

# Planning Committee

## 25 August 2020



Working in partnership with **Eastbourne Homes**

Time: 6.00 pm

**PLEASE NOTE: This will be a 'virtual meeting' held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.**

**Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.**

**Instructions for members of the Committee and Officers to join the meeting have been circulated separately.**

### Membership:

**Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Md. Harun Miah, Colin Murdoch, Barry Taylor and Candy Vaughan**

**Quorum: 2**

*Published: Monday, 17 August 2020*

## Agenda

- 1 Welcome and Introductions**
- 2 Apologies for absence and notification of substitute members**
- 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 Minutes of the meeting held on 21 July 2020 (Pages 5 - 8)**
- 5 Urgent items of business.**

The Chair to notify the Committee of any items of urgent business to be added to the agenda. These are items which the Chair has determined should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

In addition, a supplement report will be published to the Council's website and sent to Members in advance of the meeting to provide any updated information relating to the reports on the agenda.

- 6 21-25 Gildredge Road ID: 200322 & 200332 (Pages 9 - 30)**

- 7 **Mansion (Lions) Hotel, 32-35 Grand Parade ID: 200280** (Pages 31 - 52)
- 8 **Mansion (Lions) Hotel, 32-35 Grand Parade ID: 200308(LB)** (Pages 53 - 62)
- 9 **Date of Next Meeting**

To note that the next meeting of the Planning Committee which is scheduled to commence at 6:00pm on Tuesday, 22 September 2020 will take place in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

## Information for the public

**Accessibility:** 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.

**Public Participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the Committee by an Officer.

## 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).

**Other participation:** Please contact Democratic Services for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## Democratic Services

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Working in partnership with **Eastbourne Homes**

## Planning Committee

**Minutes of the remote meeting held (via Microsoft Teams) on 21 July 2020 at 6.00 pm**

### **Present:**

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe, Amanda Morris (Reserve), Barry Taylor and Candy Vaughan

### **Officers in attendance:**

Neil Collins, (Specialist Advisor for Planning), Helen Monaghan (Lawyer, Planning), Leigh Palmer (Interim Head of Planning), and Emily Horne, Committee Officer.

### **1 Welcome and Introductions**

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

### **2 Apologies for absence and notification of substitute members**

An apology for absence had been received from Councillor Md. Harun Miah. Councillor Amanda Morris declared that she was acting as substitute for Councillor Miah for the duration of the remote meeting.

### **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.**

Councillor Barry Taylor declared a Personal Interest in minute 7, Waterfront Car Park, as his boat was moored at the harbour.

Councillor Murray declared a Prejudicial Interest in minute 8, 68 Southern Road, as he was pre-determined.

### **4 Minutes of the meeting held on 25 February 2020**

The minutes of the meeting held on 25 February 2020 were submitted and approved as a correct record, and the Chair was authorised to sign them.

### **5 Urgent items of business.**

There were none.

**6 Eastbourne District General Hospital, Kings Drive ID: 200179**

Planning permission the erection of three storey modular office building (Use Class B1) – **RATTON**.

The Committee was advised by way of an addendum report, of two conditions to the resolution, should the application be approved.

Members welcomed the proposal to provide additional office space, but were disappointed at the loss of social facilities for staff.

Councillor Taylor proposed a motion to approve the application. This was seconded by Councillor Metcalfe MBE, and was carried.

**RESOLVED (Unanimous):** That permission be approved, subject to a S106 legal agreement to cover the payment of the monitoring fees pursuant to the Local Labour Agreement as conditioned, and the remaining conditions set out in the report and the Addendum.

**7 The Waterfront Car Park ID: 200138**

Planning permission for the change of use to include seasonal use of the car park for boat storage and extension of car park to provide 60 additional spaces and associated landscaping works (amended description) – **SOVEREIGN**.

In discussing the application, the Committee was of a mixed opinion, some welcomed the application whilst others raised concern at the loss of biodiversity and the potential for boat repairs to be undertaken in close proximity to a residential area thereby creating noise, disturbance and dust.

Members were assured that any commercial boat repairs would require a new application and their request to maintain biodiversity would be relayed to the applicant.

Councillor Diplock proposed a motion to approve the application. This was seconded by Councillor Morris.

**RESOLVED (by 5 votes to 2 against, and 1 abstention):** That permission be approved as set out in the report.

Having declared a prejudicial interest in agenda item 8, Councillor Murray left the meeting and did not take part in the consideration, discussion and voting thereon. The Vice Chair, Councillor Diplock took the role of Chair for the remainder of the meeting.

**8 68 Southern Road ID: 200203**

Planning permission for the erection of three bedroom dwellinghouse - **HAMPDEN PARK.**

A written representation against the proposal was read aloud by the Interim Head of Planning on behalf of Mrs Dadswell (neighbour) for the neighbourhood. The speech raised a number of safety issues.

In discussing the application, Members arrived at differing views, some welcomed the additional housing whilst other members felt the proposal did not promote the health and safety of community and that the dormer may create overlooking.

A member raised concern at the lack of parking and requested the application be deferred for a site visit. The Lawyer advised the Committee that procedurally the officer's recommendation must be voted on first before a new motion was tabled, this approach was supported by the Interim Head of Planning.

Officers advised that the principle of residential use had previously been accepted; the dwelling would not create significant additional demand on street parking and that the application was acceptable in terms of highway safety.

Councillor Vaughan proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Maxted. Councillor Metcalfe requested that there be a named vote and this was approved.

**RESOLVED (By 4 votes to 3 against)** (For: Councillors Maxted, Morris, Vaughan and Diplock. Against: Councillors Lamb, Metcalfe MBE and Taylor): That permission be approved as set out in the report and subject to an additional condition referred to in paragraph 8.6.3 of the officer's report, to ensure no enclosures or other structures that might otherwise be afforded by permitted development legislation could be erected to impact on the visibility splay.

**9 Date of Next Meeting**Resolved:

That the next meeting of the Planning Applications Committee which is scheduled to commence at 6:00pm on Tuesday, 25 August 2020 in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 7.07 pm  
Councillor Jim Murray (Chair)

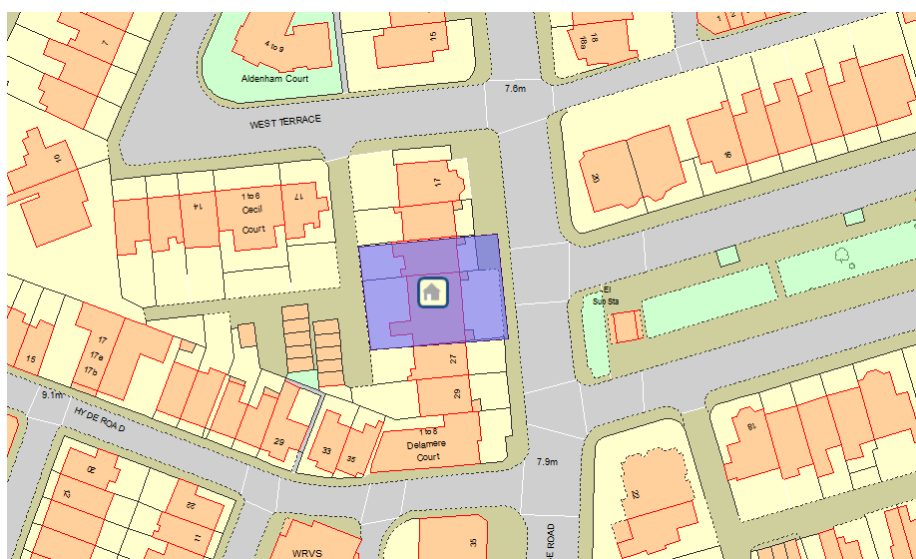
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# Agenda Item 6

<b>App.No:</b> 200322 & 200332	<b>Decision Due Date:</b> 12 August 2020	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 2 <sup>nd</sup> July 2020	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 11 <sup>th</sup> June 2020		
<b>Neighbour Con Expiry:</b> 11 <sup>th</sup> June 2020		
<b>Press Notice(s):</b> 10 <sup>th</sup> July 2020		
<b>Over 8/13 week reason:</b> Committee Cycle. Financial Viability Assessment needed.		
<b>Location:</b> 21-25 Gildredge Road, Eastbourne		
<b>Proposal: 200322</b> - Change of use from A1, A2 & B1a use to proposed residential use providing 15No. self-contained dwellings and associated facilities <b>200332</b> - Loft conversion for the provision of 2 new dwellings		
<b>Applicant:</b> Mr A Bennett		
<b>Recommendation:</b>		
<b>200322</b> - Approve Conditionally – subject to s106 agreement to secure affordable housing and local labour agreement.		
<b>200332</b> – Refuse for the reasons set out in this statement		

**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 proposed conversion of the lower ground, ground, first and second floor levels of the building is considered to be acceptable in that it provides a suitable use for a vacant building that would support the viability and vitality of the Town Centre and would contribute towards housing supply. There is an identified need for the type of small residential units that would be provided, particularly in locations such as the access site which are highly sustainable with good links to public transport, shops and services.
- 1.2 Although the proposed loft conversion would offer a further 2 x residential units, the living conditions provided would not be acceptable on account of the low ceiling height and lack of windows that would offer any realistic form of outlook.
- 1.3 It is therefore recommended that the works applied for through application 200322 are approved and that the works involving the conversion of the roof space to residential properties under application 200332 are refused.
- 1.4 The proposed works involve the net gain of 15/17 residential units and, as such, a provision of affordable housing is required. The applicant has stated that it would not be possible to provide affordable housing as part of the development, nor could a commuted sum be paid. The reason stated it viability grounds. A Financial Viability Assessment that supports this statement has been submitted and is being independently reviewed by a Chartered Surveyor.

## **2 Relevant Planning Policies**

### **2.1 Revised National Planning Policy Framework 2019**

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

### **2.2 Employment Land Local Plan (2016):**

EL3 Town Centre

### **2.3 Eastbourne Core Strategy 2013**

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C1 Town Centre Neighbourhood Policy
- D1 Sustainable Development
- D2 Economy

D5 Housing  
D10 Historic Environment  
D10a Design

2.4 Town Centre Local Plan (2013):

TC2 Town Centre Structure  
TC6 Residential Development in the Town Centre  
TC9 Development Quality  
TC10 Building Frontages and Elevations

2.5 Eastbourne Borough Plan Saved Policies 2007

NE7 Waste Minimisation Measures in Residential Areas  
NE18 Noise  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity  
UHT7 Landscaping  
UHT15 Protection of Conservation Areas  
UHT18 Buildings of Local Interest  
HO1 Residential Development Within the Existing Built-up Area  
HO2 Predominantly Residential Areas  
HO9 Conversions and Change of Use  
HO20 Residential Amenity  
BI1 Retention of Class B1, B2 and B8 Sites and Premises  
TR6 Facilities for Cyclists  
TR11 Car Parking

**3 Site Description**

- 3.1 The building subject of this application forms the middle part of a terrace of what was, originally, a group of four storey (including lower ground floor) townhouses. The terrace, which was constructed in the 1870's, incorporates numbers 19-29 Gildredge Road. The building has a distinctive frontage with the ground floor raised above street levels and accessed via stone steps leading to a flat roof entrance porch with an arched doorway. All ground floor windows on the building frontage are also arched. There is a decorative parapet above the porch and a cornice and decorative brackets (modillion) below the roof that continues along the full extent of the building at the same level. There is also a cornice a modillion at eaves height of the main roof, which is of gable form.
- 3.2 There have been no significant alterations or extensions to the exterior of the original building save for a distinctive curving access ramp to the front of the building and a two-storey mono-pitch roof outrigger, which provides access to the rear of the building. There is also a small flat roof extension to the lower ground floor of No. 21. Also to the rear of the site is a hard surfaced parking area which is accessed via a service road taken from West Terrace.
- 3.3 A number of uses have occupied the building over time. Most recently, the ground floor was in use as a bank with associated storage at lower ground floor,

other than at No. 21 where a separate lower ground floor retail/office unit, with designated access from the street, has been formed. Upper floors are configured for office use.

3.4 The site falls within the Town Centre and Seafront Conservation Area. Surrounding development is generally in the form of Victorian three and four-storey townhouses, the majority on Gildredge Road having been converted to commercial use whilst those on surrounding tertiary roads are largely still in residential use. The townhouses are occasionally interspersed with more modern multi-storey buildings. The site is within Eastbourne Town Centre but is not part of any designated primary or secondary shopping area. A new bus shelter has recently been installed directly to the front of the building as part of the Eastbourne Town Centre Improvement programme of works.

