

Planning Committee

17 October 2022



Working in partnership with **Eastbourne Homes**

Time and venue:

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

Membership:

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

Quorum: 2

Published: Friday, 7 October 2022

Agenda

- 1 **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 3 October 2022 - will be submitted at the next meeting.**
- 5 **Urgent items of business.**

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

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 7 **177-187 Terminus Road (Formerly TJ Hughes). ID 220633 (Pages 5 - 24)**
- 8 **Hadleigh Hotel, 14-22 Burlington Place. ID: 220579 (Pages 25 - 42)**
- 9 **Wood Winton, 63a Silverdale Road. ID: 220535 (Pages 43 - 48)**
- 10 **Devonshire Park, College Road. ID: 220671 (Pages 49 - 54)**
- 11 **Date of next meeting**

To note the next meeting of the Planning Committee is scheduled to be held on Monday, 14 November 2022.

Information for the public

Accessibility:

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

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Thursday 13 October**. Requests made beyond this date cannot normally be accepted. Please provide your name, address and contact number, the application number and the proposed development to which it refers. You need to make clear whether you wish to speak in favour or against the application and your relationship to the site.

The Public Speaking Scheme rules place a limit on the numbers of public speeches allowed and time allotted apply. So up to 2 members of the public can speak (up to 1 objector and 1 supporter) on a first come first served basis and that one person can act as spokesperson for a group. In addition, the ward member will be allowed to speak. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected. Those who are successful, will receive an email to formally confirm their request to speak has been granted. The speech should take no longer than 3 minutes (which is approximately 500 words).

Please note:

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

You should arrive at the Town Hall at least 15 minutes before the start of the meeting and will be advised which microphone to use.

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

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

- Objector
- Supporter

- Ward Councillor(s)

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

Information for Councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

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

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

Democratic Services

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Agenda Item 7

Report to: Planning Committee
Date: 17 October 2022
Application No: 220633
Location: 177-187 Terminus Road, Eastbourne, BN21 3NX
Proposal: Retention of original building façade (on Terminus and Seaside Roads), demolition of remaining building and redevelopment of the site for a mixed-use development comprising 710 sqm (GIA) of commercial space (Class E) on the ground floor with 65 residential units (Class C3) on part ground and up to six upper floors with associated communal amenity space, cycle and car parking, refuse, recycling and servicing facilities.

Applicant : Capreon
Ward: Town Centre

Recommendation: 1. Delegate to the Head of Planning to:

- a) Clarify the servicing arrangements and agree them with ESCC Highways; and
- b) Finalise the schedule of conditions, taking account of any revisions required following the above consultation.

and on the provision that these issues are concluded favourably:

2. Approve with conditions, subject to S106 Agreement to secure:
 - a) Local Labour Agreement
 - b) Eastbourne Town Centre Movement and Access Package scheme financial contribution of £130,000.
 - c) Restriction of resident parking permits
 - d) Travel Plan and audit fee of £4,500
 - e) Car club vehicle (including £5,000 TRO fee) with review after 3 years to monitor success of the car club and in the event that evidence does not support the use of the road space for this purpose, that the road space is reinstated as a flexible bay requiring a further TRO with associated costs.
 - f) Review of viability
3. If no meaningful progress is made in the S106 within 6 months of the date of this approval then the Head of Planning be authorised to refuse the application given that the development has failed to deliver sufficient infrastructure to mitigate the impacts of the development

Contact Officer: **Name:** Neil Collins
Post title: Senior Specialist Advisor - Planning
E-mail: neil.collins@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. Executive Summary

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 This submission follows a previous application for redevelopment of the site, which failed to find agreement with Officers and accumulated significant public objection on grounds of its visual appearance in this heritage context.
- 1.3 The applicant has continued to engage with Officers to develop a revised scheme, which has been the subject of further review by the Conservation Area Advisory Group and the Eastbourne Society. The result is a development scheme that meets the objectives of the Development Plan and a building that listens to the voice of the local community.
- 1.4 The development proposals make use of a currently underused brownfield site in a highly sustainable location through partial demolition, including retention of part of the building façade, and redevelopment to provide an intensified mixed use scheme comprising commercial floorspace and residential dwellings set over six floors.
- 1.5 The commercial element would provide 710sqm of high quality ground floor space suitable for uptake by a range of town centre uses falling within Use Class E. The space could be taken up by a single occupier or broken down

to form smaller units subject to further permission, to allow for a greater degree of flexibility of uptake in the current landscape.

- 1.6 The residential element would provide a new gain of 65 high-quality residential dwellings that meet adopted residential standards and provide a housing mix that is suited to this town centre location.
- 1.7 The scheme would be highly energy-efficient, utilising a mix of building fabric performance and renewable technologies and would result in improved surface water attenuation features and a biodiversity net gain when compared to the existing site.
- 1.8 The proposal complies with the Development Plan and is therefore recommended for approval subject to conditions and a S106 Agreement to secure a local labour agreement and public transport/environmental improvements.

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
- 14. Meeting the challenge of climate change, flooding and coastal change.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel – A2021 Quality Bus Corridor
- D9: Natural Environment
- D10: Historic Environment
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems
- NE7: Waste Minimisation Measures in Residential Areas
- NE14: Source Protection Zone
- NE18: Noise
- NE23: Nature Conservation of Other Sites
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings

UHT4: Visual Amenity
 UHT5: Protecting Walls/Landscape Features
 UHT7: Landscaping
 US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
 US4: Flood Protection and Surface Water Disposal
 US5 Tidal Risk
 HO3: Retaining Residential Use
 Policy HO11: Residential Densities
 HO12: Residential Mix
 HO20: Residential Amenity
 TR2: Travel Demands
 TR4 Quality Bus Corridors
 TR5: Contributions to the Cycle Network
 TR8: Contributions to the Pedestrian Network
 TR6: Facilities for Cyclists
 TR11: Car Parking
 LCF18: Extension of Educational Establishments
 LCF21: Retention of Community Facilities.

2.4 Eastbourne Town Centre Local Plan 2013

2.5 Supplementary Planning Documents and other relevant documents

Sustainable Building Design SPD
 Trees and Development SPG
 Eastbourne Townscape Guide SPG
 Meads Conservation Area Appraisal
 Local Employment and Training SPD
 EBC Sustainability in Development TAN
 EBC Biodiversity Net Gain TAN
 EBC Electric Vehicle Charging Points TAN.

3. **Site Description**

- 3.1 The application site is located prominently within the heart of Eastbourne Town Centre. It is bounded on its south western side by Terminus Road, which provided one of its main street frontages and is a significant thoroughfare through the town centre from Eastbourne Train Station to the seafront. The building also fronts Seaside, which leads from Trinity Trees further to the west and forms a Quality Bus Corridor as defined by Policy D8 (Sustainable Travel) of the Eastbourne Core Stratgey 2013.
- 3.2 The site area is 0.18 hectares and this is occupied entirely by a single existing building, known locally as the former TJ Hughes department store. The site was last in use as the department store in 2019. The building comprises a basement, ground and three upper storeys, providing ground floor shopfronts and large open-plan floor plates. The building was last in use by TJ Hughes in 2019, but currently provides a meanwhile use occupied by a local charity.
- 3.3 The building dates from the early twentieth century, when it replaced the original 1850s buildings that formerly occupied the site. The building was

subject to bombing in World War II and this has resulted in extension and alterations throughout the 1950s to 1980s, including on the flanks of the building frontages on Terminus Road and Seaside and built form to the rear, including North Street.

- 3.4 On its north eastern side, the site also provides a street frontage on North Street; a side road that provides the site with service and access points.
- 3.5 North Street comprises commercial and residential uses. The nearest residential occupiers are at Compass Court, which is separated from the northern boundary of the site by a services road, opposite the site on North Street and on the upper floors of Terminus Road buildings.
- 3.6 On its north western point, the site is contiguous with 175 Terminus Road and together provides an uninterrupted street frontage on Terminus Road.
- 3.7 The site does not comprise any soft landscaping features, nor are there any sustainable drainage features on-site.
- 3.8 The site accommodates a significant degree of built form, being entirely covered by the building and hard surfaces.
- 3.9 In terms of heritage assets, the site does not comprise any statutorily or locally listed buildings. However, the site falls within the Town Centre and Seafront Conservation Area, with the Terminus Road and northern boundaries falling on the conservation area boundary. The site is not located within an Archaeological Notification Area.
- 3.10 The site forms part of the Town Centre Secondary Shopping Area.
- 3.11 The site falls within a Ground Water Source Protection Zone.

4. Relevant Planning History

- 4.1 There has been a number of historic applications for minor alterations to the existing building relating to its former commercial use, but none are relevant to the consideration of this application and are therefore not listed.

5. Proposed Development

- 5.1 The application seeks permission for the demolition of the majority of the existing built form on the site and the redevelopment to provide a mixed use scheme comprising commercial floorspace and residential.
- 5.2 The scheme includes retention of the original (to this building) façade on Terminus and Seaside Roads and maintaining the shopfrontages, both of which would be renovated and improved. Each of these frontages would receive new frontages flanking the retained façade. The demolished roof would be replaced with a double height contemporary interpretation of a historic roof form.
- 5.3 In terms of bulk and massing, the scheme seeks to develop the remainder of the site with a replacement building set over a total of seven floors above ground level. The main Terminus Road and Seaside elevations would be 5 floors above ground level and the further two floors would be set back from the main street frontages to reduce the impact and dominance, and would be

built up on the northern corner of the site. The North Street elevation would be tiered on the upper two floors to set back from the street at the southern end.

