



## Planning Committee

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



The Planning Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



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**MEMBERS:** Councillor Ungar (Chairman); Councillor Harris (Deputy-Chairman); Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor

## Agenda

- 1 Minutes of the meeting held on 9 July 2013 – previously circulated.**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

#### **4 Urgent item(s) of business.**

The Chairman to notify the Committee of any item(s) of urgent business to be added to the agenda.

#### **5 Right to address the meeting / order of business.**

Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting. The order of business to be otherwise as indicated below unless there is some pressing reason for change.

#### **6 Report of Development Manager on Applications - Report 06.**

#### **7 South Downs National Park Authority Planning Applications - verbal report.**

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a 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). If a member has a DPI he/she may not make representations first.

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Registering to speak – Planning Applications** - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at [www.eastbourne.gov.uk/planningapplications](http://www.eastbourne.gov.uk/planningapplications)).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

**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.

Further details can be found at:

[www.eastbourne.gov.uk/environment/planning/comment](http://www.eastbourne.gov.uk/environment/planning/comment)

## Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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## Eastbourne Borough Council

### Planning Committee

6 August 2013

### Report of the Head of Planning

#### List of Planning Applications for Consideration

- 1) LAND BETWEEN 37-39 FRIDAY STREET**  
Erection of a single dwelling with parking spaces and vehicular access from Friday Street (outline application). 130168  
LANGNEY  
**RECOMMEND: REFUSAL**
- 2) ST MARGUERITE, 10 ASHBURNHAM ROAD**  
First floor rear extension. 130177  
UPPERTON  
**RECOMMEND: APPROVAL WITH CONDITIONS**
- 3) WHITE KNIGHT LAUNDRY, HAMMONDS DRIVE**  
Proposed alterations to Units 1-3 Hammonds Drive (White Knight Laundry) and erection of 9No. new Class B1/B8 units. 130182  
ST ANTHONYS  
**RECOMMEND: APPROVAL WITH CONDITIONS**
- 4) 10-12 ST LEONARDS ROAD**  
Demolition of existing garage/workshop and construction of new three storey nursery school with outdoor play areas at first and second floor levels. 130187  
UPPERTON  
**RECOMMEND: APPROVAL WITH CONDITIONS**
- 5) LANGNEY SHOPPING CENTRE, KINGFISHER DRIVE**  
Extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping. 130229  
LANGNEY  
**RECOMMEND A: APPROVAL WITH CONDITIONS, SUBJECT TO S106 AGREEMENT**  
**RECOMMEND B: REFUSAL**

**6) ROBOROUGH HOUSE, 1 UPPER AVENUE**

Conversion and extension of Roborough House to create an International Study Centre, together with a new lecture theatre, student accommodation, landscaping and demolition of The Bourne Unit and other redundant buildings. 130353

UPPERTON

**RECOMMEND A: APPROVAL WITH CONDITIONS, SUBJECT TO S106 AGREEMENT**

**RECOMMEND B: REFUSAL**

**7) CAMBERLEY HOTEL, 27-29 ELMS AVENUE**

Change of Use from Hotel to HMO (House of Multiple Occupation)  
130359

DEVONSHIRE

**RECOMMEND: APPROVAL WITH CONDITIONS**

Leigh Palmer  
Manager Case Management

26 July 2013

## **Planning Committee**

**9 July 2013**

### **Report of the Planning Manager**

#### **Background Papers**

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the Council offices at 1 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.





**Eastbourne Borough Council**

**Planning Committee**

**9 July 2013**

**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 6 August 2013**

**Item 1**

<b>App. No.: 130168</b>	<b>Decision Due Date:</b> 04/06/2013	<b>Ward: Langney</b>
<b>Officer:</b> Ray Deans	<b>Site visit date:</b> 24/05/2013	<b>Type: Outline</b>
<b>Site Notice(s) Expiry date:</b> 14/05/2013 <b>Neigh. Con Expiry:</b> 14/05/13 <b>Weekly list Expiry:</b> 14/05/13 <b>Press Notice(s) Expiry:</b> N/A		
<b>Over 8/13 week reason: 'Backlog of applications in connection with staff changes and organisational restructure'</b>		
<b>Location:</b> Land Between 37 – 39 Friday Street		
<b>Proposal:</b> Erection of a single dwelling with parking spaces and vehicular access from Friday Street (outline application).		
<b>Applicant:</b> Mr Glen Moore		
<b>Recommendation:</b> REFUSE		

**Relevant Planning Policies:**

- HO6 - Infill development
- HO7- Redevelopment
- HO20 - Residential amenity
- UHT1 - Design of new development
- UHT2 - Height of buildings
- UHT4 - Visual amenity
- UHT5 - Protecting walls/landscape features

**Site Description:**

The application site comprises land between 37 and 39 Friday Street which currently serve as access to the rear of the properties 39-51 Friday Street, it is overgrown with trees at the rear and measures 347 sqm.

**Relevant Planning History:**

None

**Proposed development:**

Outline Planning Permission is sought for the erection of a single detached dwelling on land between 37 and 39 Friday Street. All matters are reserved for later determination.

Two car parking spaces are proposed at the front of the property.

**Applicant's Points:**

The proposed dwelling will be of similar scale and mass commensurate with its surroundings, finished in a style sympathetic to the character of the locality and with similar access/parking arrangements.

The erection of a new dwelling is compliant with Policies HO6, H020, UHT1 and UHT4 of the Eastbourne Core Strategy.  
It will add to the towns housing stock

The scale and mass of the new dwelling will be designed to minimize ground coverage of the development in relation to the plot size and to correspond with the existing dwellings to the sides.

The result will be a pleasant attractive building that will sit well within the site and will be sympathetic to the character and appearance of the locality.

In all respects the scheme fully complies with the relevant Policies of the Eastbourne Core Strategy relating to the erection of houses within the built-up area, design, highways and impact on surrounding properties.

**Consultations:**

The Highway Authority has no objection to the proposal, but requests that a financial contribution is secured for the Local Sustainable Accessibility Improvement Contribution (LSAIC) scheme.  
(Memo dated 17 April 2013)

**Neighbour Representations:**

7 objections have been received from nearby residents; the objections are summarised thus:

- The proposed dwelling will be a new build and not in keeping with the existing architecture on Friday Street.
- The development will result in the loss of open views to the detriment of Friday Street.
- The local environment will be negatively impacted through the reduction of landscaped area.
- The development will result in loss of light to neighbouring properties.

- The development will remove existing rights of way over the land.
- The development will have an adverse impact on privacy and noise and disturbance in the environment.

**Appraisal:**

The main issues to take into account are the impact of the proposal on the amenities of adjacent residents, the character and appearance of the area and highway safety.

The area is residential in nature and the Council seeks to encourage infill schemes subject to satisfactory design and respect of visual and residential amenity.

The type of properties on the west side of Friday Street are relatively deep (on average 32-34m) and most of these have buildings/garages to the front of the property.

The properties at the rear on the Sorrel Drive boundary are more modest and generally occupy smaller plots.

The proposed plot size would be comparable with properties in Sorrel Drive and Friday Street.

However it is worth noting that the width of the proposed development is rather narrow for properties along this section of Friday Street and the proposed development would fail to reflect the design and style of adjacent two storey terraced/semi-detached properties.

The existing access to the rear of properties along Friday Street would be lost and there is a dispute over rights of way/access rights to surrounding properties which has been a main point of objection to the proposals from some residents.

The applicant proposes developing the access way and providing two car spaces, the highways authority raises no objection to the proposals.