3.5 Other than the local listing of the building and the designation of the surrounding area as a Conservation Area, there are no other specific planning designations or constraints attached to the site.

#### **4 Relevant Planning History**

4.1 730904

Change of use from private hotel to offices having a floor area of approximately 6000 sq.ft.

Approved Conditionally 4<sup>th</sup> February 1974

4.2 760316

Change of use from approved offices to language school (25 Gildredge Road)

Approved Conditionally 13<sup>th</sup> July 1976

4.3 770243

Internal alterations to adapt approved offices to Branch Bank with offices on upper floors and formation of paved forecourt.

Approved Unconditionally 12<sup>th</sup> July 1977

4.4 880482

Change of use of second floor to offices (21 Gildredge Road)

Approved Unconditionally 26<sup>th</sup> February 1988

4.5 890698

Demolition of existing steps, formation of access ramp and two new flights of steps.

Approved Conditionally 26<sup>th</sup> July 1989

4.6 940059

Change of use of lower ground floor from veterinary surgery (Class D1) to offices (Class A2 or B1) (21 Gildredge Road).

Approved Unconditionally 9<sup>th</sup> February 1995

## 5 Proposed development

### 5.1 Application 200322

5.1.2 The proposed development involves subdividing the building to form a total of 15 x independent residential flats. (12 x 1 bedroom, 3 x 2 bedroom). All of the 2 bedroom flats would be at lower ground floor level.

5.1.3 External alterations would be made to the front of the building. These would consist of the following:-

- Replacement of the glazed shopfront style arrangement at lower ground floor level at No. 21 with windows to match those at lower ground floor level at numbers 23 and 25.
- Installation of metal handrails on the steps serving numbers 21 and 25 (No. 23 already has a handrail in place).
- Replacement of timber sash windows at second floor level with uPVC sash windows.

5.1.4 The following alterations and additions would be made to the rear of the building:-

- Demolition of existing two-storey outrigger.
- New single-storey mono-pitch roof extension to rear with matching footprint to existing lower ground floor extension (3.215 metres in width by 2.395 metres in depth).
- Installation of new windows where on elevation exposed by removal of outrigger.
- Installation of new windows at lower ground floor level including formation of new lightwell at No. 25.
- Provision of new ground floor access door and associated steps.
- Provision of free-standing cycle and bin stores.

5.1.5 4 x car parking bays would be provided on the existing hard surfacing to the rear of the site. As well as the new free-standing cycle storage area, which would have capacity for 11 bikes, each of the lower ground floor flats would be provided with a cycle storage cupboard adjacent to their main entrance.

5.1.6 2 x ground floor flats would have access to a terrace area to the front of the buildings whilst 2 x first floor flats would have access to the flat roof over the entrance porch. No communal outdoor amenity space is incorporated into the scheme. The lower ground floor flats would be accessed using two existing sets of steps taken directly from the pavement on Gildredge Road. The main access to the building would be in the form of the existing steps and ramp serving No. 23. An alternative access would be provided adjacent to the parking area to the rear of the building. Two of the ground floor flats would also have independent access via the steps and porches at numbers 21 and 25. Upper floor flats would be served by a communal staircase in the centre of the building.

## 5.2 Application 200332:

- 5.2.1 The proposed development involves the formation of 2 x one bedroom flats within the existing roof space, thereby forming a third floor level. Each flat would occupy the full depth of the building, with roof lights being installed within the front and rear roof slopes as a means to provide natural light and ventilation. The flats would be accessed by a central staircase, which would also serve flats on the first and second floor, should approval for these flats be granted.
- 5.2.2 Other than the proposed roof lights, no external modifications, alterations or extensions would be made to the building. A total of 9 x roof lights would be installed within the front slope, with 5 x roof lights installed to the rear. Each roof light would measure approx. 0.75 metres in width and 0.7 metres in height.

## 6 **Consultations**

### 6.1 Specialist Advisor (Planning Policy)

- 6.1.1 The development would be broadly in contravention to Employment Land Local Plan Objective 5 – Promote Sustainable Employment Locations with the creation of B1a Office floorspace in a sustainable location. However, paragraph 121 of the NPPF describes that “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs...they should support proposals to... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors...” As the site has been vacant, there is no reason that the Change of Use would undermine key economic sectors.
- 6.1.2 The Eastbourne Borough Plan Policy B11: Retention of Class B1, B2 and B8 Sites and Premises states that “Planning approval for the conversion or redevelopment of land or buildings currently or last in use class B1, B2 or B8 use for non-employment use will not be granted unless it can be satisfactorily demonstrated that...the site is genuinely redundant having regard to the following factors:
- i. the site with or without adaptation would not be capable of accommodating an acceptable employment development;
  - ii. no effective demand exists or is likely to exist in the future to use the land or buildings for employment generating activities including the length of time the property has remained vacant and attempts made to let it and the demand for the size and type of employment premises in the area;
  - iii. the condition of the property and works required to make it suitable for employment either through refurbishment or redevelopment would be uneconomic...”

The Design and Access Statement suggests that the unit has been marketed for several years, but is still currently vacant. There is no evidence of this supplied with the application.

6.1.3 The National Planning Policy Framework (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 October 2019, Eastbourne is only able to demonstrate a 1.43 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. It also states that where relevant policies are out-of-date, permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole", (NPPF, paragraph 11). This site would be considered a windfall site, as it has not been previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 15 residential units.

6.1.4 Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre. Proposals for new residential development in the Town Centre must demonstrate how the following design issues have been addressed:

- Protecting the amenity of residential occupiers by minimising potential conflicts between different land uses including noise disturbance, smell and vibration through the design and siting of servicing areas, ventilation and mechanical extraction, and external light sources.
- Provision of a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
- Provision of outdoor amenity space in the form of a shared communal garden, useable private balcony or roof terrace that forms an integral part of the design of the building.
- Provision of adequate bin and recycling storage that is screened from publicly accessible locations including adjoining streets, parking facilities and open space.

The application conforms with some of the above points. There are no obvious conflicts involving noise disturbance, smell and vibration, due to the nature of the site. There will be refuse storage created as part of the development. There is only a limited amount of in difference in the dwelling mix, as there are 12 x 1 bedroom apartments and 3 x 2 bedroom apartments. However, there will be no outdoor amenity space provided for the residents. It could be argued that the Town Centre location means that public amenity space can be found nearby, and so it is not necessary within the development. Also, the Town Centre location could mean that flats with one bedroom would be in a higher demand, so that a larger dwelling mix is not needed.

6.1.5 As the proposal is for a development of 15 flats, it is above the threshold for a contribution towards affordable housing. As the Town Centre is considered a 'Low Value' Neighbourhood in Policy D5 in the Eastbourne Core Strategy, it needs to provide 30% of the units for affordable housing. The Design and Access Statement acknowledges this requirement, and states that the development would need to provide 4 whole units and a commuted sum for a further 0.5 units. It states that the developer of the site could determine it

unviable, as it is located in a low value area, and provide a commuted sum for all 4.5 units. It states that evidence will be provided to support this if it is required. sectors.

- 6.1.6 The Change of Use and creation of 15 units is supported in principle. It does not provide any outdoor amenity space for the residents, though because of the Town Centre location this may not be deemed necessary. Also, the loss of B1a floorspace in this location is contrary to policy without sufficient evidence, which has not been provided. If the supporting evidence was provided that the unit was no longer viable as an office space, and there was very clear evidence provided with that affordable housing could not be delivered on site, then this proposal would be supported by policy.

6.2 Specialist Advisor (Conservation):

- 6.2.1 **Application 200322:** This application seeks permission for a change of use of this centrally located property in a conservation area from commercial uses to a residential conversion. The interior will be completely reworked but the all-important front elevation remains largely unchanged, with the exception of the proposal to replace timber windows at the upper level, which invites concern in conservation terms. It is hoped that this element can be amended to allow for their repair and retention, or replacement with new timber windows, in which case I am happy to approve.

Officer Comment: The applicant has confirmed that timber windows would be retained to the front of the building and repaired and restored where necessary.

- 6.2.2 **Application 200332:** This application seeks permission to convert the loft area of this centrally located property for residential use, which necessitates the installation of roof lights to front and rear. This is a practice that has happened elsewhere in the Town Centre and Seafront conservation area, and the proposal to use conservation roof lights is location sensitive and highly appropriate. As a result, no objection on conservation grounds is required.

6.3 ESCC Highways:

- 6.3.1 The proposed building currently has mixed use as a bank, offices and a commercial unit. The proposed access will remain via the communal access from Gildredge Road with an additional rear access via West Terrace. The site is located in the town centre, is well connected to public transport services with both rail and bus services available within 400m. Town centre shops are close by, with the Arndale Centre within 350m. There are parking restrictions in place along roads in the immediate surrounding network (bus stop clearways, parking bays, double yellow lines, loading/waiting areas). The restriction are enforced between 0800 and 1800hrs. On street parking is limited to 2 hours without a permit (pay and display).
- 6.3.2 The applicant has not submitted any details of trip generation for the existing or proposed use. Having carried out my own analysis using TRICS it is estimated that approximately 30-60 vehicle trips will be generated by the proposed development, not discounting the existing trips. This level of trips is not expected



to result in a significant impact on the local highway network, and as such, would not warrant an objection.

- 6.3.3 The applicant has proposed 4 on-site car parking spaces. This is a reduction from the existing 7 car parking spaces. In accordance with the ESCC guidance for parking at non-residential developments the existing A1/A2/B1a use should be provided with 1 space per 30sqm. As such the existing provision falls short of what should be provided. In accordance with the East Sussex parking demand calculator 12 one-bedroom and 3 two-bedroom flats in this location require 9 parking spaces if all unallocated. Although turning is available within the rear service road it is constrained and the spaces cannot be seen from West Terrace as such a number of trips will be made only to find that the spaces have been taken. If these spaces are allocated to the 3 two-bedroom flats this problem is eliminated. If 1 parking space is allocated per two-bedroom flat then there is a shortfall of 7 parking spaces, however given that the future demand is less than the current demand and permits are still being issued for this zone G an objection on parking grounds would be difficult to defend. A severe impact would be unlikely to be created by the parking demand and therefore the proposal is in accordance with the transport requirements of the NPPF. Parking restrictions along in the vicinity of the site prevent unauthorised parking, therefore maintaining the free flow of traffic.
- 6.3.4 It should be noted however that parking bays in this zone are a mixture of permit holders only and shared parking (for permit holders or pay and display parking) and as such having a permit does not guarantee that space will be available on street.
- 6.3.5 The applicant is proposing cycle storage to the rear of the property with 18 cycle spaces. ESCC standards stipulate that between 0.5 and 1 cycle spaces should be provided per one/two bedroom flat, as such the 18 spaces proposed exceeds the requirement. Given the accessible site and lack of parking in excess of 1 space per flat is accepted. The provision of cycle storage should be secured by condition, be conveniently located, covered and secure.
- 6.3.6 The applicant is proposing a bin store to the rear of the property with access via West Terrace. Although the bin storage point is within the 25m maximum carry distances from West Terrace the waste team should be consulted to determine if this arrangement is acceptable.
- 6.3.7 The site is located approximately 400m south of Eastbourne Town Centre and is within approximately 800m of Eastbourne Railway Station which provides an onward connection to Hastings, Brighton and London. There are a number of bus services within a 200m walking distance, serving Eastbourne Town Centre, Meads, Sovereign Harbour and Hastings. Overall, it is considered the site is in a suitably sustainable location.
- 6.3.8 Given the size of the development a Travel Plan Statement is not required; however, considering the lack of parking it is necessary to encourage non-car modes of transport. A bus taster ticket (for at least one month) or £100 cycle voucher should be provided per flat on first occupation.

- 6.3.9 Given the central location of the site, and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, with details to be agreed.
- 6.3.10 Considering the sustainable location, size of proposed dwellings and existing use it is not expected that the proposals would result in a significant detrimental impact on the local highway network. Therefore, I would not object to the application based on highways grounds, subject to conditions detailed below.
- 6.3.11 Officer Comment: As the proposed works are almost entirely internal, it is not considered that it would be reasonable or necessary to require a Construction Management Plan.