- 5.4 The commercial element would provide 710sqm of high quality ground floor space suitable for uptake by a range of town centre uses falling with Use Class E. The commercial floorspace is arranged a single unit on plan, and could be taken up by a single occupier. Breaking down the floorspace into smaller units would be require further permission, but this flexibility is retained.
- 5.5 The commercial unit would be serviced via a purpose built entrance on Terminus Road frontage, which would provide access to commercial refuse/recycling and cycle storage facilities, together with access to the 'back-of-house' area relating to the commercial unit.
- 5.6 The ground floor would also provide refuse/recycling and cycle storage facilities for the residential element, accessed from North Street.
- 5.7 The residential element would create 65 self-contained dwellings and would be set over the all floors of the building and would comprise a housing mix of 1 and 2 beds.
- 5.8 The building would focus the built form on the perimeter of the site with a central void providing soft landscaping and amenity space for residents at first floor level.

6. Consultations

6.1 Specialist Advisor (Ecology and Biodiversity)

- 6.1.1 No principal objections to the proposal, subject to recommendations, which are outlined in later in this report.

6.2 Specialist Advisor (Conservation)

- 6.2.1 The Specialist Advisor (Conservation) has been involved in discussions preceding submission of this application and is wholly supportive of the redesigned proposals from a heritage perspective.

6.3 Specialist Advisor (Regeneration)

- 6.3.1 Regeneration supports the application and requests that any grant of planning permission be subject to a S106 local labour agreement in accordance with the Employment and Training SPD at both the construction and first operational stages of development.
- 6.3.2 It is also requested that consideration be given to including financial contributions towards the remaining part of Phase 2b of the Eastbourne Town Centre Movement & Access Package (ETCM&AP) via a S106 Agreement.

6.4 ESCC Local Highway Authority

- 6.4.1 The LHA do not propose any principal objection subject to conditions and securing a travel plan, car club provision, resident parking permit restrictions and financial contribution towards the Town Centre Accessibility Scheme, all to be secured by s106 agreement.

- 6.4.2 The LHA has raised some concerns with servicing of both the residential and commercial elements.
- 6.5 ESCC - Lead Local Flood Authority and Pevensay and Cuckmere Water Level Management Board
- 6.5.1 The LLFA and the Pevensay and Cuckmere Water Level Management Board do not have any principal objection on flood risk management, subject to the imposition of conditions requiring details of a SuDS scheme.
- 6.6 County Archaeologist
- 6.6.1 No objection to the proposals.
- 6.7 Conservation Area Advisory Group
- 6.7.1 The Conservation Area Advisory Group were strongly supportive of the application on heritage grounds, noting that the development would enhance the character and appearance of the conservation area through the retention of part of the façade and the redevelopment proposals.
- 6.8 Sussex Police Crime Prevention Design Advisor
- 6.8.1 No objection, but recommendations on security raised.

7. **Neighbour/Public Representations**

- 7.1 Statutory notification of this application has been undertaken in the form of neighbour notification letters, site notices displayed in roads neighbouring the site and a press advert in a locally distributed newspaper.
- 7.2 The applicant has liaised with Eastbourne Society as part of its community involvement commitments to understand concerns. This has informed the creation of the redevelopment, which has the support of the Eastbourne Society.
- 7.3 Eastbourne Chamber of Commerce supports the scheme.
- 7.4 26 letters of support have been recorded which focus on the benefits of the scheme, including the façade retention and the heritage benefits that would result. One general observation was received regarding the potential use of the ground floor as a drinking establishment (which falls within a different use class than proposed).
- 7.5 One letter of objection has been received, which raises the following concerns:
- Loss of light
 - Loss of privacy
 - Air Quality and flow
 - Proposed materials
 - Lack of planting
 - Parking provision

- Quality of accommodation
- Façade should be reconstructed, not retained.

8. Appraisal

8.1 Land use considerations

- 8.1.1 At the heart of the NPPF is the presumption in favour of sustainable development which flows through both plan-making and decision-making.
- 8.1.2 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives that form the components of sustainable development is a social objective (para. 8 b). The social objective requires the support of ‘strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’
- 8.1.3 Section 5 of the NPPF seeks to boost the supply of homes. The benefit of 52 new homes weighs positively in the schemes favour when considered against all other material considerations.
- 8.1.4 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 1.8 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. 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).
- 8.1.5 Para. 120 of the NPPF maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.
- 8.1.6 This national policy position is mirrored by the Eastbourne Core Strategy 2013, which states that ‘in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land’. Although parts of the application site

are heavily populated by trees, this site is defined as a brownfield site.

- 8.1.7 The 'Town Centre Vision', as defined by Eastbourne's Core Strategy states that 'The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan'. The proposal is wholly in line with this vision.
- 8.1.8 The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy according to Core Strategy Policy B1. The development would contribute a net gain of 65 residential dwellings towards the Council's housing targets and this would be delivered in a highly sustainable location through development of a previously developed site. Taking account of the above considerations, the principle of the proposed residential use of the site is considered to be acceptable.
- 8.1.9 In terms of the proposed commercial use, the proposed ground floor unit would provide opportunity for a range of uses falling within Class E, which would be wholly suited to this town centre location. This could include retail, food or other town centre amenities. Drinking establishments are excluded from Class E and would require the separate grant of permission.
- 8.1.10 The commercial floorspace is arranged as a single unit on plan and could be taken up by a single occupier. The drawings show and indicative breaking down of the space, should the uptake by commercial occupiers require this, but this would require further permission. However, this flexibility would be retained depending on market interest.
- 8.1.11 It is considered necessary to restrict the use of the ground floor unit within Class E to prevent a non-active frontage, such as from office use. This would be controlled by condition.

8.2 Density

- 8.2.1 Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 8.2.2 Given the constraints of Eastbourne, there is very limited land available for development. This adds weight to the consideration of density for the purposes of housing delivery. It is vital that every sustainable site that becomes available is maximised.

- 8.2.3 Paragraph 124 of the National Planning Policy Framework 2021 states planning decisions should support development that makes efficient use of land, taking into account certain criteria including, the identified need for different types of housing and other forms of development and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting.
- 8.2.4 Policy B1 of the Core Strategy states that The Town Centre is one of six sustainable neighbourhoods where higher residential densities will be accepted than the existing density range, which is defined as 107-180 dwellings per hectare.
- 8.2.5 The proposal would comprise a density of 361 dwellings per hectare and would exceed the existing range and is acceptable in principle.

8.3 Housing Mix

- 8.3.1 Policy TC6 of the Town Centre Local Plan seeks a mix of housing in the town centre, comprising 1, 2 and 3 bed units. However, given the constraints of the application site, 3 bed units are not considered to be appropriate and are not proposed within this development.
- 8.3.2 The proposal would create a total of 65 dwellings, comprising a mix of 1 bed (43No.) and 2 bed (18No.) flats, which would comprise a variety of sizes and occupancy levels ranging from 1 person to 4 person flats.
- 8.3.3 The Eastbourne Strategic Housing Market Assessment 2017 states that the key dwelling types particularly required across Eastbourne are 1 and 2 bed flats and 3 and 4 bedroom houses, although there is an identified need for other dwelling types. Given the town centre location and the high density of the location and the constraints of the site, the provision of 1 and 2 bed flats in this location is considered to contribute to identified housing need and is acceptable.

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

- 8.4.1 The most significant of considerations regarding the impact on neighbour amenity is that of loss of light and outlook and the feeling of dominance that might be brought about through the bulk, massing and height of the proposed buildings.
- 8.4.2 In relation to light impacts, the applicant has submitted a detailed Daylight and Sunlight Assessment, which assesses light loss by way of a variety of calculations according to the established methods enshrined by the Building Research Establishment guidelines (BRE).
- 8.4.3 The report details the assessment of light loss upon 23 neighbouring buildings and over 200 windows serving habitable rooms have been analysed. The windows of the Public House at 12 Seaside Road have also been included, although it is considered that these serve rooms which have an ancillary use associated with the commercial aspect of the building.

- 8.4.4 The results of the assessment show that 91% of the assessed windows are fully compliant with the BRE assessment criteria. There would be a degree of light loss for some neighbouring windows below BRE Guidelines, a large portion of which would be marginal. A portion of these windows are poorly served by light due to their current arrangement. For a small number of windows, the reduction in annual sunlight hours is marginally greater than the BRE's aspirational criteria.
- 8.4.5 The NPPF (at para.125) states that 'in considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 8.4.6 On balance of the consideration of the impacts upon light loss against the constraints of the site and the built-up urban context, the overall daylight/sunlight impacts of the scheme are considered to be within acceptable limits.
- 8.4.7 Turning to privacy, the proposal would generate a number of new elevated vantage points from the building towards neighbouring residential occupiers. The windows on the North Street elevation would provide a view that is commensurate with that of the existing building and of other street facing buildings in the road. It is also noted that the northern elevation of the existing building provides a degree of outlook towards neighbouring occupants.
- 8.4.8 The proposal would create a number of views towards neighbouring buildings, including those at Compass Court and Terminus Road. Views that are set back from the northern site boundary (on the internal elevations) would be a sufficient distance from neighbouring windows that no overlooking would occur.
- 8.4.9 There is the potential for other vantage points to be created from the upper floors of the proposed building subject to their detailed design, also dependent on finished floor levels. For that reason, a condition is recommended to ensure that no units would come into use until details of screening to open areas and obscure glazing of windows are agreed and installed to protect residents from potential intrusive views.
- 8.4.10 In terms of the impact upon outlook for neighbouring occupants, it is recognised that the building will have a degree of dominance from some neighbouring windows. However, the existing building already has an impact upon the nearest neighbouring occupants and the proposed building design, with its voided central area, does provide some improvements on the bulk and massing of the existing. On balance, it is considered that the proposal is acceptable based upon the constraints of the site and the existing urban context.
- 8.4.11 Air quality has been considered as part of the proposal, both from a demolition and construction perspective, together with the ongoing air quality impacts from the development. The application is

supplemented by an Air Quality Assessment which assessed the potential for air quality impacts in line with the Institute of Air Quality Management (IAQM) methodology. It concludes that demolition and construction related impacts could be adequately managed with the imposition of mitigation measures during the construction period. This would be controlled via the submission of a Demolition Construction and Environmental Management Plan, secured by condition.