However regardless of no objection being raised to the proposals on highways grounds it remains a fact that there is a uniform frontage to Friday Street that would be lost if the proposals were permitted.

A single storey chalet bungalow would appear incongruous within the streetscene and would betray the character and appearance of the surrounding built form contrary to guidance as given by policy UHT1 and national guidance as contained in the NPPF 2012.

The development would appear as an overdevelopment of the site and would be a poor addition to the streetscene detrimental to visual and residential amenity.

The access way provides for an open view between properties and the creation of a dwelling in this location would fail to respect the urban form within the immediate locality.

**Human Rights Implications:**

None

**Conclusion:**

The proposed development would have an adverse impact on the character and appearance of the surrounding area and visual /residential amenity and would be contrary to guidance as contained in Policy H06, H07 and UHT1 and relevant guidance as cited in the National Planning Policy Framework 2012.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**

## Committee Report 6 August 2013

### Item 2

<b>App.No.:</b> 130177	<b>Decision Due Date:</b> 23/05/13	<b>Ward:</b> Upperton
<b>Officer:</b> Ray Deans	<b>Site visit date:</b> 16/05/2013	<b>Type:</b> Other
<b>Site Notice(s) Expiry date:</b> n/a <b>Neigh. Con Expiry:</b> 25/04/13 <b>Weekly list Expiry:</b> <b>Press Notice(s)- :</b> n/a		
<b>Over 8/13 week reason:</b> Backlog of applications in connection with staff changes and organisational restructure'		
<b>Location:</b> 10 Ashburnham Road		
<b>Proposal:</b> First floor rear extension		
<b>Applicant:</b> Mr J Chinapyel		
<b>Recommendation:</b> Approve		

### Planning Status & Site Description:

The property is a large detached building currently used as a care home for the elderly. It has a previous flat roof extension to the rear. The large rear garden extends 49m from this extension.

Ashburnham Road is on a gradient and this results in a significant ground level difference between the application site and the adjoining properties, with that at 8 Ashburnham Road having a higher ground level and 12 Ashburnham Road having a lower ground level.

### Relevant Planning Policies:

UHT1 – Design of New Development  
 H020 – Residential Amenity

### Relevant Planning History:

Permission was granted in 1971 for the change of use of single private dwelling house to a rest home for elderly people (EB/1971/0169).

Permission was granted in 1973 for a single storey extension to the rear of the rest home (EB/1973/0385).

Permission was granted for conversion of domestic garage at side to provide two additional rest home bedrooms and the erection of a covered link between the two bedrooms and the main building (EB/1989/0538).

This permission was not implemented.

Approval EB/2012/0484

**Proposed development:**

This planning application follows the application Ref: EB/2012/0485 (FP), which was granted approval on 22nd August 2012. This proposed application consists of a first floor rear extension to the existing landing area, it is proposed to provide a table and chairs within this area to enable visiting relatives a quiet area to chat with their family.

The proposal will extend 930mm out from the existing position.

This application proposes to replicate the roof pitch and provide a rendered gable end to match the existing wall beyond. The attracted existing full height window will be restored and reused in the new extension.

**Consultations:**

None received

**Neighbour Representations:**

Three letters of objection raising the following concerns:-

- Negative impact on the character of the building
- Loss of privacy
- Overlooking
- Overdevelopment
- Poor design
- Visual impact

**Appraisal:**

Residential Amenity

It is considered that the impact on residential amenity is acceptable.

Impact on the Properties to the Front/North

It is considered that the impact on the properties to the front/north is acceptable as the extension is at first floor level and does not extend beyond the side elevations of the building.

The occupiers of the properties to the front would therefore not be able to view the extension.

Impact on the Properties to the Rear

It is considered that the impact on the properties to the rear is acceptable as they are located a significant distance away from the proposal.

#### Impact on the Properties to the Side/West

It is considered that the impact on the properties to the side/west is acceptable as the extension is neither of a location or scale to have a detrimental impact on the occupiers of those properties by way of loss of residential amenity. No 8 currently has rear windows which overlooks the site however given the modest nature of the development the likely impact is considered to be negligible. The proposal would merely extend an approved scheme with little impact on the adjacent properties.

#### Impact on the Properties to the Side/East

It is considered that the impact on the properties to the side/east is deemed acceptable, although there adjacent property has a living room window in close proximity to the proposed extension the impact would be similar to that which has already been given approval.

The extension is deemed to be a modest addition to a recently approved scheme and therefore is not considered to be of a size or scale to have a detrimental impact on neighbouring residential amenity.

#### Visual Amenity

It is considered that the impact on visual amenity is acceptable as the extension is of an acceptable design and is also located to the rear of the property therefore not visible from the public realm.

#### **Human Rights Implications:**

None

#### **Conclusion:**

This application is recommended for approval. It is considered that the impact on residential amenity is acceptable as the extension is not of a size or scale to have a detrimental impact on any of the neighbouring properties residential amenity. In addition the impact on visual amenity is acceptable as the extension is located to the rear of the property and therefore not visible from the public realm.

#### **Recommendation:**

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Matching materials
- (3) Plan numbers

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.





**Committee Report 6 August 2013**

**Item 3**

<b>App.No.:</b> 130182	<b>Decision Due Date:</b> 23/05/13	<b>Ward:</b> St Anthony's
<b>Officer:</b> Ray Deans	<b>Site visit date:</b> 16/05/2013	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b> 25/04/13 <b>Neigh. Con Expiry:</b> 25/04/13 <b>Weekly list Expiry:</b> <b>Press Notice(s)- :</b> n/a		
<b>Over 8/13 week reason:</b> 'Backlog of applications in connection with staff changes and organisational restructure'		
<b>Location:</b> 1-3 Hammonds Drive White Knight Laundry		
<b>Proposal:</b> Alterations to units 1-3 (White Knight Laundry) and erection of 9 new class B1/B8 Units		
<b>Applicant:</b> Mr Bernard Leach		
<b>Recommendation:</b> Approve		

**Planning Status:**

Designated Industrial Area  
Flood zone 3

**Relevant Planning Policies:**

Eastbourne Core Strategy

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
B2	Creating Sustainable Neighbourhoods
C13	Neighbourhood 13: St Anthony's and Langney Point
D1	Sustainable Development
D2	Economy
NPPF	National Planning Policy Framework 2012

**Site Description:**

The site is currently occupied by the White Knight Laundry and is situated within the Hammonds Drive Industrial Estate, 2 miles north-east of Eastbourne Town Centre.

The site is comprised of a two storey pitched roof industrial building and is well served by public transportation.

The north-west section of the building is under different ownership and does not form part of this application.

The south west area of the site is grassed and vacant and the south east of the site is used for access and parking.

The site is defined as an Industrial Area within the adopted Eastbourne Core Strategy 2013.

### **Relevant Planning History:**

EB/2001/0148          Erection of three warehouses (each comprising 5000 square feet) with ancillary accommodation including parking/loading facilities. Conditionally Approved 18 May 2001.

### **The Proposal**

(The applicant undertook pre-application discussions with Council Officers prior to the submission of this application.)

This application seeks permission to divide the existing buildings into smaller units.

The restructured White Knight Laundry will move into the two sections of the building shown as Units 2/3 on the drawings (it is worth pointing out that these alterations have already taken place).

The remainder of this building previously occupied by the laundry will be altered to function as an individual industrial unit (shown as Unit 1 on the plans) and will form part of the Business Park proposed for the site.

The remainder of the original building has passed into different ownership and does not form part of this application.