## **7 Neighbour Representations**

7.1 5 letters of objection have been received, the comments made are summarised below:-

- Increased traffic through West Terrace;
- Insufficient on-site parking and street parking is over-subscribed;
- If approved then the road to the rear of the property should be resurfaced;
- Occupants of flats will be exposed to air pollution;
- Increased noise and rubbish;
- People will gather at rear of site due to lack of amenity space;
- Dense occupation levels will increase risk of spread of COVID;
- Type of accommodation will be at risk from fire;
- Neighbouring properties would be overlooked by flats in roof space;
- Unclear if access to garages to rear of site will be affected;
- Construction hours should be limited to 9am to 5pm;
- I was not consulted on application even though my garage would be affected;
- The square footage of each building is below policy limits;
- No provision of electric vehicle charging points;

7.2 Officer Comment: The issue of parking permits is administered by East Sussex County Council who have stated that permits are still being issued and that the proposed use would have a lower parking demand than the existing (para. 6.3.3). Standard construction hours are between 08:00 and 18:00 on weekdays and there is increased pressure from National Government for these to be increased to compensate for lack delays in development experienced due to lockdown. It is considered that standard hours are reasonable. The road to the rear of the site is not an adopted highway and, as such, access and maintenance works are a civil matter rather than a planning consideration. A planning condition has been attached to secure an electric vehicle charging point.

## 8 Appraisal

### 8.1 Principle:

- 8.1.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.
- 8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.1.4 The site is located within the Town Centre and the approved use of the building is currently is predominantly as office space with an A2 (financial and professional) use on the ground floor and lower ground floor. Economic objectives are one of the three overarching objectives of sustainable development. Para. 80 of the NPPF states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. It is important, in this context, to note that the NPPF identifies that residential development in town centres can often play an important role in ensuring the vitality of centres (para. 85).
- 8.1.5 It is noted that the site is within a Conservation Area, a designated heritage asset (NPPF Section 16). The potential impact upon this asset is therefore of particular relevance. The building itself is locally listed and is therefore also regarded as a heritage asset, albeit a non-designated one.
- 8.1.6 The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

## 8.2 Loss of Office Floor Space:

8.2.1 The existing building currently provides office space albeit that the building is currently vacant. Policy BI1 of the Eastbourne Borough Plan (saved policies) and Policy D2 of the Eastbourne Core Strategy both seek to prevent unnecessary loss business uses as a result of change of use development.

8.2.2 Notwithstanding the above, it is important to note the contents of para. 4.19 of the Eastbourne Employment Land Local Plan (EELLP) which was adopted in 2016. In this paragraph it is recognised that:-

'The office market within Eastbourne is relatively static and is dominated by older, outmoded stock within the town centre. In its current state, much of the office stock in Eastbourne does not meet occupier demand as it would be difficult to accommodate the IT and servicing infrastructure needed by office occupiers, and is expensive to refurbish to meet modern standards.'

8.2.3 As a response to this identified need, sites within the town centre have been identified for new office based development which would provide at least 3,750 m<sup>2</sup> of office space, as a contribution to an overall target of delivering 48,750 m<sup>2</sup> employment space within the Borough as a whole. Policy EL3 of the Employment Land Local Plan states that the full 3,750 m<sup>2</sup> to be provided at Development Opportunity Site 2, as identified within the Town Centre Local Plan. This site is directly adjacent to the train station, close to the application site. Other Development Opportunity sites identified in the Town Centre Local Plan would further supplement provision of employment space.

8.2.4 The application building is not a purpose built office and does not benefit from the same levels of accessibility and adaptability as a modern office building does nor is it large enough to provide the critical mass required to secure communal infrastructure as would be provided at a modern, large scale office development. Although there are other offices nearby, they are distributed along the street in a rather straggly manner and are not considered to represent a hub as described in para. 004 of the Planning Practice Guidance for Town Centres and retail. Again, more modern office development is best placed to provide a hub of similar uses which are mutually beneficial to each other and the wider viability and vitality of the surrounding area. It is therefore considered that the proposed use is likely to provide a more efficient and effective use of the building and that the loss of office space would not compromise the ongoing appeal of the Town Centre as a location for offices.

8.2.5 With regard to the loss of floor space with permission for A2 class use, such uses are not considered to be as integral to the vitality of the Town Centre as A1 retail uses. There is no identified shortage of A2 units within the Town Centre. The large floor area of the building and lack of shop frontage also reduces appeal to a number of potential A2 uses. It is therefore considered that the loss of A2 floor space, in this instance, is acceptable.

8.2.6 It is also noted that the large parts of the building could be converted from offices to residential use under prior approval rights and that this may result in residential accommodation of a lower standard as an application to undertake

this would not be subject to the full range planning considerations, such as amount of internal space provided and quality of living conditions for future occupants.

### 8.3 Affordable Housing:

8.3.1 Para. 62 of the Revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Application 200322 involves the net gain of 15 residential units and, therefore, represents major development.

8.3.2 Policy D5 of the Eastbourne Core Strategy reflects this national position and sets a requirement for 30% of units to be provided in 'Low Value Areas' (of which the Town Centre neighbourhood is an example).

8.3.3 A 30% provision, based on the anticipated net gain of 15 units, would equate to 4.5 affordable housing units. As such, 4 units within the development would need to be allocated as affordable housing. The remaining 0.5 would need to be provided as a commuted sum, as per policy D5 of the Core Strategy.

8.3.4 Application 200332 provides an additional two flats within the roof space. This would result in an overall net gain of 17 flats which would require a provision of 5.1 affordable units. In the event that this application is approved and in order to ensure that provision of affordable housing would not be lost as a result of the splitting of applications, a Section 106 agreement would be used to bind the application together in order that, if both permissions were implemented, the correct amount of affordable housing would be made available.

### 8.4 Design and Impact on Visual Amenity:

8.4.1 The proposed development would not involve extensive alterations or extensions to the exterior of the existing building. Works to the building frontage would be restricted to the removal of a lower ground floor shopfront and replacement with windows and openings to match the rest of the building, provision of metal handrails on the external steps and replacement of second floor timber sash windows with uPVC windows of a similar format.

8.4.2 The appearance of the building frontage would therefore be largely unchanged and, in the case of the removed shopfront, returned to a more consistent appearance. However, the provision of uPVC windows on the frontage of a locally listed building within a Conservation Area is not considered to be acceptable, particularly in the absence of any substantive justification for such works. The main access to the building, as well as direct access to a number of

the flats, would be maintained to the front, ensuring the development engages effectively with the surrounding street scene.

8.4.3 The rear of the building would be subject to a greater amount of work but this is considered to be relatively minor in the context of the overall size of the scheme. The two-storey outrigger, which is to be demolished, is not an original part of the building and is not considered to possess any architectural merit and the part of the original elevation wall that would be exposed as a result of its removal would be restored to an appearance that replicates other parts of the rear elevation of the building. The proposed extension would be made over an existing flat roof lower ground floor extension. It is considered to be of modest proportions and it would include a window arrangement consistent with that of the main building, assisting visual integration. The proposed light wells would not be of any visual prominence.

8.4.4 The use of the rear of the site for parking would be consistent with the general pattern of development on Gildredge Road and neighbouring streets where parking is commonly provided to the rear of buildings.

## 8.5 Impact Upon Historic Environment:

8.5.1 The site is located within the Town Centre and Seafront Conservation Area, a designated Heritage Asset. The building itself is locally listed, and therefore a non-designated Heritage Asset.

8.5.2 Para. 192 of the Revised NPPF instructs that, when determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

8.5.3 Para. 197 states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

8.5.4 As stated in section 8.4, the appearance of the building would remain largely as existing and, where alterations are to be made, the majority of these would involve the removal of more modern additions and alterations to the dwelling. However, whilst the replacement of the timber sash windows at second floor windows on the front elevation may be regarded as minor in terms of scale, 'even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting (para. 018 of Planning

Practice Guidance for the Historic Environment).

- 8.5.5 The building has a wide and prominent frontage within the Conservation Area. Although uPVC windows are to be installed within the building, these will all be to the rear elevation, which has no significant visual presence within the Conservation Area nor does it possess any notable architectural features. All windows within the front elevation walls would have their timber frames retained and repaired or restored when required. Although the proposed roof lights would be uPVC framed, a Conservation design would be utilised. The roof lights would also be of modest scale and their size positioning would ensure they do not overwhelm the roof form or interrupt the main fenestrations to the front of the building, which play the largest part in defining the character of the building and the way in which it contributes towards the character and setting of the Conservation Area.
- 8.6 Residential Amenity:
- 8.6.1 The only significant extension that would be made to the existing building would be a modestly sized ground floor extension to the rear. This extension would abut the northern site boundary, adjacent to 19 Gildredge Road which is occupied by a hair salon at ground floor level and a beauty salon at lower ground floor level. Any overshadowing, which would be minimal in any case due to the modest height of the extension, would not impact upon residential windows. All new windows and openings that are to be installed within elevation walls are to be positioned on the front and rear elevations where there are a number of existing windows and the views offered will therefore be similar to existing views. Views to the rear look towards residential properties on West Terrace and Hyde Road. The nearest properties, flats at 17 West Terrace and numbers 33 and 35 Hyde Road, would only be visible at an extremely oblique angle. Other nearby residential properties are a minimum of 25 metres from the rear windows of the application building.
- 8.6.2 The proposed roof lights are relatively small and would be installed at a high level and angled upwards, with their main function being to provide natural light and ventilation. It is therefore considered that the roof lights would not offer any realistic potential for intrusive or invasive views towards neighbouring residential properties.
- 8.6.3 Parking and bin and cycle storage would be provided to the rear of the building. The parking area is not large and it is not considered that it would be used at an intensity that would result in unacceptable disturbance towards neighbouring residents. Bin and cycle storage will be provided in designated areas and would be secure and covered so as to prevent unsightliness, minimise odour emissions and discourage vermin.

8.7 Living Conditions for Future Occupants:

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

8.7.2 The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The table below shows the GIA provided for each of the proposed unit along with the amount of GIA required for the unit.

Ref:	Unit Number	Unit Size	Required GIA	Provided GIA
200322	1 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	72 m <sup>2</sup>
	2 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	73.8 m <sup>2</sup>
	3 (LGF)	2 bedroom, 3 person	61 m <sup>2</sup>	78.7 m <sup>2</sup>
	4 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45.1 m <sup>2</sup>
	5 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	6 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45 m <sup>2</sup>
	7 (G)	1 bedroom, 1 person	39 m <sup>2</sup>	45.1 m <sup>2</sup>
	8 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.3 m <sup>2</sup>
	9 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	10 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46 m <sup>2</sup>
	11 (1 <sup>st</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.6 m <sup>2</sup>
	12 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.6 m <sup>2</sup>
	13 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	48.3 m <sup>2</sup>
	14 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	46.1 m <sup>2</sup>
	15 (2 <sup>nd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	47.8 m <sup>2</sup>
200332	16 (3 <sup>rd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	45.5 m <sup>2</sup>
	17 (3 <sup>rd</sup> )	1 bedroom, 1 person	39 m <sup>2</sup>	45.5 m <sup>2</sup>



- 8.7.3 The proposed units all exceed minimum space standards in terms of GIA, although the 1 bedroom units are only suitable for single occupancy, despite double beds being shown on the submitted floor plans. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m<sup>2</sup> for single bedrooms and 11.5 m<sup>2</sup> for double bedrooms.
- 8.7.4 However, para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area. With regard to the proposed flats in the roof space (ref: 200332), the submitted plans indicate parts of the flats with a ceiling height of over 2 metres, which is lower than the ceiling height set out in the technical requirements of this space standard. This area amounts to approx. 28.5 m<sup>2</sup> per flat. In order to comply with ceiling height standards, a minimum of 34 m<sup>2</sup> floor area would need to be provided with a minimum ceiling height of 2.3 metres. It is therefore considered that, as a result of a sizeable part of each flat would have low ceiling height, the proposed flats within the roof space would provide a cramped form of accommodation and, as such, fail to provide a suitable standard of living conditions.
- 8.7.5 It is considered that the unacceptably cramped conditions that result from the low ceiling height of each of the flats within the roof would be exacerbated by the lack of any windows or openings providing a realistic form of outlook. Openings provided consist of roof lights only which are relatively small at approx. 0.75 meters by 0.7 metres and would also be installed at a high level within the roof slope. It is considered that, whilst these openings would provide natural light and a certain level of natural ventilation, the lack of outlook offered and the small size of the roof lights would create an oppressive and claustrophobic environment for occupants of the flats, further eroding the standard of living conditions provided.
- 8.7.6 Within the remaining 15 x flats (ref: 200322) all habitable rooms will be served by clear glazed windows, including ground floor units where existing and proposed lightwells will be positioned adjacent to windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. Unobstructed outlook would be available from the majority of windows. The rear facing lower ground floor windows would have reduced outlook due to their low level but all flats served by these windows are dual aspect, with the main living areas positioned to the front where front facing windows provide a far wider outlook.
- 8.7.7 A small number of the flats would have access to balconies in the form of an existing terraced area at ground floor level to the front of the building and the flat roof over the existing entrance porches at first floor level. The amenity value of these spaces will be useful but it is not considered that they are of limited value as private amenity space given their modest size and their positioning adjacent to a busy street. No designated communal amenity space would be provided. In this instance, the minimal amount of amenity space available is considered acceptable due to the proposed tenure (the majority of units being single occupancy flats) and the relatively close proximity of the site to public amenity spaces at Gildredge Park and the Seafront.