- 8.4.12 In terms of ongoing air quality issues, a condition is recommended to ensure that details of any plant extraction, vents or other mechanical ventilation equipment is agreed prior to first use, which would assess and control the impacts of any emissions or air pollution from the building in the interests of neighbouring residents. It should also be noted that the proposed soft landscaped areas within the site would provide a positive contribution to local air quality through cleaning and re-oxygenising air at and around the site.

8.5 Affordable Housing

- 8.5.1 As the development would result in a net increase of over 10 dwellings, policy D5 of the Core Strategy 2013 and accompanying Affordable Housing SPD (2017), requires the provision of affordable housing. The Town Centre neighbourhood is identified as a 'low-value' market neighbourhood and, as such, the ratio of affordable housing required would be 30% of the overall development. Policy requires a tenure mix of 70% rented, 30% Shared Ownership.
- 8.5.2 In relation to the submitted scheme for 65 units, the affordable element would amount to 19.5 units; 19 units provided on-site, with the remaining provision forming an off-site financial contribution, in accordance with Affordable Housing SPD and this would be secured by a Section 106.
- 8.5.3 Supporting paragraph 4.5.5 of policy D5 takes into consideration development viability, stating that "affordable housing requirement will be in a flexible way on a site-by-site basis taking into consideration other planning considerations that may affect delivery."
- 8.5.4 The applicant has submitted a Financial Viability Assessment (FVA) in line with the requirements of Core Strategy Policy D5 and the Affordable Housing SPD. The FVA concludes that the scheme would not result in a residual land value that would be able to provide affordable housing, taking account of a combination of factors, including the cost of retaining the façade, build costs, likely sales values and professional fees.
- 8.5.5 The submitted FVA has been independently reviewed by the Council's elected viability consultants, which confirms that the scheme is unable to provide affordable housing.
- 8.5.6 The review includes sensitivity testing having regard to increases and decreases in construction costs, given the current volatility in the market. The sensitivity analysis demonstrates that the scheme is affected in terms of viability with small increases and or decreases in

cost and revenue but that only the best of market improvements in both sales values and build costs could deliver a positive land value.

- 8.5.7 Taking account of the review, an Affordable Housing contribution would not be sought to deliver the proposed development.
- 8.5.8 However, it is recommended that early and late-stage viability review mechanisms are put in place to firstly ensure the deliverability of the scheme and secondly to capture any potential S106 contributions that may be due from improvements in the scheme's financial viability.
- 8.5.9 In addition, planning conditions would ensure that the scheme is built in accordance with the current scheme design to avoid any "value engineering" being carried out which is not subject to further viability testing through a planning application to vary the scheme.

8.6 Quality of Proposed Accommodation

- 8.6.1 The proposed dwellings would generally provide a good standard of accommodation, being spacious, well arranged on plan and with good outlook for future occupants.
- 8.6.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. Each of the proposed dwellings would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the standards.
- 8.6.3 All bedrooms and primary amenity areas within the proposed building have access to clear glazed windows with a good level of outlook and exposure to natural light and effective natural ventilation.
- 8.6.4 The units are well arranged on plan, providing clear useable space for the intended use of each room, avoiding awkwardly shaped rooms where possible within the constraints of the site. Floors within the building would be served by lifts within two vertical circulation cores and would provide step free access.
- 8.6.5 It is not considered that there would be any privacy issues for future residents. Units would retain sufficient separation distances to provide suitable levels of privacy for future residents.
- 8.6.6 The application is supported by a Noise Assessment for the development. The assessment proposes mitigation in the form of high-performance glazing for occupants to mitigate the potential disturbance from the town centre location and the arrangement of buildings. The assessment demonstrates that, provided the mitigation measures considered in the report are implemented, noise levels within the proposed dwellings is acceptable in the interest of future occupants' amenity.

8.6.7 In terms of amenity space, units would benefit from communal outdoor amenity space provided by a central landscaped garden space, which would provide planting features and seated areas. Private outdoor amenity space would be provided for some units, where this is made possible through set backs on the upper floors of the North Street elevation.

8.7 Design and Heritage

8.7.1 Section 12 of the NPPF is concerned about development 'achieving well-designed places' and under paragraph 127 it states, amongst other requirements, that 'planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) [...]
- f) ...create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

8.7.2 The site is located within the Town Centre and Seafront Conservation Area. The Town Centre and Seafront Conservation Area Appraisal notes that the site is located within Character Area 2: Seaside Road, Sea Houses and The Pier. The Character Appraisal defines the building as a positive building.

8.7.3 These designations provide a formal statement of the architectural and/or historical interest of the site and its local value. The significance of the property is derived from the external appearance of the corner façade, which has a distinctive decorative, white render appearance. It is also derived from the connection to the Eastbourne architect P D Stoneham, who was responsible for the design of several listed Eastbourne buildings.

8.7.4 The building is recognised as a building of townscape merit and landmark quality positively contributing to the character and special interest of the Town Centre and Seafront Conservation Area.

8.7.5 However, the building's significance extends beyond consideration of the architectural design and historical context. The building is considered a heritage asset due to its localised heritage interest, including its cultural and social contribution, and this was emphasised by the community's response to the proposed loss of the building outlined in the preceding application. As such, the

building also derives its significance from having been built for Dale and Kerley's, one of Eastbourne's four exclusive stores that served the town during the 1920-30s. The site contributed to the war effort through its use for the production of parachutes and after which it became Barkers and subsequently The Army and Navy Store, both part of famous department store chains

- 8.7.6 Whilst the building's significance is primarily derived from the distinctive architectural treatment of the original Dale and Kerley corner façade, it is noted that the building underwent extensive rebuilding following the bomb damage sustained in 1943. Later alterations have not been sympathetic and are not regarded a positive contributor to the conservation area.
- 8.7.7 The assessment of significance has led the design proposals for this building, seeking to retain the distinctive central section of the façade and provide sensitive architectural design to compliment the retained façade. The new built form would concentrate its bulk to the rear of the site, to ensure that the retained frontage maintains its significance, including in short and long ranging views.
- 8.7.8 The flanking extensions to the Terminus Road and Seaside frontages seek to contrast, yet be sympathetic to the retained façade through the use of brick face elevations. The proposed roof adopts a contemporary interpretation of a historic mansard roof form, which retaining the quality in the materials that is required for this sensitive application.
- 8.7.9 The North Street elevation continues the treatment of the flanking elevations, being brick faced and 'secondary' to the prominence of the retained render façade.
- 8.7.10 Windows within the façade would be replaced to provide the requisite thermal and sound insulation properties for their intended use, whilst retaining a sympathetic heritage aesthetic.
- 8.7.11 The shop frontages on Terminus and Seaside would be retained for use by the commercial unit, with newly detailed glazing and facing treatment.
- 8.7.12 All facing materials and window, door, shopfront treatment would be agreed by condition to ensure their detailed realisation.
- 8.7.13 The proposed scheme is successful in protecting the significance of this heritage asset, whilst replacing negative features and enhancing its architectural presence. It meets the overarching objectives of the Development Plan in terms of design and heritage related considerations and is acceptable subject to the careful consideration of more detailed design elements controlled by condition.

8.8 Highways and Parking

- 8.8.1 The applicant has submitted a Transport Statement, which addressed the transport demands and impacts of the proposed development.

- 8.8.2 The site is located within the heart of the Town Centre, a highly sustainable location and conveniently located for access to a number of local amenities, but also different modes of public transport.
- 8.8.3 The site is on a main route from Eastbourne Train Station, which is served by the Southern rail service, is easily accessible and located approximately 700m to the north-west of the proposed development site. The station provides access between London Victoria, Brighton, Ore, Ashford International and Hastings stations, with at least two trains operating per hour to London Victoria, Brighton and Ore throughout the day, and at least two trains per hour to Ashford International and Hastings.
- 8.8.4 The nearest bus stop is located on Seaside Road, approximately 50m from the site. This stop is served by 17 bus services, which provide access to a range of destinations, including Shinewater, Willingdon Trees, Hellingly, Highfield and Sovereign Harbour South. The more frequent services accessed via this bus stop provide up to 13 buses an hour.
- 8.8.5 Walking and cycling facilities within the area surrounding the proposed development site are very good due to the site's location within a town centre. There is an excellent provision of pedestrian facilities, including signalised crossings and wide pedestrian footways, within the immediate surroundings, providing connections to the wider town centre area.
- 8.8.6 Taking the location and features of the site into account, the site is appropriate for car-free development. As such, no on-site parking provision is proposed, other than two disable spaces, which would be accessed from North Street and would comprise electric charging facilities. The spaces would be unallocated and would be for use by disabled occupants and/or visitors to the site.
- 8.8.7 The scheme also seeks to provide a significant cycle storage provision (80 spaces), which exceeds the 33 space requirement of ESCC cycle parking standards. A further 13 secure cycle spaces are also proposed for staff of the commercial unit. The application also confirms that E-bike charging facilities would be provided, which would be secured by condition of any permission.
- 8.8.8 ESCC as Local Highway Authority has confirmed their agreement to the car-free position and has also suggested their support for a head of term to S106 agreement to restrict the uptake of car parking permits for future residents of the development. The legal implications of this restriction are yet to be concluded, but this approach is reasoned and measurable in principle, given the location of the site and the availability of alternative means of transport to the private motor vehicle, including extensive cycle parking provision.
- 8.8.9 Parking for the commercial element is available within the publicly available town centre car parks. TJ Hughes, when operational was without dedicated customer car parking

- 8.8.10 ESCC has raised some concern with the servicing arrangements, particularly for the commercial element, and this discussion is ongoing. However, taking account of the existing arrangements and that this would be the fall-back position should permission not be granted, there is no principal objection to the proposed servicing arrangements, subject to further clarification and any required revisions.
- 8.8.11 In liaison with the Economic Regeneration Team, ESCC has requested that the development provides a financial contribution towards the Eastbourne Town Centre Movement and Access Package scheme, seeking to deliver a high-quality public realm scheme which will support the place making of this proposed development (and which it ultimately will benefit from). The contribution sought is £2,000 per unit; a total contribution of £130,000 towards this scheme. The contribution would help enable the delivery of proposed phase 2b of the town centre improvement works, which provides a continuous spinal route through the town centre from the railway station to the seafront.
- 8.8.12 The applicant has agreed to provision of a car club space, which would be secured by S106. This will require agreement of a suitable on-street space to be secured by Traffic Regulation Order (£5,000) and an electric vehicle and charging facility. The applicant would be responsible for setting up the car club contract.
- 8.8.13 The application proposes a travel plan, to provide a residents' travel information pack. This would include green travel incentives such as car club membership for each household with £25 drivetime, and £100 flexible travel voucher redeemable via the travel plan coordinator for either bus tickets, rail tickets, cycle equipment and car club drivetime, or combination of these. Travel information would be provided for staff at the commercial unit on a staff notice board. The travel plan would require the monitoring of incentive take up and annual surveys for a 5-year period to provide data for sustainable travel use and changes in travel habits over the travel plan period and this would be secure by S106 agreement.
- 8.8.14 Taking account of the above considerations the transport impacts of the development are acceptable subject to the imposition of conditions.