The existing building will have alterations to openings and internal partitioning as shown on the submitted drawings.

The second part of the proposal is to develop the vacant land between the existing units and Hammonds Drive. This would involve the construction of 1755m<sup>2</sup> of new build industrial units divided up in sizes aimed at small local businesses.

**Consultations:**

Consultation was carried out by way of letter to neighbouring units, Site Notices were also displayed nearby.

Additional representation was sought from the Planning Policy Team and the Trees Officer, the following comments were received:

**Planning Policy Team**

*The Policy Team are fully supportive of this application, which will create additional jobs, maximise the use of an existing employment site, increase the density on an existing Industrial Estate, and also contribute 1,755m<sup>2</sup> of additional employment floorspace towards the Core Strategy requirement of 55,430m<sup>2</sup> in the period to 2027, subject to the payment of flood storage compensation of £9,754.*

**Trees Officer**

A formal response to the arboricultural mitigation report is pending.

**Neighbour Representations:**

None received

**Appraisal:**

The application site is located within a designated Industrial Area at Hammonds Drive within the St Anthony's and Langney Point neighbourhood.

The Councils vision for the 'St Anthony's and Langney Point' neighbourhood is set out in the Eastbourne Core Strategy which states:-

*'St Anthony's & Langney Point will increase its economic importance to the town through the provision of additional employment floorspace and jobs, whilst enhancing its levels of sustainability through the provision of additional affordable housing and community and health facilities and reducing the impact of the car.'*

This is developed through Core Strategy Policy C13: St Anthony's and Langney Point Neighbourhood Policy, which identifies a number of measures to support the vision, the most relevant of which to this application is: Encouraging the redevelopment and intensification of Industrial Estates.

Core Strategy Policy D2(Economy) aims to support job growth and economic prosperity in Eastbourne by encouraging development which supports improvements in the local jobs market through creation of additional jobs in addition to employment diversification.

The Councils policy is aimed at supporting development which provides for, or achieves, units for new start-up businesses; identifying sites and land for employment use to meet the need for 55,430m<sup>2</sup> floorspace in the period to 2027.

Furthermore the Policy seeks to maximise the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of the existing stock.

The Hammonds Drive Industrial Estate has been identified in the Core Strategy as a location where 5,100m<sup>2</sup> of employment floorspace can be delivered through densification and redevelopment.

This proposal will provide for additional jobs, maximise the use of an existing employment site, and increase the density on an existing Industrial Estate to deliver a net increase in employment floorspace of 1,755m<sup>2</sup>, and as such is fully supported by the Core Strategy.

The proposal is also supported by Borough Plan Policy BI2: Designated Industrial Areas, which states that states that 'Planning Permission will be granted for new B1, B2 or B8 uses in the designated industrial areas'.

The site is within the area covered by Policy US4: Flood Protection and Surface Water Disposal and is also within the Willingdon Levels catchment area.

Borough Plan Policy US4: Flood Protection and Surface Water Disposal states that all development should make adequate provision for floodplain protection and surface water drainage, in order to ensure that no overall reduction in flood storage capacity and flood waterway area occurs; and measures are provided to manage increased surface water runoff to minimise the risk from flooding, whilst not increasing the risk of flooding elsewhere.

The policy also states that planning permission will be contingent upon satisfactorily demonstrating that appropriate compensatory flood waterway and flood storage measures will be provided on site or a commuted sum will be paid to the Eastbourne Park scheme in lieu of on-site provision.

The proposal would increase the amount of impermeable area on the site by developing a grassed area at the front of the site. This would require flood storage compensation to be paid, which based on an increased impermeable area of 3,311.2m<sup>2</sup>, would be £9,754.

The Applicant has entered into a section 106 with the Council and has already signed the agreement.

In conclusion, the development is a minor alteration to the existing building and is compliant with relevant policies of the core strategy.

The creation of the new build units would be acceptable in policy terms and the design is considered appropriate within the Industrial estate.

The Planning Policy Team are fully supportive of this application, which will create additional jobs, maximise the use of an existing employment site, increase the density on an existing Industrial Estate, and also contribute 1,755m<sup>2</sup> of additional employment floorspace towards the Core Strategy requirement of 55,430m<sup>2</sup> in the period to 2027,

The applicant has already contributed £9,754 towards flood storage compensation.

**Human Rights Implications:**

None

**Recommendation:**

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Matching Materials
- (3) Plan numbers

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**



**Committee Report 16 August 2013**

**Item 4**

<b>App.No.: 130187</b>	<b>Decision Due Date:</b> 07/05/13	<b>Ward:</b> Upperton
<b>Officer:</b> Ray Deans	<b>Site visit date:</b> 16/04/13	<b>Type:</b> Other
<b>Site Notice(s) Expiry date:</b> n/a <b>Neigh. Con Expiry:</b> 25/04/13 <b>Weekly list Expiry:</b> <b>Press Notice(s)- :</b> n/a		
<b>Over 8/13 week reason:</b> 'Backlog of applications in connection with staff changes and organisational restructure'		
<b>Location:</b> 10-12 St Leonards Road		
<b>Proposal:</b> Demolition of existing garage/workshop and construction of a new three storey nursery school.		
<b>Applicant:</b> Anthony James		
<b>Recommendation:</b> Approve		

**Planning Status:**

- Town Centre Area

**Relevant Planning Policies:**

UHT1 – Design of New Development  
 H020 – Residential Amenity

**Site Description:**

The existing building occupies a site which backs onto existing two storey office buildings that face onto Wharf Road. The western boundary is formed by a party wall with other office buildings that front both Commercial Road and Wharf Road. To the east, the building adjoins the last house in a terrace of C19th houses with small rear gardens.

The existing building has a large window above first floor level that faces onto gardens.

**Relevant Planning History:**

The existing light industrial workshop and storage building was built in the early C20th as a garage and vehicle workshop, the site has remained redundant for a number of years.

**Proposed development:**

The proposed replacement building is to occupy the height of this single storey space and roof with three storeys of nursery school accommodation, which diminish in area as one rises through the building.

Part of the ground floor will be used to provide secondary access from Wharff Road to the nursery school, with associated waste, recycling and other storage.

The proposed building will provide pre-school care and education for children from babies to five years of age, with dedicated spaces for the different age groups. The babies and 1-2 year olds will be on the ground floor; the 3-5 year olds on the first floor; and the 2-3 year olds on the first floor.

Kitchen facilities and administration are accommodated on the ground floor; with a staff rest room on the first and a laundry room on the top floor.

WC and changing accommodation are deployed around the building to serve all areas.

Two external play areas are to be provided on each of the first and second floors.

These are directly accessible from the teaching spaces and the circulation. The lower space is surrounded on all sides by building; the upper will be at rooftop level. Both will be designed to control the acoustic noise of the space.

The proposed gross internal floor areas that will be created by the development are:

Ground Floor: 206 sq m.

First Floor: 146 sq m.

Second Floor: 85 sq m.

**Consultations:**

None received

Highways

Supports the application raises no objections

**Neighbour Representations:**

A petition has been received from surrounding neighbours signed by 14 residents in addition to 5 letters of objection.



The following issues were raised:-

Increased traffic congestion  
Incompatible use for the location  
Increased disturbance to neighbours  
Noise pollution  
Loss of light  
The site should be used for housing

### **Appraisal:**

#### Policy

The application site is identified on the Adopted Policies Map as being located within the Town Centre neighbourhood, which is recognised as a 'Sustainable Centre' and a 'Sustainable Neighbourhood' within the Eastbourne Core Strategy Local Plan 2006-2027. It is also within an Area of High Townscape Value.

