* (the Framework) which seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

#### *Living conditions*

10. Both 36 and 38 Viking Way are semi-detached bungalows located to the east/southeast of the appeal site across a narrow footpath. Concerns have been raised by the Council and neighbours that the proposal would lead to a loss of light and outlook from the rear elevation and amenity space.
11. However, the proposed extension to No 5, to accommodate the new dwelling, would be single storey in height thus reducing the potential for an overbearing or visually dominating structure. In terms of light, there is a possibility that some direct sunlight at the end of the day could be lost to the rear of No 36 given that the proposal is to the west. This is nevertheless mitigated in part by the single storey nature of the proposal.
12. I therefore find that the proposal would not result in materially harmful impact on the living conditions of neighbouring occupiers. As a result I consider that the proposal would accord with Saved Policy HO20 of the EBP which seeks to refuse proposals if they cause unacceptable loss of outlook and privacy.

#### **Planning Balance and Conclusion**

13. The Council concedes that at the current time it is unable to demonstrate a five year supply of housing. In such circumstances the 'tilted balance' set out in Paragraph 11 of the Framework applies.
14. In this case, I find that the adverse impacts in terms of the failure to create a high quality building and place, which is *fundamental* to what the development

process should achieve<sup>1</sup>, outweigh the principal benefit of the proposal in contributing one, 1-bedroom dwelling to the housing supply.

15. Accordingly, the proposal is contrary to the adopted development when taken as a whole and there are no material considerations indicating a decision otherwise than in accordance with it.
16. For the reasons given above I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR

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<sup>1</sup> See Paragraph 124, the Framework. Emphasis mine.

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