8.9 Landscaping

- 8.9.1 The site is currently entirely occupied by a single building without any soft landscaping features.
- 8.9.2 The landscaping proposals involve creation of an elevated landscaped gardens on the first floor within the central void of the building, which would be used by residents for amenity space, but would also contribute to biodiversity net gain.
- 8.9.3 There are also opportunities for landscaping features on the upper floors on the open internal elevations, to ensure that opportunities are maximised.

- 8.9.4 The exact planting would be agreed post-decision by condition, to ensure a native planting scheme that attracts a diversity of species.

8.10 Ecology and Biodiversity

- 8.10.1 The National Planning Policy Framework (NPPF) states that ‘planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity...’ and that ‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...’.
- 8.10.2 Eastbourne Borough Council’s Biodiversity Net Gain Technical Advice Note (September 2021) also advises that the Council ‘expects that major planning applications will demonstrate a minimum 10% increase in Biodiversity Net Gain and would encourage applications to consider achieving higher net gains in proposals’.
- 8.10.3 No biodiversity metric calculations have been provided. However, it is noted that the site is currently devoid of vegetation and therefore proposed soft landscaping is likely to provide a net gain, relative to the current site conditions.
- 8.10.4 The application is supported by an Ecological Impact Assessment (dated July 2022). Some biodiversity enhancement recommendations are provided in Section 6.3 of assessment, including swift boxes / bricks and insect hotels.
- 8.10.5 The Council’s Specialist Advisory (Ecology and Biodiversity) has recommended that the grant of permission should be subject to a condition requiring agreement of an Ecological Design Strategy (EDS), which provides more detailed design specification for the biodiversity improvements at the site, including habitat generation, native planting and a timescale for provision.

8.11 Sustainability

- 8.11.1 Sustainable design and development is at the heart of the Eastbourne Core Strategy Local Plan. Policy D1 sets out the high level strategic policy against which all proposals will be assessed. It requires that all new development is sustainable, well designed and constructed and demonstrate that it has taken account of the principles of sustainable development.
- 8.11.2 The applicant has submitted an Energy Strategy, which sets out the proposed ‘Be Lean’, ‘Be Clean’, ‘Be Green’ approach, which includes a fabric first approach to improve upon the Buildings Regulations Part L requirements, both in relation to retained and new build elements of the scheme. The scheme would employ Passive design building methods, including daylight, solar energy, shading and stack or wind driven ventilation to illuminate, heat, shade where necessary and ventilate/cool the building, thus requiring less (mechanical)

energy to achieve the performance standards for health and wellbeing of the residents.

- 8.11.3 In terms of clean energy provision, the feasibility of district heating has been considered. There are no existing or proposed district heating networks within close proximity to the development site. In addition, due to the relatively low density of the development, the phased nature of the wider scheme's delivery, and the cost of the infrastructure required to connect a rural location to a district heat network, it is not deemed cost effective to establish a district heat network on the site.
- 8.11.4 The proposed development has given consideration to renewable energy technologies that may be applicable to deliver the required level of carbon dioxide savings over the Building Regulations Part L baseline, and the likely local effects on the environment. In determining the appropriate renewable technology for the site, a number of factors including carbon dioxide savings, site constraints, and potential visual impacts have been considered.
- 8.11.5 Based on the site location, the lack of planned or existing heat networks within the local area, and the projected decarbonisation of the national electricity grid, it is proposed that an air source heat pump (ASHP) system will be employed to serve both the space and water heating demands of the residential and non-residential elements of the scheme. It is intended that this technology be employed as part of a communal ASHP system, with a minimum efficiency of 350%.
- 8.11.6 The applicant has identified that the roof of the building could house photovoltaic (PV) technology to generate zero carbon electricity on-site. Details and specification would be agreed by condition.
- 8.11.7 The use of window turbines for micro-generation has been rejected on the basis of its potential impact on visual amenity and relatively low efficiency from unpredictable, turbulent wind conditions associated with urban locations.
- 8.11.8 The package of measures would result in a significant reduction of carbon emissions when compared to dwellings built in compliance with Building Regulations Part L (2021).

8.12 Drainage and Flood Risk

- 8.12.1 The applicant has submitted a Flood Risk Assessment and SuDS Strategy, which confirms that the proposed development site falls within Flood Zone 1. This indicates that the site is at low risk of fluvial or tidal flooding, with a less than 1 in 1,000 annual probability of river or sea flooding. The site is also at very low risk of surface water flooding. The Flood Risk Assessment and SuDS Strategy confirms that the risk of flooding from sewer and artificial source is also very low, however it is noted that the risk of groundwater flooding at the site is medium. It is therefore intended that groundwater pumps be installed as part of the proposed development to mitigate the risk of groundwater flooding.

- 8.12.2 As detailed within the Flood Risk Assessment and SuDS Strategy, it is intended that surface water runoff generated on the site will be managed through the use of an extensive green roof area, which will provide attenuation opportunities, and water butts for the reuse of rainwater. It is intended that, through the implementation of the proposed SuDS Strategy, the rate at which surface water runoff is discharged from the site in the post-development context will be reduced when compared to the existing case. This will therefore aid in minimising the risk of surface water flooding both on the site itself, and within the surrounding area.
- 8.12.3 The LLFA has no objection to the strategy, subject to the imposition of conditions to ensure agreement of a detailed SuDS scheme.

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 Delegate to the Head of Planning to; clarify the servicing arrangements and agree them with ESCC Highways; and finalise the schedule of conditions, taking account of any changes resulting from the above consultation.
- 10.2 Then to approve with conditions, subject to S106 Agreement to secure:
- 10.3 Local Labour Agreement
- 10.4 Eastbourne Town Centre Movement and Access Package scheme financial contribution of £130,000.
- 10.5 Restriction of resident parking permits
- 10.6 Travel Plan and audit fee of £4,500
- 10.7 Car club vehicle (including £5,000 TRO fee) with review after 3 years to monitor success of the car club and in the event that evidence does not support the use of the road space for this purpose, that the road space is reinstated as a flexible bay requiring a further TRO with associated costs.
- 10.8 To refuse the application if no progress is made on the S106 agreement.

11. **Appeal**

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

12. **Background Papers**

- 12.1 None.

Agenda Item 8

Report to: Planning Committee
Date: 17 October 2022
Application No: 220579
Location: Hadleigh Hotel, 14 – 22 Burlington Place, Eastbourne
Proposal: Various extensions and alterations to rear up to fifth-storey level, alterations and opening up of lower ground floor to front elevation and change of use from hotel (C1) to 16 x residential flats (C3) and 12 x holiday let flats (C3).
Applicant : Mr Edmonston
Ward: Meads
Recommendation: Approve subject to conditions and s106 (affordable housing and local labour agreement)
Contact Officer: **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 It is satisfied that the existing hotel use of is not viable in the long term and that residential development provides an appropriate re-use of the building and that the formation of 12 x holiday let flats will allow for a contribution towards the tourism economy to be sustained.
- 1.2 The external alterations to the buildings are considered to be sympathetic towards its existing character as well as the character and setting of the surrounding conservation area.
- 1.3 The site is in a sustainable location where reliance on the private motor vehicle would be reduced and there is a good level of accessibility to shops, services and other day to day amenity needs.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021

- 2: Achieving sustainable development
- 4: Decision making
- 8: Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well designed places

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D3: Tourism
- D5: Housing
- D8: Sustainable Travel
- D10: Historic Environment
- D10a: Design

2.3 Eastbourne Borough Plan 2001-2011:

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- UHT15: Protection of Conservation Areas

HO1: Residential Development within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO9: Conversions and Change of Use

HO20: Residential Amenity

TO1: Tourist Accommodation Area

TO2: Retention of Tourist Accommodation

TR6: Facilities for Cyclists

TR11: Car Parking

2.4 Town Centre Plan 2013:

TC6 – Residential Development in the Town Centre

TC9 – Building Quality

TC10 – Building Frontages

2.5 Employment Land Local Plan 2016:

EL1 – Economy and Employment Land

2.6 Supplementary Planning Documents/Technical Advisory Notes:

Tourist Accommodation Retention

Sustainability in Development

Local Employment and Training

3. **Site Description**

3.1 The site is occupied by a 4½-storey building that comprises what were originally a row of residential villas constructed during the mid to late 19th century which have since been interlinked through an internal conversions. One of the villas has been altered substantially through adjustments to the roof and the formation of a relatively modern main entrance to the hotel from Burlington Place. Various extensions have been added to the rear of the building. The building is currently configured with 50 guest rooms along with associated communal areas such as lounge, dining and function areas. The hotel had a 2 star rating when most recently in operation.