The Vision for the Town Centre contained in the Eastbourne 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 Vision will be promoted through Core Strategy Policy C1: Town Centre Neighbourhood Policy, by measures including: maintaining a diverse range of services and facilities; and providing additional community and health facilities to meet local needs.

The Town Centre Local Plan sets twelve objectives to deliver the Vision for the town centre. One of these objectives is: 'A mixed use centre: increase the mix of uses within the Town Centre including leisure uses such as restaurants and cafes and specifically to encourage significant additional residential development including the provision of affordable homes and community facilities ensuring that the Town Centre is well used and safe at all times of the day and evening'.

Town Centre Local Plan Policy TC3: Mixed Use Development states that 'A mix of uses will be supported throughout the Town Centre including Development Opportunity Sites and redevelopment proposals'. It encourages mixed uses within individual buildings in order to add the vitality of the Town Centre.

Within mixed use developments care must be taken to minimise noise and disturbance between different uses through layout, design and the siting of potentially noise generating plant such as mechanical ventilation and extraction equipment.

The National Planning Policy Framework (NPPF) supports the provision of Community services to meet local needs through Para 70, which states that 'To deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

However as the proposal would result in a loss of class B1 (a) office floorspace, Borough Plan Policy BI1 (Retention of Class B1, B2 and B8 Sites and Premises) states that approval for the conversion or redevelopment of land or buildings currently in Class B1, B2 or B8 use for non employment use will not be granted unless it can be satisfactorily demonstrated that the site or premises is genuinely redundant.

In addition, Policy D2: Economy of the Core Strategy aims to 'protect good quality employment space, and resist change of use. Any proposal will be considered in a sequential process which gives priority to retention unless the site is unviable for employment use or is otherwise unsuitable'.

However it is worth noting that although no evidence has been submitted relating to the significant marketing of the site to demonstrate genuine redundancy (contrary to Policy BI1) it is considered that the proposals are compliant with policies C1 and TC3 of the Eastbourne Core Strategy and guidance as given by the NPPF.

In conclusion, the provision of such a community use as a Nursery within the Town Centre is supported by the Town Centre Local Plan and parts of the Core Strategy.

### Design

The outdoor play areas will be surfaced with an all-weather play surface. The entrance passage and courtyard accessed from Wharf Road will be surfaced with concrete flagstones. Windows facing onto this courtyard above ground floor level are to be provided with translucent glass to prevent overlooking of the adjacent gardens. A 2.4m high brick boundary wall is to be provided between the entrance courtyard and the rear gardens of the houses in Commercial Road.

The proposed building is designed to have a clearly contrasting interior and exterior. Timber finishes to the internal elevations onto play areas and courtyard will provide a domestic character, and will have the potential to be designed to provide sound attenuation.

The street elevation will provide a contrastingly public face, which has robust stock brickwork at ground level.

Lime render is proposed at first floor level and the timber of the interior is visible at the top floor giving a clue to the contrasting character of the interior.

The timber interior of the building is also apparent in the design of the windows facing onto Commercial Road, which are screened by fairly closely spaced deep timber mullions, which control views into the ground floor rooms and provide some privacy from passing pedestrians.

The main mass of the front façade respects the general height of the other buildings in the street, and its mixture of render and brickwork is typical of the other buildings in the street dating from both the C19th and C20th centuries.

The applicant had pre-application discussions with the Planning Team which resulted in the attic storey being reduced back to the line of the front elevation of the adjacent houses in Commercial Road.

This has resulted in a reduced visual impact on the street and to emphasise the difference in its character from the main mass of the facade.

#### Residential Amenity

It is considered that the impact on residential amenity is acceptable.

A petition was submitted to the council objecting to the proposals on grounds of increased traffic congestion, Incompatible use for the location, increased disturbance to neighbours, noise pollution and loss of light.

However the Highways officer raises no objection to the proposals on traffic grounds and cites the fact that the building occupies a sustainable location.

In terms of increased noise the neighbours most likely to be affected by the proposals are located at No 14 immediately to the east of the application site.

Although it has front windows on the boundary with the proposed Nursery the existing use of the building has the potential to create a greater and less acceptable impact upon residential amenity than the proposed use.

There are residential properties on the North, West and Southern boundaries however given the design of the building and its sustainable location the development is not considered likely to be deleterious to residential amenity given the potential for B1/B8 use of the building.

The overall impact therefore is considered less likely to impact upon adjacent and surrounding residential amenity than the current light industrial use that the current building has use for.

#### Visual Amenity

It is considered that the impact on visual amenity is acceptable as the proposal will provide for a development that would greatly improve the built environment and make use of a redundant building.

### Access

The site is ideally located to serve the childcare needs of people working in the town centre, with excellent access to public transport, especially with the proposed link to the station and its car park via Wharf Road. There is also excellent access to local bus services.

In terms of Disability Access the proposal provides the possibility of level access from both Wharf Road and Commercial Rd, and the proposed lift will provide disabled access to all floors of the building.

### Lighting assessment

Any external lighting to the proposed external play areas will be wall mounted down-lighters to minimise the likelihood of light pollution.

### Parking provision

The proposal does not provide for any car parking, a Transport report was submitted with the application, the Highways Authority raises no objection to the proposals.

### Trees

There are no trees on the site.

### **Human Rights Implications:**

None

### **Conclusion:**

The current building has been redundant for a number of years and the proposed development is located close to nearby bus stops, Eastbourne Mainline station is less than 400m away.

The site is within a sustainable location and the proposed Nursery would provide a much needed community facility.

It is considered that proposals would not adversely impact on residential amenity, visual amenity or the highway network and provides a useful community facility compliant with the relevant policies of the Eastbourne Core Strategy 2013.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**

## Committee Report 6<sup>th</sup> August 2013

### Item 5

<b>App.No.:</b> 130229	<b>Decision Due Date:</b> 09.07.13	<b>Ward:</b> Langney
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> Various - July	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b>	16.05.13	
<b>Neigh. Con Expiry:</b>	17.05.13	
<b>Weekly list Expiry:</b>	15.05.13	
<b>Press Notice(s)-:</b>	15.05.13	
<b>Over 8/13 week reason:</b>	To align with planning committee dates	
<b>Location:</b>	Langney Shopping Centre, 64 Kingfisher Drive	
<b>Proposal:</b>	Extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping.	
<b>Applicant:</b>	Langney Shopping Centre Trust c/o London and Associated Management	
<b>Recommendation:</b>	<p>Recommendation A: Grant full planning permission for extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping, subject to the prior conclusion of a S.106 Agreement to secure the bus stop improvement works adjacent to Kingfisher Drive, Local Employment Commitment and a Travel Plan, and subject to conditions.</p> <p>Recommendation B: In the event that the S.106 is not signed by 3 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.</p>	

### Planning Status:

- District Shopping Centre
- Tidal Flood Zone 3a
- Willingdon Levels Flood Storage Area

## **Relevant Planning Policies:**

National Planning Policy Framework (April 2012):

Core Strategy Local Plan (2013):

B1 Spatial Development Strategy and Distribution  
B2 Creating Sustainable Neighbourhoods  
C8 Langney Neighbourhood Policy  
D2 Economy  
D4 Shopping  
D7 Community, Sport and Health  
D8 Sustainable Travel  
D10a Design

Eastbourne Borough plan (Saved policies, 2007):