8.7.8 The main access to the flats is to the front of the building, facing out towards Gildredge Road where there is a good level of surveillance. The secondary access as well as the parking and storage areas to the rear of the site also benefits from a good degree of natural surveillance from neighbouring dwellings on West Terrace and Hyde Road as well as from windows of flats forming part of the development. Lower ground and ground floor flats do not have windows that face directly onto the street, defensible space being provided by low walls and railings on the site frontage.

8.7.9 The communal access arrangements will need to comply with Secured by Design standards. This can be achieved through the use of a planning condition. Para. 27.20 of states that

‘Smaller developments containing up to and including 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key, etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio and visual communication between the occupant and the visitor;
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

8.7.10 The site is located in a mixed use area, a large proportion of which is residential use. Other nearby uses which include hair and beauty salons, health clinics, offices and small shops are considered to be compatible with this residential environment and do not generate levels of noise, light or air emissions that would cause undue disturbance towards future occupants of the proposed development. Likewise, it is not considered that the residential use of the building would prejudice ongoing operations of any nearby business use.

## 8.8 Highways:

8.8.1 The proposed development would incorporate 4 x car parking spaces to the rear of the site. These spaces would be accessed via a service road taken from West Terrace which also serves parking to the rear of neighbouring sites as well as two blocks of garages. This a reduction from the 7 car parking spaces currently available on site and is due to the space being required for the bin and cycle storage facilities as well as the proposed rear extension.

- 8.8.2 Interrogation of the ESCC Car Parking Demand Calculator suggests that the development would generate demand for approximately 9.5 car parking spaces. As such, the proposed parking allocation represents a shortfall.
- 8.8.3 The building currently provides approx. 871 m<sup>2</sup> of B1 (office) and A2 (financial) floor space. ESCC guidance states that both of these uses generate parking demand at a ratio of one space per 30 m<sup>2</sup> floor space. This equates to a demand for approx. 29 car parking spaces based on the existing use. It is therefore considered that the proposed residential use would result in a reduction in parking demand that is not met on-site, even when taking the loss of 3 x parking spaces into account.
- 8.8.4 Furthermore, it is considered that the site is within a highly sustainable location. As the parking demand calculator is based on aggregated ward data this may not be reflected in the estimate for parking demand that it provided. The site is immediately adjacent to a main bus stop and within approximately 150 metres to Eastbourne train station. There are also shops, services and community facilities nearby within the town centre and its fringes. Given the sustainable nature of the site and the reduction in parking demand from that of the existing use, it is considered that there would be an acceptable quantum of parking provided on-site.
- 8.8.5 The site would be accessed by an existing service road. Although there is no footpath on the service road itself, the main access to the building, which includes a ramp, is served by the wide pavement on Gildredge Road. There is sufficient space around the car parking spaces to the rear of the site to allow for the safe movement of pedestrians. In order to ensure parked cars do not stray into pedestrian areas, they will need to be marked out and bollards, kerbing or fencing installed as a physical means to prevent incursion.

## **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 application 200322 (conversion of lower ground, ground, first and second floors to provide 15 x flats) is approved, subject to a legal agreement securing affordable housing (if deemed viable) and a Local Labour Agreement.
- 10.2 It is recommended that application 200332 (formation of 2 x flats within roof space) is refused.

10.3 Conditions to be attached to approval of 200322.

10.3.1 **Time Limit:** 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.

10.3.2 **Approved Drawings:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 3001 01 – Site Location and Block Plans;
- 3001 09 – Proposed lower ground floor plan;
- 3001 10 – Proposed ground floor plan;
- 3001 11 – Proposed first floor plan;
- 3001 12 – Proposed second floor plan;
- 3001 13 Rev A – Proposed front elevation;
- 3001 14 Rev A – Proposed rear elevation;
- 3001 15 – Proposed part side elevations;
- 3001 16 Rev A – Proposed elevations;
- 3001 17 – Proposed roof plan and sections AA, BB;

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

10.3.3 **Window Details:** The existing and proposed windows within the front elevation of the building shall be retained/constructed with timber frames that match the appearance of existing window frames and shall thereafter be maintained in this condition throughout the lifetime of the development.

Reason: In the interest of preserving the character and setting of the locally listed building and the wider Conservation Area in accordance with saved policies UHT1 and UHT15 of the Eastbourne Borough Plan, policy D10 of the Eastbourne Core Strategy and para. 192 of the Revised National Planning Policy Framework.

10.3.4 **Cycle Storage:** Prior to the first occupation of the development, secure and covered cycle parking (with space for a minimum of 15 cycles) and bin storage facilities shall be provided in the positions shown on approved plan 3001 09 and shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In the interest of visual and environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, HO20 and NE28 of the Eastbourne Borough Plan, policies B2, D8 and D10a of the Eastbourne Core Strategy and paras 108 – 110 of the Revised National Planning Policy Framework.

- 10.3.5 **Car Parking Layout:** Prior to the first occupation of the development, the car parking area shown on approved plan 3001 09 shall be provided, marked out, surfaced and suitably drained and shall thereafter be maintained in place throughout the lifetime of the development. A minimum of 1 x electric vehicle charging point shall be provided in operational condition and retained in place thereafter.

Reason: In order to ensure sufficient parking is provided to serve the development and in the interest of highway and pedestrian safety in accordance with saved policy TR11 of the Eastbourne Borough Plan and paras 108 – 110 of the Revised National Planning Policy Framework.

10.4 Reason for Refusal (200332).

- 10.4.1 The proposed development would fail to provide a suitable standard of living environment on account of amount of floor space with low corresponding ceiling height, which fail to meet minimum levels set out in 'Technical housing standards – nationally described space standard' (2015) and the lack of outlook, with small rooflights providing the only source of natural light/ventilation. The proposed flats would therefore provide an oppressive and cramped environment and fail to fulfil the requirement for healthy living conditions to be provided, as set out in section 11 of the Revised National Planning Policy Framework (2019), H1 of the National Design Guide (2019) and policy D10a of the Eastbourne Core Strategy. It is considered that the failure to provide suitable living space outweighs the benefit of the provision of 2 x new residential units and, therefore, the application is refused.

**11 Appeal**

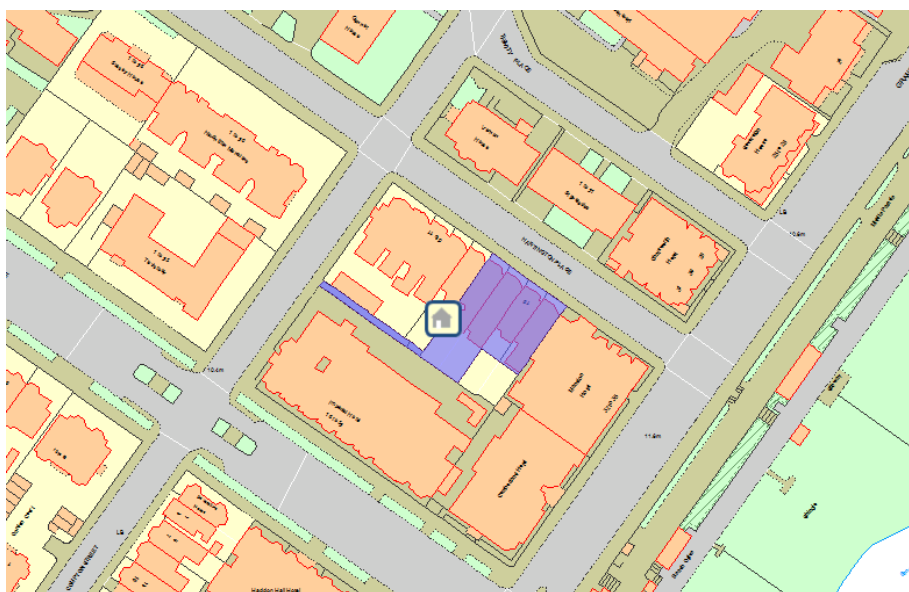
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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# Agenda Item 7

<b>App.No:</b> 200280	<b>Decision Due Date:</b> 16 July 2020	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 2 <sup>nd</sup> July 2020	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 11 <sup>th</sup> June 2020 <b>Neighbour Con Expiry:</b> 11 <sup>th</sup> June 2020 <b>Press Notice(s):</b> 10 <sup>th</sup> July 2020		
<b>Over 8/13 week reason:</b> Committee cycle. Extension of Time has been secured		
<b>Location:</b> Mansion (Lions) Hotel, 32-35 Grand Parade, Eastbourne		
<b>Proposal:</b> Conversion of rear part of hotel at 15-21 Hartington Place to 21N° two bedroom flats		
<b>Applicant:</b> Mr Abid Gulzar		
<b>Recommendation:</b> 1. Approve subject to conditions and s106 agreement securing affordable housing (subject to viability position), local labour agreement and reasonable investment in retained tourism use. 2. That the application is refused under delegated authority if the S106 agreement is not concluded in 6 months of any resolution to grant permission		

**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 It is considered that the proposed development represents an optimum viable use of the building that would not compromise the status any heritage asset nor would it have an unacceptable negative impact upon tourism and tourist facilities.

1.2 The units provided by the development would play an important contribution towards housing supply in the Borough. The proposed flats would provide suitable living conditions for future occupants and would not result in unacceptable impact upon environmental and residential amenity.

1.3 The absence of on-site car parking is considered to be acceptable due to the sustainable location of the site.

1.4 The applicant has stated that it would not be possible to provide affordable housing as part of the development, nor could a commuted sum be paid. The reason stated is viability grounds. A Financial Viability Assessment that supports this statement has been submitted and at the time of writing is being independently reviewed by a Chartered Surveyor. The outcomes of this assessment/review are likely to follow one of two scenarios:-

- Independent review supports the viability assessment and therefore move to a decision as recommended or
- Independent review establishes potential for offsite affordable housing delivery and is this the case then the monies could be collected via S106 agreement and therefore move to decision as recommended.

## **2 Relevant Planning Policies**

### **2.1 National Planning Policy Framework**

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

### **2.2 Government Planning Practice Guidance**

National Design Guide (2019)

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

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy



D1: Sustainable Development  
D3: Tourism  
D5: Housing  
D8: Sustainable Travel  
D10: Historic Environment  
D10a: Design

#### 2.4 Eastbourne Town Centre Local Plan 2013

TC6: Residential Development in the Town Centre  
TC9: Development Quality  
TC12: Servicing, Access and Storage

#### 2.5 Eastbourne Borough Plan Saved Policies 2007

NE18: Noise  
NE28: Environmental Amenity  
UHT1: Design of New Development  
UHT4: Visual Amenity  
UHT15: Protection of Conservation Areas  
HO1: Residential Development Within the Existing Built-up Area  
HO9: Conversions and Change of Use  
HO20: Residential Amenity  
TR2: Travel Demands  
TR11: Car Parking  
TO1: Tourist Accommodation Area  
TO2: Retention of Tourist Accommodation

#### 2.6 Supplementary Planning Document

Tourist Accommodation Retention (2017)

### **3 Site Description**

3.1 The site is occupied by numbers 15-21 Hartington Place, which were originally four individual 5-storey (including basement level) townhouses but have since had their floor space amalgamated to form part of the Mansion (Lions) hotel. The buildings form part of a terrace along with numbers 13, 11, 9, 7 and 5 Hartington Place, the full extent of which is Grade II Listed. These buildings were erected between 1855 and 1860.