3.2 An additional group of villa buildings facing onto Compton Street was also incorporated into the hotel use, with a further link extension provided to facilitate this. Approval has recently been granted for the conversion of the Compton Road building to residential flats.

3.3 There is a small yard area directly to the rear of the building behind which is a hard surfaced car park which is associated with the neighbouring Cavendish Hotel and is accessed from Compton Street via an arched passage that passes through the terrace of buildings at street level.

3.4 The site is located within the Town Centre and Seafront Conservation Area. It falls within the secondary zone of the Tourist Accommodation Area (as defined in the Tourist Accommodation Retention SPD) and also within the outer zone of a groundwater source protection area. There are no other

planning designations or constraints attached to the site or the immediate surrounding area.

4. **Relevant Planning History**

- 4.1 **980001** - Provision of timber decking over light wells immediately either side of main entrance - including rendered brick steps to provide an open verandah (sitting area) – Approved conditionally 19th March 1998.
- 4.2 **980034** - Erection of a part two-storey, part three-storey extension at rear to enlarge lounge, stillroom, kitchen, and three bedrooms – Approved Conditionally 16th December 1998.
- 4.3 **210919** – Conversion of single building (formerly 21-23 Compton Street) currently forming part of the Hadleigh Hotel complex from hotel (C1 use) to 7 x self-contained flats (C3 use). Remainder of hotel use unaffected.– Approved Conditionally 24th March 2022.

5. **Proposed Development**

- 5.1 The proposed development includes various external works to the existing building including:-
- Removal of main entrance to front, including glazed foyer and portico and replacement with single door with portico over and an external wall incorporating 2 x ground floor windows;
 - Removal of flat tiled roofing over existing front dormer windows;
 - The ground floor footprint would remain as existing but various upward extensions would be added to the rear of the building;
 - A mono-pitch roof extension across the existing ground and first floor flat roof extensions, bringing height up to second floor level;
 - A central stairwell element to this extension would extend upwards to third-storey level; and
 - An additional storey would be added to the second floor hipped roof extension, with a new gable roof formed over.
- 5.2 The extended building would then be converted internally to provide 16 x residential flats (10 x 1 bed, 6 x 2 bed) and 12 x holiday let flats (9 x 1 bed, 3 x 2 bed). The flats would be accommodated within numbers 14-18 Burlington Place and the holiday flats within 20-22. Each use would have its own designated access from Burlington Place.
- 5.3 The proposal is a zero car parking development. 23 x cycle parking spaces would be provided in a bike and bin storage area formed on the lower ground floor of the building, with direct access available from the yard to the rear of the building.

6. **Consultations**

- 6.1 Eastbourne Hospitality Association

- 6.1.1 The opinion of the Management Committee of the EHA is that we have no objection based on the submitted plans by CKA Architectural Ltd and as per the application which based on the applicants advertised previous developments on their website, appertain to luxury and quality developments.
- 6.1.2 Our one reservation as ever would be that no HMO's (sui generis) or change of use are considered in that location, other than back to its current Category (C1).

7. Neighbour Representations

- 7.1 None received.

8. Appraisal

8.1 Planning Obligations

- 8.1.1 As a major development, the proposed scheme, by default, is required to incorporate affordable housing, amounting to 30% of the total number of units, as per para. 65 of the NPPF and the Council's Affordable Housing SPD, noting that the site falls within a Low Value Area as defined in the SPD.
- 8.1.2 However, the applicant has applied for Vacant Building Credit. This is a national incentive for the development on brownfield sites containing buildings. It operates on the basis that the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought, as per para. 026 of the Planning Practice Guidance for Planning Obligations.
- 8.1.3 In order to qualify as a vacant building, the existing building must not have been abandoned and Local Planning Authorities must consider whether the building has been made vacant for the sole purposes of re-development, in accordance with para. 028 of the NPPF.
- 8.1.4 Vacant Building Credit does not apply to any increase in floor space. In such instances, an affordable housing contribution would be established based on the proportion of the increase in floor space, as per para. 027 of the Planning Practice Guidance. A financial contribution based on the increased floor space will therefore be sought and secured through the use of a section 106 agreement. The proposed extensions would provide an additional 86.6 m² of floor space, approx. 5% of the overall floor space and, therefore, affordable housing contributions would be sought at 5% of the standard amount.
- 8.1.5 The section 106 will also be used to secure a local labour agreement along with associated monitoring fee.

8.2 Principle of Development

- 8.2.1 Para. 74 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.
- 8.2.2 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. This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.
- 8.2.3 The proposal represents a development of a windfall site that would deliver a net gain of 16 residential units, thereby contributing towards the Council's housing delivery target.
- 8.2.4 Para. 120 d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Para. 152 notes the benefits of building conversions in terms of sustainability due to it representing the reuse and adaptation/improvement of existing resources.
- 8.2.5 The site is located within the secondary sector of the Eastbourne Tourist Accommodation Area. The loss of tourist accommodation in this area is resisted as per saved policy TO2 of the Eastbourne Borough Plan, policy D3 of the Eastbourne Core Strategy and the Tourist Accommodation Retention Supplementary Planning Document (SPD). However, a change of use is supported where suitable criteria relating to viability of the hotel use are addressed.
- 8.2.6 It is therefore considered that the principle of the development is acceptable. Any benefit offered by the proposed scheme 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. 120), ensuring development is of suitable design, is sympathetic to the character of the surrounding area (para. 130) and historic environment (section 16) and ensuring development does not compromise highway safety (para. 109).

8.3 Loss of Hotel Use:

- 8.3.1 Para. 2.15 of the Tourist Accommodation Retention SPD acknowledges that Eastbourne has a large concentration of smaller independent two and three star hotels, a significant proportion of which previously catered for the coaching market. Consequently, some of the smaller independent hotels towards the lower end of the quality spectrum are increasingly struggling to compete as they cannot offer the quality of accommodation that visitors expect.
- 8.3.2 It goes on to state, in para. 2.18 that a 'reduction in this accommodation stock is required to ensure that it should help stimulate investment in better quality accommodation appealing to a broader range of visitors. Leading on, para. 2.19 maintains that 'this can be achieved by allowing obsolete accommodation in secondary locations to exit the market, thereby allowing average room rates to increase and a tourist accommodation provider to invest in increasing the quality of their offer. This in turn will allow Eastbourne's tourist accommodation to develop more organically and in turn appeal to and attract new markets.
- 8.3.3 Para. 5.1 of the SPD states that 'when assessing a proposal for the change of use or redevelopment of tourist accommodation, the key consideration is whether or not the continuing use of the land as tourist accommodation is viable and economically sustainable.
- 8.3.4 Should the hotel use be considered unviable, the SPD then instructs a hierarchical approach to be followed to establish a suitable alternative use, with the provision of serviced, un-serviced or partial change to alternative use to be considered in sequence prior to considering a complete loss of the tourist use of a building. The proposed development would maintain a substantive element of tourist use in the form of 12 x holiday flats.
- 8.3.5 Para. 5.8 'The SPD sets the principle that a lower level of evidence is needed in the Secondary Sector to demonstrate that tourist accommodation is unviable. However, this does not necessarily mean that proposals for the loss of tourist accommodation in the Secondary Sector will automatically be granted planning permission.
- 8.3.6 Notwithstanding the above, the commercial hotel agent has provided a statement on the applicants behalf which sets out a number of viability issues impeding continued use of the building as a hotel, economic and otherwise.
- 8.3.7 The nature of the building, it being an amalgamation of 5 terraced villas, has resulted in an awkward internal layout with many changes in level and narrow corridors that are not conducive to hotel use.
- 8.3.8 It is stated that the building is in a poor state of repair and suffers from water ingress and damp. A comprehensive condition survey has been submitted in support of this statement and a number of photographs are included which show damaged and deteriorating conditions to the building exterior and interior. The costs of renovation and restoration to hotel use, which are estimated to be

approx. £2.5 million, are stated as a barrier to any viable continuation in hotel use.

- 8.3.9 The statement identifies a shift in the demographic and expectations of tourists in Eastbourne, noting that there has been a long decline in coach groups, which the Hadleigh Hotel had catered for, exacerbated by the impact of COVID-19. This has resulted in a subsequent deterioration in the building which has resulted in significant difficulties in securing any loans to fund repairs and renovations.
- 8.3.10 The economic statement also notes that the holiday flats would be serviced and that this use would therefore create some employment as well as continue to provide accommodation for tourists who would contribute to the local economy.
- 8.3.11 The SPD provides a list of attributes that are encouraged to be incorporated within new holiday flat uses. Whilst this list relates to un-serviced flats it would appear reasonable to apply it to a scheme for serviced flats such as the proposal. Desirable features include provision of a separate entrance from any tourist accommodation or residential uses, internal layouts to cluster holiday flats together for ease of management and minimise potential noise impacts and conflicts with other uses, ensuring that main bedspaces are located within bedrooms and not within lounges or other non-bedroom spaces and ensuring that holiday flats have all of the facilities that would be required by a visitor. The proposed holiday flats broadly comply with the above although it is noted that flat 3 does not have a separate bedroom.
- 8.3.12 A condition will be used to ensure the holiday let flats remain in that use and are not converted to permanent flats. This is necessary to ensure the site continues to contribute to the tourist offer and economy, as both uses fall within the same use class.
- 8.3.13 From an economic perspective, it should also be noted that residential development in town centres can make a positive contribution to the town centre economy as a whole. As para. 4.19 of the Town Centre Local Plan acknowledges, 'there is considerable benefit in attracting more people to live within the Town Centre. It is both socially and economically sustainable. Increasing the population of the Town Centre also benefits local businesses and employers. It also enhances the viability of public transport in the Town Centre through introducing a larger potential customer base as well as reducing the potential need for people to make journeys by car because of the availability and proximity of a range of services.' This is also echoed in para. 86 f) of the NPPF.
- 8.3.14 It is therefore considered that the loss of the existing hotel use is acceptable in this instance and that benefit would be delivered within the wider tourism area through the improvement of the appearance of the building and the retention of good quality serviced tourist accommodation.