NE3 Conserving Water Resources  
NE4 Sustainable Drainage Systems  
NE5 Minimisation of Construction Industry Waste  
NE6 Recycling Facilities  
NE7 Waste Minimisation Measures in Residential Development  
NE15 Protection of Water Quality  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT2 Height of Buildings  
UHT4 Visual Amenity  
UHT7 Landscaping  
TR1 Locations of Major Development Proposals  
TR2 Travel Demands  
TR6 Facilities for Cyclists  
TR7 Provision for Pedestrians  
TR11 Car Parking  
TR12 Car Parking for those with Mobility Problems  
SH7 District, Local and Neighbourhood Centres  
US2 Water Resource Adequacy  
US3 Infrastructure Services for Foul Sewage and Surface Water Disposal  
US4 Flood Protection and Surface Water Disposal  
US5 Tidal Flood Risk

Supplementary Planning Documents:

Sustainable Building Design Supplementary Planning Document

National Planning Policy Framework

With the adoption of the NPPF, greater weight should be given to sustainable developments, having regard to the environmental, economic and social impact of the proposal. Where a proposal is acceptable in principle, every effort should be made to work up a scheme that addresses any outstanding planning issues, and that addresses the long term needs of a place, as identified in the Core Strategy Local Plan.

**Site Description:**

Langney Shopping Centre is an existing district shopping centre, built in the 1970's on a site bounded to the east by Langney Rise, to the west by Kingfisher Drive and to the north by Willingdon Drove. The site is not situated within a conservation area; neither the centre or any surrounding buildings are listed. The site is situated within a predominantly residential area.

The layout of the existing shopping centre is organised in a linear fashion with 32 units accessed from a central mall running East to West; with a gross floor area a little over 10,000sqm. The centre contains two larger units, the rest are relatively small in size and have attracted smaller, and mostly local businesses.

The large unit to the west of the Mall is occupied by Tesco, this and the bus stops provide an anchor to this end of the centre supported by the better sized shops to the west mall. The east mall has smaller shops and no anchor tenant as Family Bargains trades onto the car park not onto the mall. The proposal seeks to address the shortage of suitable sized units, and the imbalance within the mall.

There is an existing storage and internal service yard below the existing mall which is fully underground to the north, and exposed to the south side. A ramped road drops from the eastern approach down to the southern service yard, car park and public recycling, from where the underground/lower service level is accessed.

The site extends to 0.62 hectares and essentially comprises an area of car parking, access roads and the centre itself. Therefore, the site is largely hard surfaced, but there are some small areas of landscaping within and adjacent to the car parking areas. To the south of the site there is also a small wooded area surrounded by residential properties.

The existing car park had 798 spaces, of which 58 are situated within the service area to the south and are allocated for staff. Bus stops and a taxi stand are provided to the western end of the centre.

There are two vehicular and pedestrian points of access to the centre, from Kingfisher Drive to the west and Langney Rise to the east; as well as a pedestrian subway connecting the site to the northern side of Willingdon Drove. The location has good vehicular access to other parts of the town by virtue of the primary distributor roads which come together at the north eastern corner of the site.

## Relevant Planning History:

- **EB/2009/0758 – Extant, but not delivered**  
Full application for development of 2 storey mixed use retail and leisure units. Creation of public library. Ten two bedroom apartments at ground, 1st and 2nd floor level. Development of large single storey retail unit and 6 no adjacent small retail units with associated service core and public amenity space and application for outline planning permission for residential development of 20 apartments on land accessed from Swanley Close (Amended Plans).  
Decision date: 11.05.11  
Expiry date: 11.05.14  
Decision: Approved conditionally
- **EB/2008/0174 - Withdrawn, and not delivered**  
Development of two-storey mixed use retail and leisure units. Creation of public library. Eight two-bed apartments at first and second floor level. Single-storey retail unit, service core and public amenity space. Change of use of existing library unit to A2 use. Change of use of unit 18 to A3. Twenty 1,2,3 and 4 bed apartments on land adjacent to Petrol Filling Station and Swanley Close. Re-configuration of car park, landscaping, bus drop-off and taxi-rank.  
Decision date: 05.12.08  
Decision: Withdrawn
- **EB/2005/0529 Lapsed 2012, but not delivered**  
Two-storey mixed use development to provide new retail units (3,450 square metres) library (at first floor level) and residential accommodation (8 one and two- bedroom flats), a new public transport interchange and associated parking for bicycles and 81 cars (for use by staff) [Kingfisher Drive Site] together with a residential development of 20 units and 22 car parking spaces, Home Zone and associated landscaping [Swanley Close Site].  
Decision date: 10.01.07  
Expiry date: 10.01.12  
Decision: Approved conditionally
- **EB/2004/0454 – Lapsed 2009, but not delivered**  
Extension to shopping centre, over the service yard, to provide 20,000 square feet (6,100 sqm) of retail and 20,000 square feet of leisure space (over two levels) together with a pavilion building adjacent to the eastern entrance of the centre to provide access to the upper leisure use level.  
Decision date: 08.09.04  
Expiry date: 08.09.09  
Decision: Approved conditionally
- Unimplemented planning permission for retail development:  
**EB/2009/0758:** 4,410 sqm of retail NB. Expiry date: 11.05.14



**Proposed development:**

The applicant seeks planning permission for the extension of the existing shopping centre to provide additional retail units, reconfiguration of the car park and internal access road, amended servicing facilities and landscaping.

The proposed extension, which is predominantly single storey with a first floor addition to the north-east corner facing Langney Rise, will provide an additional 3071 sqm of retail floorspace. The extended mall will follow the line of the existing mall eastwards, providing nine new retail outlets varying in size from 80 sqm to 475 sqm.

The extension is proposed to be constructed with red facing brick and horizontal silver metal cladding. The largest unit proposed at 1380 sqm (plus 528 sqm at first floor level) is situated to the north-eastern corner of the extended mall facing the Langney Rise roundabouts. This unit will have external shopfronts to both the eastern and northern elevations with an additional entrance to the east elevation, accessed via a glazed double height main entrance with external paving area.

The extension is predominantly single-storey with a first floor added to the north-east corner. The new units are slightly taller than existing to meet the requirements of target retailers (internal height: 4m). The external height varies due to the sloping nature of the site – the glass mall entrance on the east elevation has been raised to create a prominent feature, and measures 9m from the adjacent car park level.

The location of the extension will lead to a reconfiguration of the eastern car park with a reduction of 157 car parking spaces. Existing service arrangements remain with units serviced via the basement level, except for the two new retail units in the north-east corner of the extension which will be serviced from a lay-by in the car park circulation road.

**Applicant's Points:**

The application was the subject of a pre-application discussion and the application documents cover all the matters raised:

- Design and Access Statement
  - Retail Statement
  - Transport Assessment
  - Energy Statement
  - Sustainability Statement
  - Ecology Report
  - Flood Risk Assessment.
- 
- The principle of development is established by the extant planning permission and the proposal has the potential to help rejuvenate the Centre.
  - Design: This is set out fully in the accompanying Design and Access statement.

- **Retaining Existing Activities:** The value of the library and market to the community are recognised. These activities will not be affected in principle by the proposals but will involve relocation of the market within the site.

Technical Reports summary:

- **Retail Capacity and Impact Assessment:** demonstrates that there is more than sufficient retail expenditure available to support the proposed extension and that trade diversion from other shopping centres will be immaterial.
- **Flood Risk Assessment:** Run off surface water will not increase and the site proposes no risk in terms of flooding. The value of the Langney Centre pond is recognised and the applicant is happy to explore further how surface water discharge from the site can be managed in a way to achieve this.
- **Biodiversity Assessment:** The site is of very limited ecological value and opportunities exist to enhance the biodiversity of the site.
- **Sustainable Development Assessment:** A BREEAM Pre-assessment report puts the scheme at "good" and to seek a higher standard would affect the viability of the scheme.

