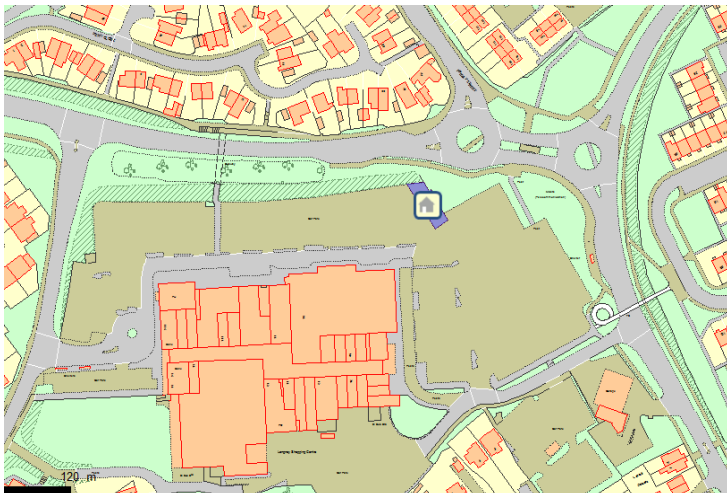


App.No: 180931	Decision Due Date: 16 November 2018	Ward: Langney
Officer: Chloe Timm	Site visit date: 18 October 2018	Type: Planning Permission
Site Notice(s) Expiry date: 22 October 2018		
Neighbour Con Expiry: 22 October 2018		
Press Notice(s): n/a		
Over 8/13 week reason: Planning Committee		
Location: Langney Shopping Centre Car Valet, Langney, 64 Kingfisher Drive, Eastbourne		
Proposal: 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).		
Applicant: Mr Jay French		
Recommendation: 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.