

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

Contact Officer(s): **Name:** James Smith
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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 (3323m²) 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 m² and the other with a GIA of 877 m²). 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 m²

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.