**Summary Information:**

Site Area (Langney Shopping Centre): 4.49 has

Application site area (east of site): 0.62 has

Existing footprint: 10,000 sqm

Figure includes the pub (A4) – 280sqm, library (D1) – 480sqm, and several units that have changed from A1 to fast food (A5) or professional services / banks etc (A2) through a planning consent.

Proposed floorspace of each use(s):

4,052 sqm retail space (which includes 528 sqm at first floor level – storage)

Change in floorspace (+/-): + 3071 sqm

Part of the ground floor new space replaces existing units numbered 15 – 18.

The net increase of retail floorspace is, therefore, 3,071 sqm.

Existing units: 32 (24 retail units)

Proposed units: -4 (partial replacement)

+9 (including anchor store: 1380 sqm)

Existing parking spaces: 163 within application site (798 whole site)

Proposed parking spaces: -157

= 6 retained within application site (641 whole site)

Previous Land use: Hard surfacing / car park

Building Techniques: Brick, metallic panel cladding and glazing

## **Consultations:**

- The scheme was presented to the Design Review Panel on 14.01.13 and the following points were discussed:
  - The site needs to be looked at as a whole.
  - The pedestrian area around the extension is cramped. Consideration could be given to providing a loggia.
  - By maintaining the east-west axis of the internal mall it results in the entrance being on the periphery of the building.
  - New entrance fails to provide space for a meeting point.
  - The Panel considered that the scheme was very unbalanced, being just at the eastern end of the site and there has been no attempt to link the proposed extension to the existing building in terms of design.
  - The Panel considered that the proposed new entrance is in the wrong place. It should be in the north eastern corner of the extension.
  - The proposed entrance is too prominent.
  - There is no active frontage along the northern elevation.
  - There needs to be a route for pedestrians into the proposed new mall from the northern elevation.
  - Consideration should be given to the landscaping of the site. It is unclear what is proposed for the established planting on site.
  - Improvements should be made to the existing shopping centre and there needs to be a link between the design of the existing and proposed.
  - A townscape analysis should be undertaken.
  - Further consideration should be given to the palette of materials.
- A public exhibition was held on 15.05.13, attended by over 100 members of the public and councillors. Over 70% of consultee responses (of 67 respondees) supported the retail extension and felt it would revitalise the centre.
- In addition, representation was sought from the following teams: Highways, Arboricultural Team, Planning Policy, Retail Consultant, Building Control, Wealden DC and Southern Water, as summarised below:

### Highways (16.07.13):

A number of planning applications have been made for extensions to Langney Shopping Centre over the last few years, the last of which could still be implemented subject to discharging the appropriate conditions. This application is similar to the previous one in terms of the area of additional retail space proposed but does not include the residential or library elements.

- **Parking**

Due to the reduced scope of this application the number of parking spaces proposed on site is higher than that of the previous application which was deemed acceptable. The submitted Transport Assessment has included an analysis of the likely parking accumulation on the site. ESCC also carried out its own assessment for the previous application which due to the very similar nature of the extension is still applicable. Both have shown that the number of spaces proposed will be adequate to serve the development.

Although the total number of spaces is acceptable there is an under provision of disabled spaces, cycle parking and motorcycle parking. These issues will need to be addressed through conditions, should consent be granted.

- Transport Assessment

The Transport Assessment has demonstrated that the proposal will have little effect on the public highway in capacity terms but queuing will take place when exiting the site, especially onto Langney Rise on a Saturday. As noted in the TA it is unlikely that drivers will use this access in the number shown, if the time taken to leave the site will be reduced by using the Kingfisher Drive access. However, due to the proximity of the Bus Stops, the operation of the very regular bus services which use these stops will be disadvantaged.

It is therefore recommended that a scheme for the improvement of the existing bus stops is provided to mitigate any impact by allowing for faster operation of the stops. Improved bus facilities would also help to make bus travel more attractive which will assist with accommodating the additional demand created by the extension. These alterations would need to be discussed and agreed jointly between the applicant, EBC, ESCC and bus operators.

- Servicing

Two of the proposed units cannot be serviced using the current facilities. A separate loading bay has therefore been provided adjacent to these units. The stated routing of delivery vehicles is to enter the site from Kingfisher Drive and to exit from Langney Rise. A condition has been suggested to control this movement in this form to ensure that any conflicts from larger vehicles using the Kingfisher Drive exit and buses are eliminated.

I recommend that any consent shall include conditions relating to: wheel washing equipment during earthworks / excavation; vehicle and cycle parking areas prior to use; bus stop improvements adjacent to Kingfisher Drive; travel plan; restricted delivery access and egress.

Arboricultural response (22.05.13):

- The proposed application will lead to the loss of ten trees consisting of various species and a Cupressus hedge which all have limited landscape and screening value and are all (with exception of the Plane tree) a poor species choice on this site. The trees proposed for removal are not of sufficient merit to prevent this application being approved. The proposal to remove the ten trees is an opportunity to improve the tree cover on this part of the site with a better suited species choice.
- The impact of the loss of these trees would need to be mitigated by a new detailed landscaping proposal through conditions. The existing landscaping proposal on plan 1129.4/P(-)105 only indicates six new trees which is insufficient on a scheme of this size.
- The main issue for consideration is that the removed trees are to be replaced with six on a site, which has potential for further planting. Therefore, should this application be approved, conditions should be attached to ensure sufficient tree cover is provided with this scheme to include details on tree pit construction, and species choice.

Planning Policy response (25.07.13):

The application should be determined in accordance with the development plan unless material considerations indicate otherwise.

- Conformity with the Development Plan – The proposal is considered to be sustainable development as it supports the vision of the Langney neighbourhood policy (Policy C8 of the Core Strategy Local Plan), directly delivering a key requirement of the policy in ‘encouraging extensions or redevelopment at Langney Shopping Centre to provide additional retail’. The proposal contributes to sustainable development (Policy D1 of the Core Strategy Local Plan) by delivering economic development and improving the provision of services and facilities within the Langney Neighbourhood. The proposal is of an appropriate size and scale for the Langney neighbourhood and therefore there is no requirement under Policy D4: Shopping of the Core Strategy to apply the sequential approach to site selection.
- Flood Risk – the site is located in the Willingdon Levels Flood Storage Area and specific attention is given to sustainable drainage provision in line with Policy US4 of the Borough Plan. Although the proposal does not result in the increase in impermeable area within the greater site, the application has proposed Sustainable Drainage systems in order manage surface water and reduce the risk of flooding.
- Design – the proposal provides an extension which is considered suitable and appropriate in scale, form and materials to the immediate surrounding area (Policy UHT1 of the Borough Plan) and would provide an improvement to the quality and visual appearance of the eastern entrance. The case officer will provide a more detailed consideration of the design of the development.
- Infrastructure Delivery – the development of additional retail floorspace at Langney Shopping Centre has been identified in the Infrastructure Delivery Plan in support of Eastbourne’s Local Plans. It has been specifically factored into transport assessment modelling requirements for the Core Strategy plan period 2006-2027. The proposal development therefore does not compromise the ability to deliver any supporting infrastructure, and complies with Policy E1 of the Core Strategy Local Plan.
- National Planning Policy Framework (NPPF) – The Sequential Test: Langney Shopping Centre is designated as a District Shopping Centre in the Core Strategy Local Plan (2013). The adopted Core Strategy accords with the NPPF, and as such the development is now considered against the key policies of the NPPF. The NPPF refers to the Town Centre in its wider definition as an area constituting main town centre uses, and includes such areas as District Shopping Centres.