8.4 Design:

- 8.4.1 The proposed development would make limited external alterations to the existing building, aside from cosmetic works to improve its appearance.
- 8.4.2 The most noticeable alteration, within the context of the street scene, would be the removal of the existing hotel entrance. The existing entrance is considered to be a somewhat unsympathetic addition to the original building and is not considered to play a positive role in the setting of the Conservation Area. Its removal would enable to access arrangements and building frontage to revert to an appearance more consistent with the original appearance of the building. The portico arrangement over the new access door would replicate that over original doors within the building frontage as would the cornice and moulding arrangement. New doors would also be installed at the entrance to numbers 20-22, replacing the existing unsympathetic design with timber doors of similar appearance to those on other parts of the building.
- 8.4.3 To the rear, the assortment of single-storey extensions currently in place would be rationalised within the proposed upward moo-pitch extension. The general appearance of the existing hipped roof extension would be maintained following its upward extension by way of reforming a hipped roof over it. Neither of the rear extensions would be visible from the Conservation Area and, although they will be of greater height than the existing extensions, it is considered that they would not overwhelm the original building as they would remain lower than it and are of modest scale in terms of footprint. Whilst the extensions would be visible from the car park to the rear of the site, it is noted that the character of all surrounding buildings is more functional from this perspective and that the general character of this aspect of the building would remain as such, although the existing sense of clutter would be reduced through the amalgamation of a number of flat roof rear extensions into a singular feature.
- 8.4.4 Part of the lower ground floor of the building would be utilised for bin and bike storage, thereby providing a good level of security whilst also ensuring bins would not be left out on the highway or cycles chained to railings where they would have a harmful impact upon the visual quality of the street scene.
- 8.4.5 It is therefore considered that the proposed external works would improve the appearance of the existing building and, by that virtue, enhance the character and setting of the Conservation Area.

8.5 Impact of the proposed development on amenity of adjoining occupiers

- 8.5.1 The proposed development comprises a mix of permanent occupancy flats and holiday let flats that are considered to be compatible and consistent with the existing complexion of uses in the surrounding environment, which predominantly comprises a mix of hotel, guest house and residential flats. The overall scale and capacity of the building would not be significantly increased, It is

therefore considered that the proposed development does not represent an over-intensive or disruptive use in the context of the surrounding environment and that the relationship between the use of the building and surrounding residential uses would not be significantly altered.

- 8.5.2 It is noted that there are residential flats at 'Victoria Court' (24-26 Burlington Place) which have rear facing windows positioned close to the proposed extensions. There are also side facing windows facing towards the site, but these are small and appear to serve bathrooms or a stairwell. It is noted that the proposed extensions would be built over the existing building footprint and, although they involve an increase in height, it is considered that the relationship between them and neighbouring windows would not be substantially different to the existing relationship. It is also noted that the neighbouring flats are to the south of the site and, as such, the proposed extensions would not provide a direct obstruction to natural light. None of the windows within the building, either existing or proposed, face directly towards neighbouring properties.
- 8.5.3 It is therefore considered that the proposed development would not result in any unacceptable harm upon the amenities of neighbouring residents.

8.6 Living Conditions for Future Occupants

- 8.6.1 Para. 119 of the NPPF states that planning decisions 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' Para. 127 advocates the use of design policy, guidance and codes as a means to create better spaces to live and work in. Eastbourne Borough Council does not currently have an adopted design code and, in these circumstances, national documents should be used to guide decisions on applications as per para. 129 of the NPPF. These national documents are the National Design Guide (2019) and the National Model Design Code (2021).
- 8.6.2 Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'
- 8.6.3 Para. 126 of the National Design Guide (2019) 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.'
- 8.6.4 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. All flats within the proposed permanent residential element of the development meet or exceed the minimum GIA set out in the

national space standards for their respective tenure. Individual room sizes also meet or exceed minimum standards. A small number of the holiday flats fall marginally below the space standards but they are not applicable to short term occupation given they would not need to provide space for the same amount of possessions and furniture nor provide the amount of functions permanent accommodation is expected to.

- 8.6.5 All habitable rooms would be served by large glazed windows/doors that would have an unobstructed outlook and provide good levels of access to natural light and ventilation. All rooms are considered to be functional and adaptable, being of a good size and with awkward shapes and overly long corridors being avoided as far as practicable when working within the constraints of the existing building floorplan.
- 8.6.6 The main access to the building would be from Burlington Place and would enjoy a good level of natural surveillance from surrounding buildings as well as from the street. One of the lower ground floor holiday flats is only accessible from the rear of the site but it is not considered that this access would be unacceptably secluded as it would be well overlooked by flats to the rear of neighbouring buildings as well as from the large car park to the rear of the site.
- 8.6.7 All floors of the permanent flats are accessible by lift, allowing for wheelchair access to all floors, although there is a need to negotiate steps to access the building. A condition will be used to ensure arrangements are made to provide ramps or lifts where required to ensure step free access to the building.
- 8.6.8 There would not be any outdoor amenity space available within the site due to the existing building occupying the full envelope. Given the proposed flats would be unlikely to be occupied by families on account of their size, as well as the proximity of the site to nearby public amenity spaces along the seafront and in local parks, it is considered that the lack of availability of private amenity space is acceptable in this instance.
- 8.6.9 It is therefore considered that the proposed development makes efficient use of the existing building, utilising modest extensions to improve internal space, accessibility and living conditions.

8.7 Landscape and Ecology

- 8.7.1 The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require biodiversity net gain to be delivered as a condition of a planning permission. The Act provides a two-year transition period (expiring 2023) before this mandatory requirement comes in to force. In the interim, the Council have adopted a Biodiversity Net Gain Technical Advice Note (TAN) to reflect the direction of travel and also provide clarification on NPPF requirements that 'planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para. 174) and that, when determining planning applications, local

planning authorities should apply the principle that ‘opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’ (para. 180)

8.7.2 Major developments within the Borough are expected to deliver 10% biodiversity net gain. In this instance, the existing building occupies almost the entire site envelope and the remainder is covered by hard surfacing. As such, the baseline biodiversity value of the site is considered to be minimal. There do not appear to be any realistic opportunities to enhance biodiversity due to the constraints of the site and, due to both of the factors mentioned above, it is considered unrealistic to require a landscaping scheme to be required as a condition of any approval.

8.8 Highways and Access:

8.8.1 The proposed development does not include any provision of on-site car parking, nor would it be feasible to do so given that the existing building occupies the majority of the site envelope.

8.8.2 ESCC Highways guidance on parking demand generated by non-residential uses suggests that a hotel use generates a demand of 1 parking space per room along with additional single parking spaces per resident staff or per 2 non-resident staff. Whilst it is noted that the Hadleigh Hotel has most recently received a large proportion of its trade from coach parties it is not restricted to this form of custom and so, if the building remains in its current use, it is considered that it would generate demand for up to 50 on street car parking spaces.

8.8.3 The ESCC car parking demand tool estimates the proposed permanent residential use would generate demand for 9.79 car parking spaces. Figures are not provided for estimated use associated with holiday let flats but, applying the standard residential criteria, these would generate a demand of 7.34 spaces. The combined demand of the development of approx. 17.13 spaces is therefore significantly lower than that generated by the existing hotel use. This estimation is also based on an aggregation of car ownership data across the whole Meads ward, which includes areas on the fringe of Eastbourne.

8.8.4 The application site is considered to be in a highly sustainable area in the town centre, close to bus stops frequently served by local and regional services, within approx. 500 metres of the primary shopping area, approx. 750 metres of the main line train station (which can also be reached by bus) and close to a range of services and potential sources of employment. Due to the positioning of the site, it is considered that occupants of the proposed flats would not be dependent on the use of a private motor vehicle.

8.8.5 Cycle storage facilities would be provided in a secure location within the building where stored bikes would be protected from the elements. The yard and passage to the rear of the site would allow easy access to the cycle store from the highway and the proposed

development would therefore include facilities to encourage the use of sustainable modes of transport.

- 8.8.6 A bin storage area would also be provided within the building and accessible to residents of the permanent flats via the main stairway. Occupants of the holiday lets would be able to access from the yard area to the rear of the building. Bin crews would be able to collect by accessing via the car park to the rear of the site, with the refuse vehicle remaining on Compton Street. Bins could be positioned adjacent to the gate serving the rear garden on collection day to ensure that they are no more than 25 metres from the refuse collection vehicle, as per good practice guidance.

8.9 Flooding and Drainage:

- 8.9.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from tidal or fluvial flooding. Risk of surface water flooding is also identified as being low, although it is noted that the car park to the rear is identified as being susceptible to it and it is therefore important that the proposed development does not exacerbate this but discharging surface water onto neighbouring land. The proposed extensions will all be positioned within the existing building footprint and it is noted that the current site is covered by buildings or hard surfacing almost in its entirety. It is therefore considered that existing surface water drainage infrastructure can be utilised to service the development and it is considered that the renovation of the building will likely include maintenance and repairs to existing rainwater goods, improving their effectiveness.

- 8.9.2 It is therefore considered that the proposed development would not result in any unacceptable increase in flood risk within the site, neighbouring property or on the public highway.

8.10 Sustainability:

- 8.10.1 The development involves the re-use of an existing building and this, in itself, is considered to represent sustainable development by providing a more efficient use of the building. The site is also in a sustainable location meaning occupants will be less reliant on motorised transport.
- 8.10.2 The extensions and alterations to the building allow it to be used efficiently and would improve the quality and adaptability of the internal space as well as facilitate the installation of a lift that would serve all floors of the building.

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 the application is approved, subject to the submission of acceptable landscaping details as reserved matters and to the conditions listed below.