3.2 The easternmost building, No. 21 Hartington Place, has been extended to the rear to its full height, with the roof also altered to a mansard form in order to provide an additional storey within the roof space. The exteriors of the remaining buildings are largely unaltered from their original appearance although the front doorways of numbers 21, 17 and 15 have been partially infilled and the doors replaced with windows. All buildings have distinctive curved frontages, round arched porches with Doric columns over original main entrance, a stringcourse over first floor window heads, cornice with modillions above second floor window heads and a parapet at the roof eaves. The cornice of the porches continues over ground floor window heads and iron balcony railings are installed to the

front of first floor windows above the cornice. To the rear, there are bay windows at basement, ground and first floor level of each building as well as raised terraces and landscaped amenity space.

- 3.3 Ground floor level is slightly raised from street level and the main entrance is reached by a set of steps. The site frontage is marked by painted iron railings.
- 3.4 The Mansion hotel comprises the application buildings as well as an interconnected 6-storey building which fronts Grand Parade. Overall, the application buildings accommodate 32 x hotel rooms. The basement level is used solely for ancillary office space. There is a self-contained flat at ground floor level as well as dining rooms used by hotel guests. It is stated that approximately 80 rooms would continue to be provided in the retained part of the hotel. The hotel is advertised as providing 106 rooms overall.
- 3.5 Surrounding development comprises large hotel buildings of 6-storeys plus which face onto Grand Parade and represent the main ribbon of hotel development along Eastbourne seafront. Side streets such as Hartington Place are generally defined by Victorian townhouse style 4 and 5-storey buildings, many of which have roof/rear extensions and have been converted to tourist use. Primary shopping areas in the town centre are nearby to the north whilst the seafront, attractions and theatres are close by to the south and west.
- 3.6 The site is located within the Eastbourne Town Centre and Seafront Conservation Area. It also falls within the secondary sector of the Tourist Accommodation Area (as per the Tourist Accommodation Supplementary Planning Document). There are no other specific planning designations attached to the site although there are mature trees subject to TPO's to the rear of the neighbouring properties.

#### **4 Relevant Planning History**

- 4.1 500175  
Provision of glazed screen and balcony.  
Approved unconditionally – 9<sup>th</sup> June 1950
- 4.2 550105  
Alterations forming additional lavatory, accommodation and stairway.  
Approved unconditionally – 15<sup>th</sup> March 1955
- 4.3 570347  
Conversion of hotel into 8 flatlets including housekeepers living accommodation.  
Approved conditionally – 17<sup>th</sup> November 1957
- 4.4 600135  
Formation of staff entrance and steps to basement of hotel.  
Approved conditionally – 11<sup>th</sup> March 1960
- 4.5 620080  
New connecting doorway at ground floor level to incorporate No. 17 with the Mansion Hotel.

Approved conditionally – 8<sup>th</sup> March 1962

4.6 620080

New connecting doorway at ground floor level to incorporate No. 17 with the Mansion Hotel.

Approved conditionally – 8<sup>th</sup> March 1962

4.7 620218

Alterations to convert existing premises (15 and 17 Hartington Place) to form extension to Mansion Hotel .

Approved unconditionally – 15<sup>th</sup> May 1962

4.8 080386

Retrospective planning application for removal of seven timber framed sash windows and replacement with UPVc framed sash windows at lower ground floors of 15, 17 and 19 Hartington Place.

Refused – 2<sup>nd</sup> September 2008

## **5 Proposed development**

5.2 The proposal involves converting 15-21 Hartington Place to accommodate 21 x self-contained flats. All but one of the flats would be 2 bedroom properties, with the remaining flat being one bedroom. Flats would be provided at a rate of 4 per floor (lower ground to third floor) with a single flat accommodated within the existing roof extension at No. 21.

5.3 External alterations made to the existing buildings would be restricted to the rear elevation and would consist of the following:-

- Removal of existing single-storey flat roof basement extensions/terraces;
- Removal of external staircase providing access to first floor;
- Removal of first floor external door and replacement with window unit;
- Replacement of bay window unit at first floor on No. 15 and bay window/doors at ground floor level on all units;
- Formation of new windows/doors at basement level to provide access to amenity areas;
- Formation of new external door at ground floor level to rear of No. 19;
- Creation of bridge access from rear of site to new ground floor entrance;

5.4 The main access to the flats would be via the existing ground floor entrance on Hartington Place. Basement, first floor, second floor and third floor flats would be accessed by way of a communal internal staircase or by lift. The fourth floor flat would have an additional staircase taken from the third floor level and would not be served by a lift.

5.5 The two rear facing basement units (flats 2 and 3) would have direct access to an outdoor patio/terrace area. Remaining flats will have access to a landscaped communal garden which would include a seating area and cycle and bin storage facilities. The communal garden would be accessed via the proposed bridge footpath. The amenity area could also be accessed from the rear of the site via

the existing service road. No designated car parking spaces would be provided.

- 5.6 It is stated that all units would be provided as market housing, with no provision for affordable units.

## **6 Consultations**

### **6.1 ESCC Highways**

- 6.1.1 The applicant has not submitted any details of trip generation for the existing or proposed use. Having carried out my own analysis using TRICS it is evident that the existing site as a hotel with 32 hotel rooms and additional 1 bedroom flat could generate in the region of 59 daily vehicle trips. Based on an estimated trip rate of 2-4 trips per day per 2 bedroom flat, it is estimated that approximately 42-84 vehicle trips will be generated by the proposed development, not discounting existing trips. This level of additional trips is not expected to result in a significant impact on the local highway network, and as such, would not warrant an objection.
- 6.1.2 The applicant is not proposing any on-site car parking. In accordance with the ESCC guidance for parking at non-residential developments a hotel should be provided with 1 space per bedroom, plus 1 space per 2 non-resident staff. The existing 34 bed hotel should therefore be provided with in excess of 34 parking spaces. In accordance with the East Sussex parking demand calculator 21 two-bedroom flats in this location require 13 parking spaces if all unallocated. The future demand is therefore less than the current demand. The site is within permit parking zone S so parking is controlled and residents are required to purchase a permit before they can park in the area. Following consultation with the ESCC Parking Team, permits are still issued for this zone and there is no waiting list. It should be noted however that parking bays in this zone are a mixture of permit holders only and shared parking (for permit holders or pay and display parking) and as such having a permit does not guarantee that space will be available on street.
- 6.1.3 On balance an objection on parking grounds would be difficult to defend as a severe impact would be unlikely to be created by the parking demand and therefore the proposal is in accordance with the transport requirements of the NPPF. Parking restrictions along in the vicinity of the site prevent unauthorised parking, therefore maintaining the free flow of traffic.
- 6.1.4 The applicant is proposing cycle storage to the rear of the property. ESCC standards stipulate that between 0.5 and 1 cycle spaces should be provided per two bedroom flat, however given the accessible site and lack of parking provided 1 space per flat should be provided. The provision of cycle storage should be secured by condition, and should be conveniently located, covered and secure.
- 6.1.5 The applicant is proposing a bin store to the rear of the property with access via the walkway from Compton Street. The proposed plans indicate the bin storage point exceeds the 25m maximum carry distances and as such the waste team should be consulted to determine if this arrangement is acceptable.

- 6.1.6 The site is located approximately 400m south of Eastbourne Town Centre and is within approximately 800m of Eastbourne Railway Station which provides an onward connection to Hastings, Brighton and London. There are a number of bus services within a 200m walking distance, serving Eastbourne Town Centre, Meads, Sovereign Harbour and Hastings. Overall, it is considered the site is in a suitably sustainable location.
- 6.1.7 Given the size of the development a Travel Plan Statement is not required; however, considering the lack of parking it is necessary to encourage non-car modes of transport. On first occupation of each unit either a bus taster ticket or £100 cycle voucher should be provided.
- 6.1.8 Given the central location of the site, and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, with details to be agreed.
- 6.1.9 Considering the sustainable location, size of proposed dwellings and existing use it is not expected that the proposals would result in a significant detrimental impact on the local highway network. Therefore, I would not object to the application based on highways grounds, subject to conditions detailed below.

## 6.2 Eastbourne Hospitality Association

6.2.1 We have NO objection subject to the following conditions:

1. Residential units never to be used for HMO purposes.
2. Parking for potentially another 50 cars is addressed and kept 'off' street.
3. Hotel Frontage and associated Public facing façade of the whole property is restored to a premium condition to maintain the look of the Conservation Area.

6.2.2 The number of bedrooms lost in the overall picture has no consequence to the 5.5K available and even with the Development of the Devonshire Quarter – there will be plenty available, as long as they book with plenty of notice – this is the main issue for Conference booking, not the amount of 'bed space' available, we as Accommodation Providers get booked up to 2 years in Advance by Overseas Groups. We are as an Association working with Visit Eastbourne (VE) on this issue and we will come to a solution, hopefully, soon.

## 6.3 SUDs

6.3.1 The proposed application is for a change of use of part of a hotel into residential units with minor alterations proposed. As such, it is not expected that the proposals will result in an increase in flood risk elsewhere and we have no objection to the proposed development. However, it is recommended that the condition of the existing surface water drainage system is investigated and any required improvements/rehabilitation made prior to occupation.

## 6.4 Regeneration

- 6.4.1 In line with the Local Employment and Training Supplementary Planning Document, adopted November 2016, this application for outline planning permission meets the threshold for a residential development and therefore qualifies for a local labour agreement.
- 6.4.2 The Supporting Planning Statement dated September 2018 acknowledges at 6.5, page 10 that there will be some economic benefits from employment during construction as well as increased spending in the local economy following occupation.
- 6.4.3 Item 3.1, page 4 outlines the loss of hotel rooms and ancillary offices amounting to a loss of 28% of the premises. The report gives no indication of the number of staff currently employed or anticipated employment numbers as a result of partial loss of hotel facilities. Hospitality is a key employment sector in Eastbourne and an area that may experience growth as a result of the Covid-19 pandemic with holidaymakers deciding to stay in the UK.
- 6.4.4 The Supporting Planning Statement dated September 2018 acknowledges at 6.5, page 10 that there will be some economic benefits from employment during construction as well as increased spending in the local economy following occupation.
- 6.4.5 Regeneration has reservations regarding this application in light of the absence of employment data and job losses. Regeneration requests that should this planning application be approved it be subject to a Local Labour Agreement.

## 6.5 Conservation Area Advisory Group

- 6.5.1 The properties have been subject to extensive adaptations over the years, with changed configurations and a complete loss of historic fabric. The front façade, which is largely unchanged, is retained as part of the proposed development. Overall, the application is deemed acceptable, though the preference would be for the installation of more sympathetic windows to the rear elevation.

## 6.6 County Archaeology

- 6.6.1 On the available evidence, the East Sussex County Council Archaeology Team do not consider that in this instance, the information held by the Historic Environment Record (HER) would contribute to determining the significance of the heritage asset.

## 6.7 Specialist Advisor (Conservation and Listed Buildings)

- 6.7.1 This application seeks permission to develop four properties currently forming part of this centrally located hotel operating out of a listed building and in a conservation area as residential apartments. The property has been extensively adapted over the years so the redevelopment does not significantly compromise an enduring floor plan or historic features and fabric. Hearteningly, it proposes retaining the facade on to Hartington Place as virtually unchanged, thereby

securing one of the site's strongest assets whilst creating the conditions that allows for the remainder of the hotel to continue operating. The retention of uPVC windows on the rear elevation is, however, unfortunate and gives rise to concern, and it would be helpful if these could be upgraded to something more appropriate. On balance, however, the application has a neutral impact and is not felt to compromise the integrity of the individual listing through loss of significance or to create any major challenge to the character and appearance of the host conservation area.