The application therefore conforms with Policy 24 of the NPPF. An increase in gross internal retail floorspace of just under 4,000 sqm at Langney Shopping Centre is much lower than the 15,000 sq m permitted as an extension to the Arndale Shopping Centre and provides predominantly smaller retail units. Consideration should also be given to the fact that this revised application provides less additional retail floorspace than the extant permission in 2011 of 4,409sq metres. These factors are considered to result in the proposal having a limited impact on the vitality and viability of proposed and further retail development within the Town Centre neighbourhood as a whole.

- Therefore in conclusion given that the scheme accords with the Development Plan and the NPPF it therefore follows that the planning permission should be granted.

Retail consultant (17.05.13):

The development will extend the centre, to the east, by 4,052 sqm - this includes an extended mall covering approximately 354 sq.m. Part of the new space is actually 'replacement space' (i.e. replacing existing units numbered 15 - 18). The net increase of retail floorspace is, therefore, actually 3,071 sqm.

Note: The 2 day a week market would be transferred to the 'overflow' car park at the rear of the petrol filling station.

Consent for a similar (but slightly larger) 2009 scheme was issued to the previous owner of the centre in 2011. Thus the principle of extension has been accepted in the recent past. The 2011 consent remains valid and could be implemented. However, this scheme was subsequently judged to be unviable.

The Langney Centre has been closed since its roof collapsed in November 2012. This, in normal times, is Eastbourne's No 2 shopping centre. Clearly it is very important that this Centre should be successfully refloated as a healthy district centre. It can be strongly argued that the proposed extension is an essential element to attract sufficient shoppers back to the Centre.

Thanks to reduced spending growth in an extended recession, there is now a significant mismatch between the level of retail commitment and the growth in comparison goods expenditure. This is likely to be reflected in the level of demand from the retail industry. The Borough must appreciate that giving early preference to new floorspace at Langney could result in a delayed opening of other retail commitments. However this delay is unlikely to be substantial.

There are good reasons for concentrating attention on the re-instatement of the Langney Centre now to ensure that it is re-launched as a successful No 2 shopping centre in the Borough. The Langney extension will be very important in attracting back lost shoppers and important key retailers.

Building Control (25.04.13):

The scheme is acceptable in terms of Building Regulations, subject to the external escape route on the southern side being amended.

Environmental Health (23.04.13):

Applicant to liaise with Environmental Health to ensure food Hygiene Regulation (EC) No 852/2004 is met, in relation to lobby between staff WC and food room, staff changing facilities on catering premises, and storage and disposal of food waste.

Sussex Police (21.05.13):

No concerns raised in relation to the proposal to enhance the vitality of the facility. Advice previously provided to the applicant has been incorporated into the Design and Access Statement, to ensure a safe and secure environment is maintained on the site.

Environment Agency (25.04.13):

Confirmed at low risk – no outstanding issues

Wealden District Council (14.05.13):

No objections raised

Southern Water (31.05.13)

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Should the application be approved, the applicant is advised to seek an agreement from Southern Water.

### **Neighbour Representations:**

Consultation was carried out by letter to 400 neighbouring residents and businesses, and site notices were displayed close to the site. In addition, the proposal was posted in the local paper. The applicant facilitated a public exhibition, established a website and distributed 7100 newsletters to local households.

No public representations were received, other than the feedback from the public exhibition compiled by the applicant, which was based on 67 responses from 109 attendees.

- 76% of respondees agreed that extending the centre would help revitalise the area and attract new tenants and shoppers;
- 73% of respondees agreed that the eastern extension will improve LSC
- 74% of respondees support the proposals to extend and revitalise LSC

Other comments expressed by respondees reflect the key issues of the local community, but are not necessarily material planning considerations.

These include: the roof collapse / safety, access to toilet facilities, reopening timescales, under occupancy of units, concern if the planning application is refused, retention of market, retention of parking provision, better seating, a landmark store, library services, larger post office, provision of leisure element, maintenance entrance for deliveries only, bigger better centre, but prioritising reopening of existing area.

**Appraisal:**

The main issues to consider in the determination of this application are as follows:

- The principle of the development having regard to the Development Plan, then national policy and other material planning considerations;
- The principle of the development having regard to the planning history of the site;
- The effect the proposed development will have on the visual amenities of the locality;
- The effect the proposed development will have on the amenities of occupiers of surrounding residential properties;
- Access and parking considerations;
- Flood risk considerations;
- Trees and landscaping considerations.

**The principle of the development having regard the Development Plan, then national policy and other material planning considerations:**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) outlines that a planning application should be determined in accordance with the Development Plan, unless other material planning considerations indicate otherwise. The principle of development will therefore firstly be considered in line with Eastbourne's Development Plan which consists of the adopted Core Strategy Local Plan (2013) and saved policies of the Eastbourne Borough Plan (2003). Consideration will then be given to national policy contained in National Planning Policy Framework and then other material planning considerations, to indicate whether departure should be made from the Development Plan.

**Proposal**

The proposal comprises 3524sqm of retail floorspace at ground floor level, and 528sqm at first floor level (to be used as storage), creating an extension to the eastern side of the Langney Shopping Centre.

**Development Plan**

Langney Shopping Centre is designated in the Eastbourne Core Strategy Local Plan (LP) as a District Shopping Centre (Policy D4: Shopping). The designation includes the shopping centre and the surrounding car park (as identified in Appendix C of the Core Strategy LP) and the proposed extension would therefore take place within the boundary of the District Shopping Centre.

The proposal is supported by Policy C8: 'Langney Neighbourhood Policy' of The Core Strategy LP where there is specific reference to 'Encouraging extensions or redevelopments at Langney Shopping Centre to provide additional retail, leisure and residential uses and improving the appearance of the area that does not prejudice its comprehensive redevelopment'.

The proposal contributes to sustainable development (Policy D1 of the Core Strategy LP) by delivering economic development and improving the provision of services and facilities within the Langney neighbourhood.



The proposal is of an appropriate size and scale for the Langney neighbourhood and conforms with the neighbourhood vision. It will assist in increasing the vitality and footfall of the area, meeting the retail and service needs of the local community as a separate entity to the shopping demands of other retail centres within the Borough. The majority of people who visit Langney Shopping Centre do so on a regular basis, primarily for food shopping, a small amount of clothes shopping, for banking and to meet friends. This is supported by the public exhibition questionnaire results, which have been submitted with the application by the applicant.

Considering that the proposal is of an appropriate size and scale for its location and is in accordance with Policy D8: of the Core Strategy LP, there is no requirement under Policy D4: Shopping of the Core Strategy LP to apply the sequential approach to site selection for retail development.

The proposal supports the economic needs of the local area, conforming with Policy D2: 'Economy' of the Core Strategy LP, by providing access to retail opportunities for businesses of a similar size to those within the existing centre. The existing district centre has the unique draw of the local, weekly market, and the proposed expansion is considered to work alongside the regular market without detracting from its focus, and without conflicting with the established type of retail already on-site.