10.2 **Time Limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- 3233 31 - Site Location and Block Plans
- 3233 52 Rev A - Proposed Lower Ground Floor
- 3233 53 Rev A - Proposed Ground Floor
- 3233 54 Rev A - Proposed First Floor
- 3233 55 Rev A - Proposed Second Floor
- 3233 56 Rev A - Proposed Third Floor
- 3233 57 Rev A - Proposed Roof Plan
- 3233 58 Rev B - Proposed South West Elevations
- 3233 59 Rev B - Proposed North West Elevations
- 3233 60 Rev A - Proposed North East Elevations
- 3233 61 Rev A - Proposed South East Elevations
- 3233 62 Rev A - Proposed Elevations (Sections)
- 3233 63 Rev A - Proposed South West Elevations (showing lower ground floor)

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

10.4 **Use Restriction:** The 12 x flats occupying 20-22 Burlington Place shall be used for holiday lettings only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to maintain the viability and vitality of the Tourist Accommodation Area and to prevent the establishment of substandard permanent dwellings in accordance with saved policies TO1 and TO2 of the Eastbourne Borough Plan, policies B2, D1 and D3 of the Eastbourne Core Strategy and para 81, 120 and 130 of the NPPF.

- 10.5 **Register of Occupiers (Holiday Use):** The owners or operators of the holiday let flats shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the holiday premises are not used as residential dwellings in the interest of maintaining the viability and vitality of the Tourist Accommodation Area in accordance with saved policies TO1 and TO2 of the Eastbourne Borough Plan, policy D3 of the Eastbourne Core Strategy and para 81 of the NPPF.

- 10.6 **Occupancy Time Limit (Holiday Use):** The holiday let accommodation hereby approved shall not be occupied continuously by the same persons for any single period of time exceeding 28 days.

Reason: In order to ensure that the accommodation is used as a holiday let benefiting tourism and the visitor economy in accordance with saved policies TO1 and TO2 of the Eastbourne Borough Plan, policy D3 of the Eastbourne Core Strategy and para 81 of the NPPF.

- 10.7 **CMP:** No development shall take place, including any further site clearance, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing or recycling any existing materials present on site for construction works,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- Works to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;

- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.

- 10.8 **Bin & Cycle Storage:** Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on the approved plans shall be installed in accordance with those details and shall thereafter be maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

- 10.9 **Sustainability Measures:** The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 152 of the NPPF.

- 10.10 **Step Free Access:** Prior to the first occupation of the development hereby approved, details of how step free access to all floors of the building would be achieved must be submitted to and approved by the Local Planning Authority and all approved arrangements must be in place and, thereafter, maintained in place throughout the lifetime of the development.

Reason: To ensure that the development meets the need of a wider section of the community in accordance with policy B2 of the Eastbourne Core Strategy and para. 92, 93 and 112 of the NPPF.

- 10.11 **Secured by Design:** Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. This includes external areas, with particular reference to the passageway to the side of the building. The development shall be carried out and retained in accordance with the agreed details.

Reason: In order to provide a healthy and safe environment for future occupants of the development and the wider public in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 92 of the NPPF.

10.12 **External Materials:** Notwithstanding the approved plans, no external materials or finishes (including windows, windows frames, doors and door frames) shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority, The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, sustainability and the character and setting of the Conservation Area in accordance with saved policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF.

11. **Appeal**

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

12. **Background Papers**

12.1 None.

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Agenda Item 9

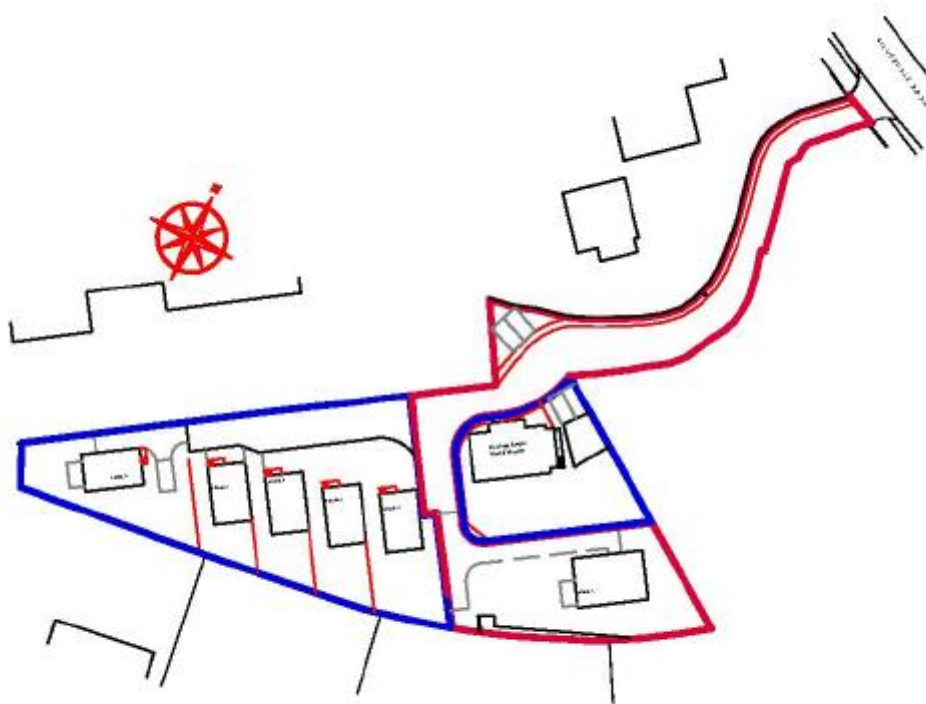
Report to: Planning Committee
Date: 17 October 2022
Application No: 220535
Location: Wood Winton, 63a Silverdale Road, Eastbourne
Proposal: Section 73A retrospective application for the Installation of doors and windows to all elevations to house 1 (following the approval of planning application 190861)

Applicant : Mr Sal Dato
Ward: Meads

Recommendation: Grant permission subject to conditions.

Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor - Planning
E-mail: chloe.timm@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 The application seeks permission for retrospective amendments to the fenestration on House 1 within the approved scheme under application 190861. The footprint, scale, massing and orientation of the dwellings would remain as approved.
- 1.2 It is not considered that the proposed windows and doors would generate a harmful impact upon the amenities of neighbouring properties subject to a planning condition for obscure glazing to first floor windows that have the potential to offer invasive views towards neighbours.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

2.3 Eastbourne Borough Plan 2001-2011

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT15: Protection of Conservation Areas
- UHT16: Protection of Areas of High Townscape Value
- UHT18: Buildings of Local Interest
- HO1: Residential Development within the Existing Built-up Area
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- H07: Redevelopment

HO20: Residential Amenity.

3. **Site Description**

- 3.1 The site is broadly triangular in shape and occupies and formerly formed part of the grounds of Robin Hill Cottage although it was annexed some time ago and had become largely overgrown. A residential development of 6x detached dwellings, recently approved under outline application 181206 and reserved matters application 190861, is currently nearing completion.
- 3.2 The site is flanked by neighbouring residential development on all sides, including flats at Fairfield Lodge on lower lying land to the north and flats and dwellings on lining Granville Road and St Johns Road on higher ground to the south. Boundary trees and other vegetation have largely been cleared although a landscaping scheme including planting and fencing is required to be submitted as a condition of planning permission 190861.
- 3.3 Dwellings on St Johns Road that back on to the site are within the Meads Conservation Area whilst all other surrounding properties are within an Area of High Townscape Value. The site itself is not subject to any specific planning designations.

4. **Relevant Planning History**

- 4.1 **180569** - Outline planning permission (all matters reserved) for the erection of seven houses (AMENDED DESCRIPTION FOLLOWING REDUCTION OF UNITS) – Refused 15th January 2019.
- 4.2 **181206** - Outline planning permission (all matters reserved) for the erection of six houses – Refused 27th March 2019 – Allowed on Appeal 27th August 2019.
- 4.3 **190861** - Reserved matters for 6 dwellings approved by outline permission 181206 appeal reference APP/T1410/W/19/3229204 requesting consideration of access, appearance, landscaping, layout and scale – Approved Conditionally 24th June 2020.
- 4.4 **210147** - Section 73A retrospective application for the Installation of 1x door and 1x first storey window on side facing elevations – approved conditionally 27th May 2021.

5. **Proposed Development**

- 5.1 The application seeks regularise an inconsistency between the plans approved under application 190861 and the configuration of the fenestrations to House 1 in their built form, these being as follows:-
- 5.2 An additional four windows to the north west elevation, two at ground floor level for the study and living room area, and two at first floor level for bedrooms 1 and 4.
- 5.3 An additional four windows and one door to the south east elevation, to provide additional access from the garden to the living area and window to the dining area at ground floor level, windows to bedrooms 2 and 3 and second window to the bathroom at first floor level.

5.4 The proposal includes alterations to the layout of the fenestration to the north east and south west elevations, however the number of doors and windows remains the same.

6. **Consultations**

6.1 Specialist Advisor (Conservation)

6.1.1 No objection received.

7. **Neighbour Representations**

7.1 Meads Community Association

7.1.1 The MCA wishes to object to this retrospective planning application for additional windows and doors in variance to the original design of house no. 1 as submitted and approved on 24th June 2020.

7.1.2 This retrospective application is the second occasion when planning consent has been submitted after changes to the original plans have been incorporated into the build. You will recall that at an early stage of building it was noticed that additional windows and doors were being added into houses 2-5 which were not on the original plans. This was notified to EBC planning and the developer subsequently submitted a retrospective planning application some weeks after when most of the new doors and windows were in place.

7.1.3 This latest application for house no.1 is for a large increase in the number of windows and doors that have already been incorporated into the development without planning consent. I attach a copy of the original plans as passed in June 2020 for this property and the plan now submitted and built. You can see that there is a huge difference as the attached photos show.

7.1.4 We object as this continued non-observance of planning procedures allows for developers to attempt to bypass the planning process by way of retrospective applications. It is clear from the photos attached that there is not any obscured glass in the windows and doors. The effect of more windows and doors on this development means increased overlooking, the loss of privacy and amenity to the neighbouring properties surrounding this site. It is also clear that a number of the conditions attached to the development of this site are being ignored.