## 6.8 Specialist Advisor (Planning Policy)

- 6.8.1 The NPPF supports sustainable residential development and is supported in order to meet local and national housing needs. The site has not been identified in the Strategic Housing & Employment Land Availability Assessment [SHELAA] (2017) and as such would be considered to be a windfall site. Residential development on windfall sites is required in order to meet the Core Strategy's Spatial Development Strategy (Policy B1 of the Core Strategy). As such, the principle of residential development in this sustainable location is supported.
- 6.8.2 This site lies within a Secondary Sector of the Tourist Accommodation Area. A Tourist Accommodation Retention Supplementary Planning Document (SPD) was adopted in February 2017 to provide interpretation on the implementation of Policy TO2, which restricts the loss of tourist accommodation in the defined tourist accommodation area. The SPD identifies what is required to justify loss of tourist accommodation in the Secondary Sector of the Tourist Accommodation Area. It describes that proposals that result in the partial loss of Tourist Accommodation in Secondary area will be supported if "...investment is made in improving the remaining tourist accommodation." This investment should be secured by a S106 agreement. There is no evidence provided with the application that this has been considered or will be provided. As such, the proposed Change of Use is in contravention of Policy TO2: Retention of Tourist Accommodation.
- 6.8.3 Policy D5: Housing, within the Eastbourne Core Strategy described the thresholds for affordable housing contributions within new developments. This development will be liable for a contribution towards affordable housing. A development of 21 residential units within a Low Value Neighbourhood would be liable to provide 6.3 full units for affordable housing. The 0.3 unit would have to be provided through a commuted sum. There is no recognition of the requirement to provide affordable housing with the application.
- 6.8.4 There is outdoor amenity provided in the form of a communal garden. There are no obvious conflicts involving noise disturbance, smell and vibration, as the surrounding area has a mix of Hotels and residential buildings. Bins and recycling storage would be screened from public view. There is not a significant mix of development types, with all but one flat being a two bedroom development. This may be acceptable if this is all that is possible within the constraints of the Grade II listed building.
- 6.8.5 The principle of this development is supported.

**7 Neighbour Representations (objections to the Listed Building Consent application (200308) have also been included due to the overlap in points raised.**

7.1 6 Letters of objection have been received, the contents of which are summarised below:-

- 21 more cars would push parking onto neighbouring roads;
- Loss of green space;
- Lack of access for refuse vehicles;
- Increase in noise levels;
- No provision of affordable housing;
- Breach of covenant with Devonshire Estate;
- Insufficient parking;
- Insufficient justification for loss of hotel use and employment;
- Assumption that occupant would not own cars is naïve and unrealistic;
- Not a sympathetic development of a Grade II Listed Building;
- Failure to replace uPVC windows with timber contradicts National Planning Guidance;
- No details of external decoration provided;
- Assumes right of way on a communal alley;
- Requires a risk assessment for fire escape routes;
- Re-opening of Chatsworth Hotel will add to parking pressure;
- More people will holiday in the UK as a result of Coronavirus so hotel capacity will be needed;

7.2 One letter of support has been received.

**8 Appraisal**

8.1 Principle:

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

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

8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of



granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.1.4 The site is located within the secondary sector of the Eastbourne Tourist Accommodation Area. The loss of tourist accommodation in this area is more readily acceptable than in the primary frontage zone. Para. 82 of the NPPF states that ‘planning policies and decisions should recognise and address the specific locational requirements of different sectors.’ It is, however, noted that the NPPF also encourages flexibility in order to ‘enable a rapid response to changes in economic circumstances.’
- 8.1.5 The presumption of approval will therefore need to be balanced against potential impacts upon the integrity of the tourism accommodation area as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).
- 8.1.6 The main body of this report will therefore make an assessment of the balance between the benefits of the proposed development in terms of contributing to the supply of housing and any detrimental impacts based on criteria set out above.
- 8.1.7 As the building is Grade II Listed, the proposed internal and external works will also require Listed Building Consent. A separate application for this has been made under reference 200308 and is reported elsewhere on this agenda. Any grant of planning permission would not override the need to obtain Listed Building Consent for the works and vice versa.

## 8.2 Affordable Housing

- 8.2.1 Para. 62 of the Revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
  - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.

The proposed development involves the net gain of 21 residential units and, therefore, represents major development.

- 8.2.2 Policy D5 of the Eastbourne Core Strategy reflects this national position and sets a requirement for 30% of units to be provided in ‘Low Value Areas’ (of which the Town Centre neighbourhood is an example).
- 8.2.3 The adopted Affordable Housing Supplementary Planning Document, which provides a companion to Policy D5, states that, in circumstances of negative viability, the applicant should follow a hierarchy of alternative ways to provide

affordable housing. The applicant has stated that it would not be viable to provide affordable housing either on-site as part of the development, off-site or via a commuted sum. Para. 7.8 of the Affordable Housing SPD provides the following commentary for these circumstances:-

*To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.*

8.2.4 The application has been accompanied by a Financial Viability Assessment (FVA) in order to substantiate their claim that it would not be viable to provide affordable housing in full or part in accordance with the sequential approach set out in para. 4.6 of the Affordable Housing SPD which is as follows:-

- i. The Council's on-site preferred mix;
- ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
- iii. A level of affordable housing on-site which is less than the specified threshold;
- iv. Serviced plots onsite;
- v. Service plots offsite;
- vi. Transfer of land;
- vii. A commuted sum.

8.2.5 The FVA is being independently assessed by a Chartered Surveyor. If it is found that it would be viable to provide affordable housing in accordance with any part of the hierarchy set out above then this will be sought and secured through the use of a Section 106 agreement. If the applicant is not willing to enter into any such legal agreement then the application will be refused.

### 8.3 Loss of Tourist Accommodation

8.3.1 It is the Council's policy to firmly resist the loss of tourist accommodation within designated primary frontage areas and be more flexible with less prominent and secondary locations. This is of particular importance as, if viable tourist accommodation is lost, there is limited land available for re-provision, especially in light of competing demand for use of available land for other purposes, such as residential.

8.3.2 The Tourist Accommodation Supplementary Planning Document (SPD) identifies the site as being within the secondary sector of the tourist accommodation area. This is due to the lack of sea views offered from the building and its set it's positioning on a secondary road to the rear of the main ribbon of tourist accommodation, which flanks the seafront.

8.3.3 The SPD notes that buildings in such locations, particularly those with no significant outdoor amenity space, offer poor quality stock that have the potential to detract from the overall viability of the tourist accommodation area by driving a reduction in room rates and, as a consequence, stymieing the ability of primary sector hotels to invest in maintenance and improvements. Para. 4.2 suggests a

managed decline of unviable tourist accommodation within secondary sectors, that will not be fit-for-purpose in the medium to long term future, may be of benefit to the wider accommodation area by way of encouraging raised standards, stimulating investment in better quality accommodation.

- 8.3.4 The application building does have access to amenity space and is also attached to the main hotel building which is within the primary tourist accommodation sector and faces directly out towards the seafront. However, it is stated that the building does not provide any of the communal facilities used by guests and that the loss of hotel rooms would be low in proportion to the overall amount of rooms available at the hotel. The statement thereby submits that the loss of rooms would not compromise the overall functionality and viability of the hotel and that, with the amount of rooms retained, it would remain as one of the larger hotels within the tourist accommodation area, with 80 rooms maintained.
- 8.3.5 The hotel is listed as currently providing 106 rooms. 32 rooms are currently contained within the application building and, as such, the overall capacity of the hotel would be reduced by approximately 30% as a result of the proposed scheme.

#### 8.4 Density

- 8.4.1 Para. 123 of the Revised NPPF encourages intensification of residential density in new development, particularly in areas where there is a shortfall on housing land supply. The proposed development would provide 21 residential units on a site with an area of approximately 800 m<sup>2</sup>, equating to a residential density of approximately 262.5 dwellings per hectare.
- 8.4.2 The Town Centre neighbourhood is identified as one of the six most sustainable neighbourhoods within the borough by Policy B1 of the Eastbourne Core Strategy, which states that development of a density of up to 180 dwellings per hectare would be supported. The density of the proposed development exceeds the suggested upper limit. However, in this instance, a higher density of development is considered acceptable given the number of storeys the building has, the small size of the units (in terms of bedrooms provided) and the highly sustainable nature of the surrounding area. The amount of Gross Internal Area (GIA) provided in each unit exceeds the minimum requirements as stipulated in the Technical housing standards – nationally described space standard (2015).

#### 8.5 Design issues:

- 8.5.1 The proposed conversion would involve a minimal amount of external works and these would be concentrated toward the rear of the building. The frontage of the building would remain unaltered, with the main access to the proposed flats being provided by the existing doorway facing onto Hartington Place.
- 8.5.2 The alterations to the rear of the building would involve the removal of existing flat roof extensions to basement which are functional in appearance and do not represent part of the original fabric of the building. An unsightly metal framed external staircase would also be removed. A number of non-original doors and windows would be replaced on the rear fascia of the building. New windows

would be installed, with size and positioning of openings restored to their original characteristics, albeit with uPVC framed windows installed rather than timber framed.

- 8.5.3 The only significant addition to the rear of the building involves the provision of a raised bridge walkway that would allow for level access to the ground floor of the building from the service road to the rear of the site. It is not considered that this would have a harmful impact upon visual amenity, provided appropriate materials and finishes are used, as it is of modest scale. The provision of the walkway will also ensure that the building engages with the rear of the site.
- 8.5.4 Amenity space would be landscaped, with additional space available following the demolition of basement extensions, whilst the existing garden walls would be retained, maintaining the traditional character of a walled garden. Bin and cycle stores would also be incorporated into this space, with suitable screening provided to prevent any unacceptable cluttered appearance.
- 8.5.5 It is therefore considered that the building, which was originally in use as residential accommodation, will continue to interact with the street scene and surrounding environment in an unchanged manner, with minor improvements in appearance secured to the rear of the building by way of the removal of less sympathetic elements.

## 8.6 Residential Amenity:

- 8.6.1 Although a small amount of new windows would be installed, these would all be in a similar position to existing openings. There are no windows within the side elevations of the building due to it forming part of a terrace. Windows serving flats would either face out onto Hartington Place to the front, or towards windows serving rooms at the Imperial Hotel to the rear, with a distance of some 26 metres maintained between these windows. Due to the angles involved, there would be no demonstrable overlooking of neighbouring residential property on Hartington Place. Therefore, whilst the majority of windows within the building would now serve a main habitable roof of a residential flat, it is not considered that any direct, invasive views towards neighbouring residential properties would be afforded to future occupants.
- 8.6.2 Part of the amenity space to the rear would be shared between two basement level flats. Communal amenity space with an area of approximately 165 m<sup>2</sup> would also be provided. This amenity area is currently available for use by occupants of the hotel and is screened by boundary walling. Given its modest size, it is not considered that the amenity area would be able to be occupied by large gatherings of people at any one time, minimising the potential for noise disturbance to neighbouring residents. The raised bridge footpath would be at a similar height as the terraces over the existing basement extensions and any views from it towards neighbouring residential properties would be interrupted by site boundary treatment.

## 8.7 Living Conditions for Future Occupants:

- 8.7.1 Para. 126 of the National Design Guide (2019), which is a companion to the

Revised National Planning Policy Framework, states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

8.7.2 The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The table below shows the GIA provided for each of the proposed unit along with the amount of GIA required for the unit.

Unit Number	Unit Size	Required GIA	Provided GIA
1 (B)	2 bedroom, 3 person	61 m <sup>2</sup>	81.3 m <sup>2</sup>
2 (B)	2 bedroom, 3 person	61 m <sup>2</sup>	69.9 m <sup>2</sup>
3 (B)	2 bedroom, 3 person	61 m <sup>2</sup>	69.9 m <sup>2</sup>
4 (B)	2 bedroom, 3 person	61 m <sup>2</sup>	77.4 m <sup>2</sup>
5 (G)	2 bedroom, 3 person	61 m <sup>2</sup>	69 m <sup>2</sup>
6 (G)	1 bedroom, 2 person	50 m <sup>2</sup>	59.3 m <sup>2</sup>
7 (G)	2 bedroom, 3 person	61 m <sup>2</sup>	68.1 m <sup>2</sup>
8 (G)	2 bedroom, 3 person	61 m <sup>2</sup>	68.4 m <sup>2</sup>
9 (1 <sup>st</sup> )	2 bedroom, 4 person	70 m <sup>2</sup>	78.8 m <sup>2</sup>
10 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	68 m <sup>2</sup>
11 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	69 m <sup>2</sup>
12 (1 <sup>st</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	71.8 m <sup>2</sup>
13 (2 <sup>nd</sup> )	2 bedroom, 4 person	70 m <sup>2</sup>	78.8 m <sup>2</sup>
14 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	66.2 m <sup>2</sup>
15 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65 m <sup>2</sup>
16 (2 <sup>nd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	73.3 m <sup>2</sup>
17 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65 m <sup>2</sup>
18 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	66.7 m <sup>2</sup>
19 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	65.4 m <sup>2</sup>
20 (3 <sup>rd</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	73.3 m <sup>2</sup>
21 (4 <sup>th</sup> )	2 bedroom, 3 person	61 m <sup>2</sup>	72.7 m <sup>2</sup>

8.7.3 The proposed units all exceed minimum space standards in terms of GIA. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m<sup>2</sup> for single bedrooms and 11.5 m<sup>2</sup> for double bedrooms. This is with the exception of the single bedroom within flat 21 which measures 7.2 m<sup>2</sup>. Given the minimal shortfall in GIA and the need to restrict the amount of internal works in order to maintain the integrity of the Grade II Listed building, it is considered that this shortfall is acceptable in this instance.