7.1.5 Therefore, we request that retrospective planning consent is refused.

7.2 Four letters of objection have been submitted and cover the following points:

- The windows and doors should remain as originally approved;
- Additional windows are intrusive and impact on the privacy of neighbouring properties;
- Three different colours have been used; and
- Poor design and finish to the building.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 The overall principle of the development has been established following the approval of applications 181206 and 190861.
- 8.1.2 The permission for the development included a condition withdrawing rights for any alterations or extensions to be made to the dwellings that would otherwise be allowed under householder permitted development rights. As such, the alterations that have been made to the dwellings require planning permission in their own right. Section 73A of the Town & Country Planning Act 1990 (as amended) states that 'on an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.'
- 8.1.3 As such, the application will be assessed in the context of the impact of the new windows and openings upon environmental, residential and visual amenity, using the content of saved policies NE28, HO20 and UHT1 of the Eastbourne Borough Plan as the main reference.

8.2 Impact upon character of the surrounding area:

- 8.2.1 It is considered that the additional windows and doors have not altered the overall character of the development and represent a cosmetic change in the appearance of the dwelling. It is therefore considered that there has not been any adverse impact upon the appearance of the development or the character of the wider surrounding area.

8.3 Loss upon residential amenity

- 8.3.1 The north-west elevation faces towards the adjacent property of Wood Winton and the south-east elevation towards the flats of Avonmore on Granville Road.
- 8.3.2 It is not considered the additional windows and door at ground floor level allow for intrusive views to the surrounding occupiers and as such no amendments have been requested to the ground floor level during the application.
- 8.3.3 The additional windows at first floor level however, whilst there is currently some limited screening between the application site and the properties adjacent, the additional windows are considered to provide a sense of being overlooked.
- 8.3.4 The additional windows at first floor level service the four bedrooms and are secondary windows to each bedroom. Due to being secondary windows and not the main source of natural light to the bedrooms the application has been amended to have these windows obscurely glazed to reduce the impact on the surrounding occupiers.

8.4 Design

8.4.1 The fenestration onsite has been installed using different frame colours, the plans have been amended to include that all frames will be white, those that have been installed in a different colour will be painted white to match, for continuity in the appearance of the fenestration.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 Approve subject to the conditions listed below. A time limit condition will not be applied as the works have already been completed.

10.2 **Approved Plans:** The development, hereby permitted, shall be carried out in accordance with the following approved plans:-

- 95113/504/A - Minor Alterations to House 1 Floor Plans and Elevations as Built

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

10.3 **Obscure Glazing (Windows):** The first-floor windows installed to the south eastern and north western elevations of House 1 that serve bedrooms 1, 2, 3 and 4 shall be obscure glazed fixed shut below a height of 1.7m above finished internal floor level and retained as such for the lifetime of the development.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with saved policy HO20 of the Eastbourne Borough Plan.

10.4 **Frame Colour:** Prior to first occupation all doors and windows shall be painted to match those approved under planning application 190861.

Reason: To ensure the development has a satisfactory appearance in the interest of continuity of fenestration.

11. **Appeal**

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

12. **Background Papers**

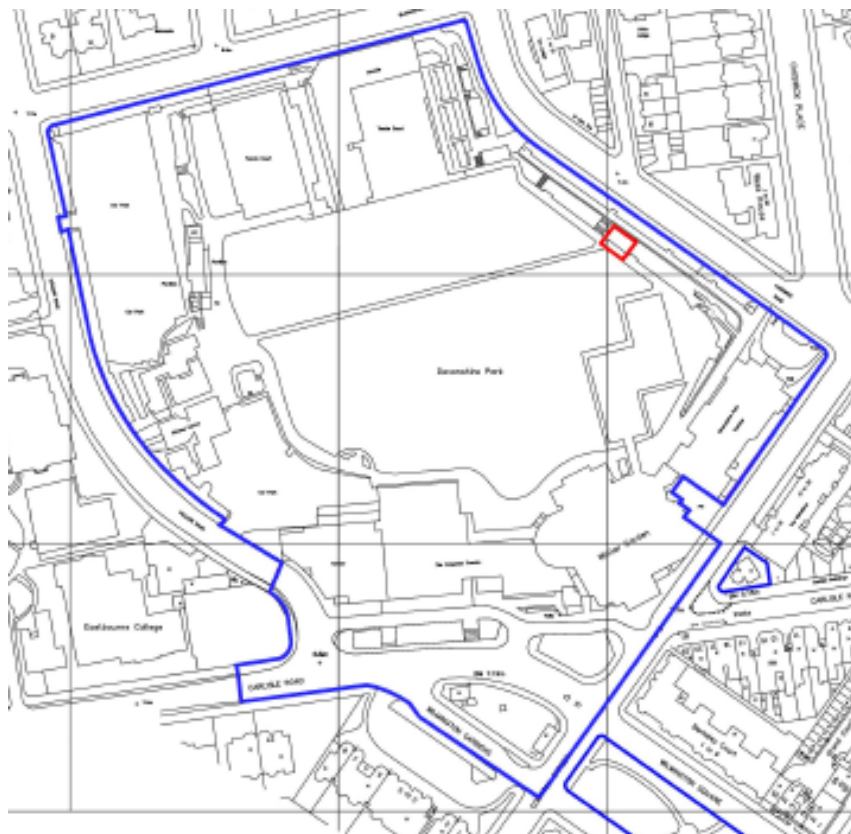
12.1 None.

Report to: Planning Committee
Date: 17 October 2022
Application No: 220671
Location: Devonshire Park, College Road, Eastbourne
Proposal: Reconstruction of miniature temple in a new location
Applicant : Paul Quanstrom
Ward: Meads

Recommendation: Approve with conditions

Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor
E-mail: Chloe.timm@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 The application is being presented to committee due to Eastbourne Borough Council being the applicant.
- 1.2 The proposed development will re-construct a miniature temple within the Devonshire Park site to match the original which was built in 1896 and removed in 1980.
- 1.3 The miniature temple will be constructed to a similar design as the original temple and will be placed in a different location within the site.
- 1.4 The application is considered to comply with National and Local policies and is recommended for approval, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Sustainable Centre
- B2 Creating Sustainable Neighbourhood
- C1 Town Centre Neighbourhood Policy
- D5 Housing
- D10a Design.

2.3 Eastbourne Borough Plan 2001-2011:

- LCF2 Resisting the loss of playing fields
- LCF6 Significant area for sport
- NE14 Source Protection Zone
- TO7 Preferred Area for Tourist Attractions
- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT8 Protection of Amenity Space
- UHT16 Area of High Townscape
- US4 Flood Protection and Surface Water
- US5 Tidal Risk.

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

3. **Site Description**

- 3.1 The application site is an area of land located on the eastern side of Devonshire Park on College Road.
- 3.2 The tennis centre falls within Devonshire Park and to the southern boundary of the park are the listed buildings of Eastbourne's Welcome Building, the Winter Garden's and The Devonshire Theatre.

3.3 The application site is adjacent to, but does not fall within, the College Conservation Area and the Town Centre and Seafront Conservation Area.

4. **Relevant Planning History**

4.1 No relevant planning history.

5. **Proposed Development**

5.1 The application seeks permission for the erection of a miniature temple within the Devonshire Park grounds.

5.2 The temple is proposed to be located to the eastern side of the park in a newly constructed recess.

5.3 It is proposed the use for the temple could include weddings, corporate events, interviews during the International Tennis events and a venue for small musical groups.

6. **Consultations**

6.1 Meads Community Association

6.1.1 Fully support the application to restore this unique temple as part of Eastbourne Heritage in Devonshire Park

7. **Neighbour Representations**

7.1 No comments received following neighbour consultation.

8. **Appraisal**

8.1 Principle of Development

8.1.1 There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2021), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

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

8.2.1 The proposed development is not considered to have a detrimental impact on the amenity of the surrounding occupiers or the surrounding area.

8.2.2 The development is proposed to be within the existing park which is set at a lower ground level than the buildings surrounding, therefore there would be no additional outlook or loss of privacy to those surrounding the application site.

8.3 Use

- 8.3.1 The proposed use of the miniature temple would be for a community use for events, such as weddings, corporate events, interviews during the International Tennis events and a venue for small musical groups.
- 8.3.2 Due to the location of the proposed miniature temple being within the existing event site and set at a lower ground level, there are not thought to be any detrimental impacts to the neighbouring occupiers in terms of noise or the potential number of visitors to the site.

8.4 Impact upon trees

- 8.4.1 The proposal would not result in the removal of any trees. Some shrubs and plants would be removed, and this is acceptable on balance with the benefits of the scheme.

8.5 Design

- 8.5.1 The design of the proposed development is a replica of the miniature temple that had originally been situated within the site but was removed in 1981.
- 8.5.2 The proposed development has been based off photos and drawings of the original temple and will differ slightly with the omission of four internal columns to allow for more internal space.
- 8.5.3 The temple will be constructed of a stainless-steel frame, with stone components built over. The curved recess will be of sandstone to match the existing boundary walls of the park.

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 considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The Proposal therefore complies with local and national policies.
- 10.2 Recommendation to approve the application subject to the following conditions:
- 10.3 **Timescale:** The development hereby permitted shall be carried out in accordance with the following approved drawings:
Reason: For the avoidance of doubt and in the interests of proper planning.

10.4 **Drawings:** The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 29th January 2020:

- Drawing: 10854/101 – Site Location Plan
- Drawing: 10854/100 – Block Plan
- Drawing: 10854/02 Rev D– Proposed Section and Roof Plan
- Drawing: 10854/03 Rev E – Proposed Elevation and Section
- Drawing: 10854/07 Rev A – Proposed Elevation and Section
- Drawing: 10854/08 – Proposed Plans and Elevations

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

11. **Appeal**

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

12. **Background Papers**

12.1 None.

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