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acceptable in this instance.

8.7.5 Due to the internal layout, all of the proposed flats, with the exception of Flat 21 which occupies the entire 4<sup>th</sup> floor, would be single aspect only. However the arrangement of windows on the building, with bays to the rear end the curved arrangement of the building frontage to the front, would allow for rooms to be exposed to a good level of natural light and ventilation. All living rooms and bedrooms would all be served by at least one clear glazed window that would allow for an outlook with no immediate obstructions.

8.7.6 The internal layout of each unit is uncomplicated. Rooms of awkward shapes and sizes are avoided as are overly long corridors. Level access is available to the building, albeit from the rear only, and all units, other than flat 21, are accessible by lift, the entrance to which is close to the entrance to each flat on each level.

8.7.7 The main access to the building is from Hartington Place where there is a good level of natural surveillance. The rear access is also overlooked by flats within the development as well as neighbouring properties. The communal access arrangements will need to comply with Secured by Design standards. This can be achieved through the use of a planning condition. Para. 27.20 of states that

‘Smaller developments containing up to and including 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key, etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio and visual communication between the occupant and the visitor;
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

8.7.8 All ground floor and basement level flats would be provided with defensible space. Windows to the front of the building are set back from the pavement, with iron railings to the front whilst windows to the rear are set within walled amenity areas.

## 8.8 Impact upon Heritage Assets:

8.8.1 Para. 192 of the Revised NPPF instruct that, when determining planning applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

8.8.2 It should be established whether proposed works would cause substantial harm, total loss or less than substantial harm towards a designated heritage asset (in this case the Grade II Listed Building and surrounding Conservation Area). Para. 018 of the Planning Practice Guidance for the Historic Environment states 'in general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. Given that there would be no substantial alteration to the buildings exterior, layout or general character of use (residential), it is considered that the proposed development would cause less than substantial harm.

8.8.3 Para. 196 of the NPPF states that, where development would cause less than substantial harm 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

8.8.4 The definition of optimum viable use is explained in para. 015 of the Planning Practice Guidance for the Historic Environment as follows. 'If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.'

8.8.5 In terms of the character and setting of the Grade II Listed Building and the wider surrounding Conservation Area, it is considered the proposal would have a negligible impact. The proposed use would likely secure the long term occupation and maintenance of the Grade II Listed Building and is considered to be more resilient to pressures to change (through internal alterations, installation of plant and machinery) as opposed to the existing hotel use.

8.8.6 It is therefore considered that the proposed development represents an optimum viable use of the building, to the overall benefit of the historic environment.

8.9 Highways:

8.9.1 The proposed development would not incorporate any allocated parking. However, the parking demand of the existing use has to be taken into account

when assessing potential for parking stress on surrounding streets. ESCC guidance for parking at non-residential development states that optimum parking levels for a hotel use equate to 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff. This suggests the existing use for the building generates a demand for 32 parking spaces (not including staff allocation).

- 8.9.2 Interrogation of the ESCC car parking demand calculator tool indicates that the proposed development would generate demand for approximately 13 car parking spaces. The proposed development would therefore be likely to reduce demand placed upon on-street car parking spaces in comparison to the existing use.
- 8.9.3 Furthermore, it is considered that the application site is within a highly sustainable location, with access to public transport, town centre shops, services and leisure uses within walking distance. 21 cycle parking spaces would be provided, which meets the required level set out in the ESCC Guidance for Parking at New Residential Development. It is considered that this provision of cycle parking would promote use of this sustainable mode of transport. Details of the housing provided are not clear from the proposed plans and, as such, it is considered reasonable to attach a condition requiring further details to be submitted in order to ensure the facilities are secure and covered, thereby encouraging use.
- 8.9.4 It is also noted that the proposed change of use would only result in the potential for a marginal increase in trips over that level generated by the existing use. Trip rates are likely to be kept low as the lack of any designated parking and sustainable siting of the scheme would be likely to act as a deterrent to car ownership.
- 8.10 Flood Risk and Drainage:
- 8.10.1 The site does not fall within either Flood Zone 2 or 3 and, therefore, is not considered particularly susceptible to tidal flooding. Permeable area of the site would be marginally increased through the removal of existing basement extensions and it is therefore not considered that the proposed development would result in an increased likelihood of surface water flooding within the surrounding area.
- 8.11 Servicing:
- 8.11.1 The proposed bin storage area, whilst acceptable in terms of size and ease of access by the occupants of the proposed flats, is located approx. 35 metres from the nearest available bin collection point, which is on Compton Street. This is in excess of the 25 metre maximum distance stipulated in the Good Practice Guide for Property Developers for Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas (2015). The access is also relatively narrow.
- 8.11.2 It is therefore considered that a condition requiring the applicant to devise a suitable servicing and deliveries strategy is reasonable in this case. The strategy



would need to be agreed with the Council's refuse and waste department and then implemented accordingly.

## **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 That outline permission is granted subject to the submission of acceptable details for reserved matters by way of a separate application and to the following conditions.

10.2 **Time Limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

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

- 2870 01 – Site Location and Block Plans;
- 2870 12 – Proposed Lower Ground Floor;
- 2870 13 – Proposed Ground Floor;
- 2870 14 – Proposed First Floor;
- 2870 15 – Proposed Second Floor;
- 2870 16 – Proposed Third Floor;
- 2870 17 – Proposed Fourth Floor;
- 2870 18 – Proposed Front Elevation;
- 2870 19 – Proposed Rear Elevation;
- 2870 20 – Proposed Rear Elevation;

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

10.4 **Landscaping:** Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate

- i. Landscaping;

The reserved matters shall comply with the parameters set out for access established by this outline permission and be carried out as approved. Approval

of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail.

- 10.5 **Cycle Storage:** No part of the development shall be occupied until 21 secure and covered cycle parking spaces have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

- 10.6 **Sustainable Travel:** Upon occupation of the development each residential unit shall be provided with either a bus taster ticket or £100 cycle voucher.

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

- 10.7 **Construction Management Plan:** 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,
- details of public engagement both prior to and during construction works.

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

- 10.8 **Waste Management Plan:** Prior to the first occupation of any part of the development, a waste management, setting out how refuse and recycling will be stored and collected, shall be submitted to and approved by the Local Planning Authority in conjunction with the Council's Refuse and Waste team. The measures set out within the plan shall thereafter remain in place throughout the lifetime of the development.

Reason: In the interest of environmental, residential and visual amenity and the serviceability of the development in accordance with saved policies HO20, NE7, NE28 and UHT1 of the Eastbourne Borough Plan and policy D1 of the Eastbourne Core Strategy.

## 11 Appeal

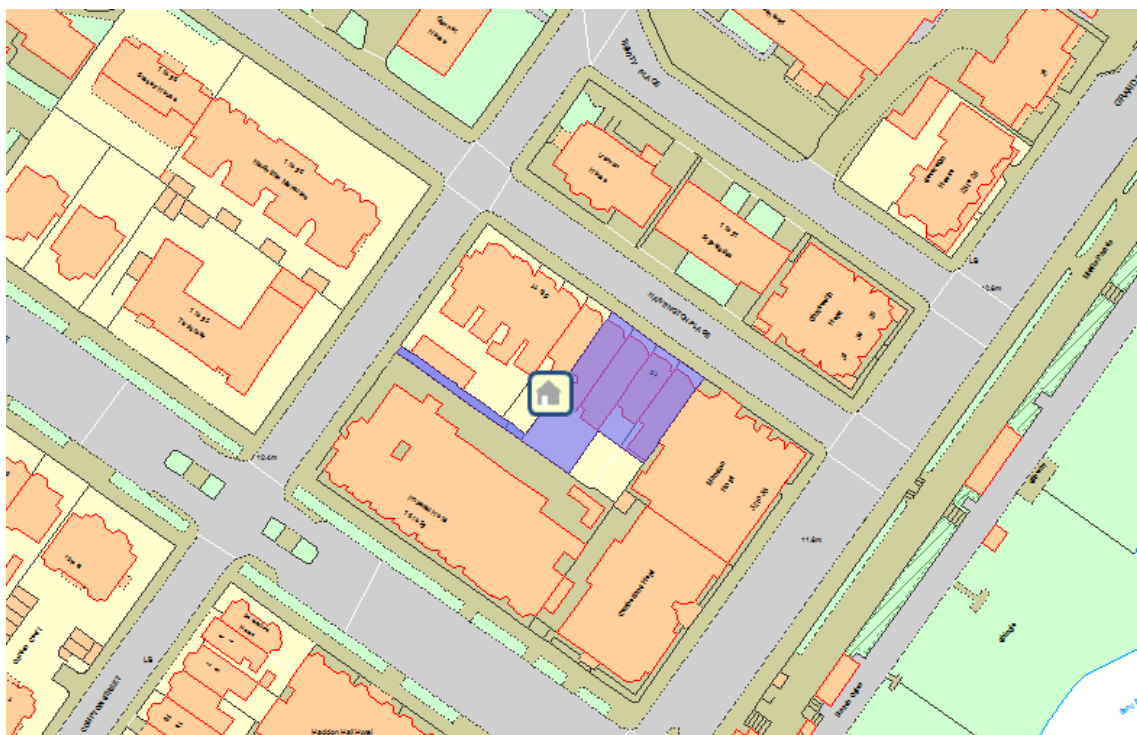
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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# Agenda Item 8

<b>App.No:</b> 200308	<b>Decision Due Date:</b> 30 June 2020	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> <b>2nd July 2020</b>	<b>Type:</b> Listed Building Consent
<b>Site Notice(s) Expiry date:</b> 11 <sup>th</sup> June 2020 <b>Neighbour Con Expiry:</b> 11 <sup>th</sup> June 2020 <b>Press Notice(s):</b> 10 <sup>th</sup> July 2020		
<b>Over 8/13 week reason:</b> Committee cycle, although Extension of time has been secured		
<b>Location:</b> Mansion (Lions) Hotel, 32-35 Grand Parade, Eastbourne		
<b>Proposal:</b> : Conversion of rear of hotel at 15-21 Hartington Place to 21N° two bedroom flats (Outline planning application under reference 200280)		
<b>Applicant:</b> Mr Abid Gulzar		
<b>Recommendation:</b> Grant Listed Building Consent		

**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 It is considered that the proposed works would not result in the loss of any significant part of the historic fabric of the building and would not compromise the overall character and setting of the Grade II Listed Building. The works would facilitate a use that would support ongoing occupation and maintenance of the building.

## **2 Relevant Planning Policies**

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

16. Conserving and enhancing the historic environment.

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

D10.Historic Environment  
D10a.Design

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

UHT17. Protection of Listed Buildings and their Setting.

## **3 Site Description**

- 3.1 The site is occupied by numbers 15-21 Hartington Place, which were originally four individual 5-storey (including basement level) townhouses but have since had their floor space amalgamated to form part of the Mansion (Lions) hotel. The buildings form part of a terrace along with numbers 13, 11, 9, 7 and 5 Hartington Place, the full extent of which is Grade II Listed. These buildings were erected between 1855 and 1860.
- 3.2 The easternmost building, No. 21 Hartington Place, has been extended to the rear to its full height, with the roof also altered to a mansard form in order to provide an additional storey within the roof space. The exteriors of the remaining buildings are largely unaltered from their original appearance although the front doorways of numbers 21, 17 and 15 have been partially infilled and the doors replaced with windows. All buildings have distinctive curved frontages, round arched porches with Doric columns over original main entrance, a stringcourse over first floor window heads, cornice with modillions above second floor window heads and a parapet at the roof eaves. The cornice of the porches continues over ground floor window heads and iron balcony railings are installed to the front of first floor windows above the cornice. To the rear, there are bay windows at basement, ground and first floor level of each building as well as raised terraces and landscaped amenity space.
- 3.3 Ground floor level is slightly raised from street level and the main entrance is reached by a set of steps. The site frontage is marked by painted iron railings.

- 3.4 The Mansion hotel comprises the application buildings as well as an interconnected 6-storey building which fronts Grand Parade. Overall, the application buildings accommodate 32 x hotel rooms. The basement level is used solely for ancillary office space. There is a self-contained flat at ground floor level as well as dining rooms used by hotel guests. It is stated that approximately 80 rooms would continue to be provided in the retained part of the hotel. The hotel is advertised as providing 106 rooms overall.
- 3.5 Surrounding development comprises large hotel buildings of 6-storeys plus which face onto Grand Parade and represent the main ribbon of hotel development along Eastbourne seafront. Side streets such as Hartington Place are generally defined by Victorian townhouse style 4 and 5-storey buildings, many of which have roof/rear extensions and have been converted to tourist use. Primary shopping areas in the town centre are nearby to the north whilst the seafront, attractions and theatres are close by to the south and west.
- 3.6 The site is located within the Eastbourne Town Centre and Seafront Conservation Area. It also falls within the secondary sector of the Tourist Accommodation Area (as per the Tourist Accommodation Supplementary Planning Document). There are no other specific planning designations attached to the site although there are mature trees subject to TPO's to the rear of the neighbouring properties.

#### **4 Relevant Planning History**

- 4.1 500175  
Provision of glazed screen and balcony.  
Approved unconditionally – 9<sup>th</sup> June 1950
- 4.2 550105  
Alterations forming additional lavatory, accommodation and stairway.  
Approved unconditionally – 15<sup>th</sup> March 1955
- 4.3 570347  
Conversion of hotel into 8 flatlets including housekeepers living accommodation.  
Approved conditionally – 17<sup>th</sup> November 1957
- 4.4 600135  
Formation of staff entrance and steps to basement of hotel.  
Approved conditionally – 11<sup>th</sup> March 1960
- 4.5 620080  
New connecting doorway at ground floor level to incorporate No. 17 with the Mansion Hotel.  
Approved conditionally – 8<sup>th</sup> March 1962
- 4.6 620080  
New connecting doorway at ground floor level to incorporate No. 17 with the Mansion Hotel.  
Approved conditionally – 8<sup>th</sup> March 1962

4.7 620218  
Alterations to convert existing premises (15 and 17 Hartington Place) to form extension to Mansion Hotel.  
Approved unconditionally – 15<sup>th</sup> May 1962

4.8 080386  
Retrospective planning application for removal of seven timber framed sash windows and replacement with UPVc framed sash windows at lower ground floors of 15, 17 and 19 Hartington Place.  
Refused – 2<sup>nd</sup> September 2008

## **5 Proposed development**

### **5.1 External Works:**

5.1.1 The proposal involves converting 15-21 Hartington Place to allow for the formation of 21 x self-contained flats. All but one of the flats would be 2 bedroom properties, with the remaining flat being one bedroom. Flats would be provided at a rate of 4 per floor (lower ground to third floor) with a single flat accommodated within the existing roof extension at No. 21.

5.1.2 External alterations made to the existing buildings would be restricted to the rear elevation and would consist of the following:-

- Removal of existing single-storey flat roof basement extensions/terraces;
- Removal of external staircase providing access to first floor;
- Removal of first floor external door and replacement with window unit;
- Replacement of bay window unit at first floor on No. 15 and bay window/doors at ground floor level on all units;
- Formation of new windows/doors at basement level to provide access to amenity areas;
- Formation of new external door at ground floor level to rear of No. 19;
- Creation of bridge access from rear of site to new ground floor entrance.

5.1.3 The main access to the flats would be via the existing ground floor entrance on Hartington Place. Basement, first floor, second floor and third floor flats would be accessed by way of a communal internal staircase or by lift. The fourth floor flat would have an additional staircase taken from the third floor level and would not be served by a lift.

5.1.4 The two rear facing basement units (flats 2 and 3) would have direct access to an outdoor patio/terrace area. Remaining flats will have access to a landscaped communal garden which would include a seating area and cycle and bin storage facilities. The communal garden would be accessed via the proposed bridge footpath. The amenity area could also be accessed from the rear of the site via the existing service road.

### **5.2 Internal Works:**

5.2.1 The proposed flats would be accessed from a single communal stair and lift.



Existing stairs at numbers 15 and 21 would be removed. A the new stair would be formed at number 17 and would occupy areas on the all floors from lower ground to third that are currently part of the main corridor running between the buildings. The lift shaft would be installed in number 19. This would also serve all floors other than the fourth and would utilise space currently forming part of corridors. To achieve these works, a small amount of partition walling would need to be removed as well as larger amounts of ceiling.

5.2.2 A new corridor would be formed, running from the main access at the front of the building to the amenity area and step free access to the rear. The proposed stair and lift would be positioned on either side of this corridor. This corridor would be at ground floor level only. A modest amount of partition wall would need to be removed to allow for the formation of the corridor.

5.2.3 Other internal alterations involve subdividing each floor into flats. A significant amount of internal modifications have been made in the past to convert the building to hotel use and the formation of flats would largely involve removal of partition walls and the infilling of a small amount of openings, primarily in the former corridor areas, in order to make each flat self-contained.

## **6 Consultations**

### **6.1 Specialist Advisor (Conservation and Listed Buildings)**

6.1.1 This application seeks permission to develop four properties currently forming part of this centrally located hotel operating out of a listed building and in a conservation area as residential apartments. The property has been extensively adapted over the years so the redevelopment does not significantly compromise an enduring floor plan or historic features and fabric. Hearteningly, it proposes retaining the facade on to Hartington Place as virtually unchanged, thereby securing one of the site's strongest assets whilst creating the conditions that allows for the remainder of the hotel to continue operating. The retention of uPVC windows on the rear elevation is, however, unfortunate and gives rise to concern, and it would be helpful if these could be upgraded to something more appropriate. On balance, however, the application has a neutral impact and is not felt to compromise the integrity of the individual listing through loss of significance or to create any major challenge to the character and appearance of the host conservation area.

### **6.2 Conservation Area Advisory Group**

6.2.1 The properties have been subject to extensive adaptations over the years, with changed configurations and a complete loss of historic fabric. The front façade, which is largely unchanged, is retained as part of the proposed development. Overall, the application is deemed acceptable, though the preference would be for the installation of more sympathetic windows to the rear elevation.

**7 Neighbour Representations (objections to the tandem planning application (200280) have also been included due to the overlap in points raised. Only objections relating to the setting of the Listed Building are material in the consideration of this application. A summary of material concerns raised**

**is provided below.**

7.1 6 Letters of objection have been received, the contents of which include the following points:-

- Not a sympathetic development of a Grade II Listed Building;
- Failure to replace uPVC windows with timber contradicts National Planning Guidance;
- No details of external decoration provided;

## **8 Appraisal**

8.1 Principle:

8.1.1 As this is an application for Listed Building Consent only, it is not subject to the full gamut of planning policies. The application will be determined in accordance with Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), which 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.'*

8.1.2 Para. 192 of the NPPF states that, in determining applications, local planning authorities should take account of:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

8.1.3 This is echoed in National Planning Practice Guidance which states that 'putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation' whilst also providing interpretation as to what represents 'viable use' stating that 'it is important that any use is viable, not just for the owner, but also for the future conservation of the asset (para. 015).

8.1.4 Given the relatively modest scale of the proposed works and the fact that the original building would not be subject to any external alterations or modifications, to the front it is considered that the proposed works would result in less than substantial harm upon the significance of the heritage asset. The planning determination of this application therefore needs to provide balance between ensuring a continued viable economic use of the building whilst also safeguarding the integrity of the site as a historic asset as per para. 196 of the Revised NPPF.

## 8.2 Impact upon Listed Building:

8.2.1 Para. 192 of the Revised NPPF instruct that, when determining planning applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

8.2.2 It should be established whether proposed works would cause substantial harm, total loss or less than substantial harm towards a designated heritage asset (in this case the Grade II Listed Building). Para. 018 of the Planning Practice Guidance for the Historic Environment states 'in general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.

8.2.3 It is considered that the external works would improve the setting of the Grade II Listed Building by way of removing unsympathetic features such as the flat roof extensions to the lower ground floor and external staircase. Fenestrations would also be restored to a configuration that would be more in-keeping with the original building design, with a number of external doors and modified windows being returned to window openings. Although uPVC window frames would be installed to new openings to the rear of the building, this would be consistent with the existing arrangement on this elevation. It would not be considered reasonable, or within the remit of determining this application, to require all existing uPVC units to be restored to timber frames as these are existing features and not part of the works for which permission is being sought. The building frontage, which is where its most distinctive architectural features are positioned and also by far the most prominent elevation of the building would retain timber framed windows and openings.

8.2.4 The internal layout of the scheme would be largely fitted around the original fabric of the building interior. The majority of walls to be removed are partition walls that were installed to allow the formation of small hotel rooms and the opening up that would result from the removal of these walls would be more consistent with the original layout of the buildings. New partition walls would be kept to a minimum and positioned so as to not compromise distinctive elements of the building such as the curved window arrays to the front elevation and the bay windows to the rear.

8.2.5 The new stair and lift shaft would require the removal of sections of the ceilings but would be located in existing corridor areas so as to minimise their intrusiveness to overall building layout. The stair at number 21, which is to be entirely removed, is an original feature, albeit heavily modified. It is therefore not

considered to possess significant heritage value nor would it be feasible to restore and adapt it to serve the proposed use.

8.2.6 Para. 196 of the NPPF states that, where development would cause less than substantial harm 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

8.2.7 The definition of optimum viable use is explained in para. 015 of the Planning Practice Guidance for the Historic Environment as follows. 'If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.'

8.2.8 In terms of the character and setting of the Grade II Listed Building, it is considered the proposal would have a negligible impact. The proposed use would likely secure the long term occupation and maintenance of the Grade II Listed Building and is considered to be more resilient to pressures to change (through internal alterations, installation of plant and machinery) as opposed to the existing hotel use.

8.2.9 It is therefore considered that the proposed development would sustain and enhance the significance of the building by removing unsympathetic elements and allowing an optimum viable use of the building. By providing additional housing, the proposed development would also support sustainability within the community. It is therefore considered that the proposed development is consistent with the requirements of para. 192 of the revised NPPF.

## **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 That Listed Building Consent is granted, subject to the following conditions:-

10.2 **Time Limit:** The development to which this consent relates shall be begun not later than three years beginning with the date on which this consent is granted.

Reason: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 2870 01 – Site Location and Block Plans;
- 2870 12 – Proposed Lower Ground Floor;
- 2870 13 – Proposed Ground Floor;
- 2870 14 – Proposed First Floor;
- 2870 15 – Proposed Second Floor;
- 2870 16 – Proposed Third Floor;
- 2870 17 – Proposed Fourth Floor;
- 2870 18 – Proposed Front Elevation;
- 2870 19 – Proposed Rear Elevation;
- 2870 20 – Proposed Rear Elevation;

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

10.4 **Repair and Make Good:** Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within 3 months using appropriate materials that match those which were damaged.

Reason: In the interest of preserving the historic fabric of the Grade II Listed Building in accordance with saved policy UHT17 of the Eastbourne Borough Plan and policy D10 of the Eastbourne Core Strategy.

10.5 **Matching Materials:** All infilling works shall be carried out using materials that match those of the wall in which the opening is formed.

Reason: In the interest of the setting of the Grade II Listed Building in accordance with saved policy UHT17 of the Eastbourne Borough Plan and policy D10 of the Eastbourne Core Strategy.

10.6 **Door Specification:** Before the installation of any new internal and external doors, full specifications of the joinery details for the doorway as well as specification of door dimensions (including thickness), design and materials shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of the setting of the Grade II Listed Building in accordance with saved policy UHT17 of the Eastbourne Borough Plan and policy D10 of the Eastbourne Core Strategy.

## 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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