In accordance with Policies B2: 'Creating Sustainable Neighbourhoods', and D8: 'Sustainable Travel', the site is considered to be sustainable, as a large number of shoppers access the district shopping centre by foot, and it is well served by bus connections. This position does not change with the additional retail, other than a reduction of parking space. Consultation with the Highways Department has confirmed that the remaining number of spaces is acceptable for the scale of the development, and is less of a reduction than the previously permitted scheme in 2011. It is noted however, that there is an under-provision of disabled spaces, cycle parking and motorcycle parking, which can be addressed through a series of conditions.

With regard to the bus links servicing the site, it is recognised that the routes are an important feature in retaining accessible services and facilities. However, the reconfiguration of the car park is anticipated to displace some of the traffic using the Langney Rise access, consequently having a degree of impact on the bus stops close to the Kingfisher Drive access. In response, The Highways Department have recommended a scheme of bus facility improvements (to be secured by a s106 agreement) to mitigate any impact by allowing for faster operation of the stops. Improved bus facilities would also help to make bus travel more attractive, and assist with accommodating the additional demand created by the extension.

The development of additional retail floorspace at Langney Shopping Centre has been identified in the Infrastructure Delivery Plan in support of Eastbourne's Local Plans. It has been specifically factored into transport assessment modelling requirements for the Core Strategy LP planning period 2006-2027. The proposal development therefore does not compromise the ability to deliver any supporting infrastructure, and complies with Policy E1 of the Core Strategy LP.

## **National Planning Policy Framework (NPPF)**

The NPPF refers to the 'Town Centre' in its wider definition as an area constituting main town centre uses, and includes such areas as District Shopping Centres. The application therefore conforms with Paragraph 24 of the NPPF by locating new retail development in an area designated for 'main town centre uses'. As the District Shopping Centre is designated in an up-to-date Local Plan, and is a centre considered within the wider definition of 'town centre uses' the sequential test does not apply.

An increase in gross internal retail floorspace of just under 4,000sq. metres at Langney Shopping Centre is much lower than the 15,000 sq m permitted as an extension to the Arndale Shopping Centre and provides predominantly smaller retail units. Consideration should also be given to the fact that this revised application provides less additional retail floorspace than the extant permission in 2011 of 4,409sq metres. These factors are considered to result in the proposal having a limited impact on the vitality and viability of proposed and further retail development within the Town Centre neighbourhood as a whole.

Other relevant policies of the NPPF which are relevant to the planning application include:

### 1. Building a strong, competitive economy

Para. 19 - Significant weight should be placed on the need to support economic growth through the planning system.

Para. 21 - Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area.

### 7. Requiring good design:

Para 58. - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'

### 8. Promoting healthy communities

Para 70. - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

## **Summary**

To conclude from a planning policy point of view, the proposal:

- is well integrated with the existing shopping area, and local activities already using the site, such as the weekly market;
- is of a size and scale that meets a local need, and does not conflict or compete with other main town centre uses across the Borough;
- promotes healthy communities and the development of services accessible to the local community;

- is acceptable on a designated district shopping centre site in accordance with an up-to-date Local Plan;
- is of economic benefit to the town and local neighbourhood, meeting the vision and policy requirements of the Langney Neighbourhood policy;
- is considered sustainable development and conforms with both the Development Plan and national policy contained in the NPPF.

In summary, given that the proposal accords with the Development Plan and the NPPF there are no planning policy objections to the proposed development.

**The principle of the development having regard to the planning history of the site;**

Since 2004 there have been a series of approved planning consents on the site comprising additional retail space; none of which has been built out:

- EB/2009/0758: 4,410 sqm of retail Expiry date: 11.05.14
- EB/2005/0529: 3,450 sqm of retail Expiry date: 10.01.2012
- EB/2004/0454: 6,100 sqm of retail Expiry date: 08.09.2009

The current scheme proposes 4,052 sqm, which results in 3,070 sqm additional retail space, taking into account the partial overlap with the existing mall. The previous applications provide an indication of the scale of development which can be provided on the site, and the principle of additional retail units has been established. The extension does not include any housing or leisure facilities, as with previous schemes, and proposes a smaller area of retail space.

Planning Permission EB/2009/0758 remains a live consent, which runs until 11.05.14, and was approved prior to the town centre retail extension plans at the Arndale Centre. The scheme comprises two retail elements (to the east of the existing mall, facing Langney Rise – similar in footprint to the submitted application-; and to the west of the existing mall, facing Kingfisher Drive), and residential units (located to the rear of the petrol station, and accessed off Swanley Close). Given the site constraints it would not possible to implement both the live permission and the proposed permission, and although feedback from the agent has indicated that the 2009 scheme is currently unviable, there is the option of formally restricting the delivery of both sites through a legal agreement.

The main policy changes since permission was granted for the previous Langney Shopping Centre scheme, include the adoption of the Core Strategy Local Plan and the National Planning Policy Framework, as assessed earlier in the appraisal. The adoption of these documents does not significantly change the context in which a revised scheme should be considered, other than indeed strengthening the position for additional, appropriate retail within the Langney neighbourhood (Core Strategy Local Plan Policy: C8).

**Design considerations of the proposal;**

The principle of an extension on the eastern elevation was established by the granting of consent in 2009. The current scheme has been revised in light of feedback from pre-application meetings and the Design Review Panel, as follows:

- A larger amount of pedestrian area around the extension, along with additional public drop-off points.
- Consideration was given to turning the mall through 90 degrees to allow for a more centralised entrance. However, in order to achieve the larger units with this orientation, it would have a greater impact on loss of parking.
- The proposed entrance is indeed a prominent feature, but is considered to be necessary to denote a clear access point to the centre.
- To achieve an active frontage along the northern and eastern sides, glazed panels form part of the elevation to allow sight into the centre, and a series of materials have been used to provide variation across the height levels.
- Clarification of additional landscaping of the site is required – to be addressed in conditions.
- The continuation of the locally distinctive design of the existing, which comprises a considerable variety of materials, brickwork and panels, is at odds with creating a homogenous and complementary retail scheme. The proposed scheme therefore continues the design theme but uses modern materials and principles. There is scope to continue the design in later upgrade stages.

The design benefits from a consistent and modern series of materials: brickwork and metal panel cladding, which is consistent with retail schemes elsewhere. In addition the proposal removes the existing feature of a canopy at the eastern entrance to accord with 'Designing out Crime' principles and remove the issue of hidden recesses.

The scale and impact of the proposed eastern extension, although generally higher (10m at the point of the entrance and 2-storey section) compared to the 6-8.5m height of existing sections, is considerably reduced in size to the 2009 scheme. It is considered that the proposed eastern extension when viewed from Langney Rise and Willingdon Drove will not appear over-dominant as the building would be sited at a much lower level than the adjacent roads. Given the proposed size of the overall scheme, the additional height is appropriate, particularly in achieving a focal point for the new entrance hall.

Therefore, it is considered that the proposed development will have a positive impact on the character and appearance of the Langney Shopping Centre and the visual amenities of the locality as a whole and therefore complies with Policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan.

**The effect the proposed development will have on the amenities of occupiers of surrounding residential properties;**

The proposed eastern extension would be sited at a distance of 21m from the closest residential properties directly to the south of the site; nos 41 and 42 Swanley Close and the two cottages 'Woods Cottages'. The height of the extension at the point closest to the southern boundary will measure 5.75m high and is set at a lower level to the neighbouring dwellings, minimising the impact on neighbouring occupants. The bungalows and Woods Cottages are separated from the site by trees and screening, and the service road which runs within the application site boundary.

The principle of having development along the eastern end of the mall is established in the 2009 consent, which was located at a similar distance to the current proposal, and the existing proposal has received no objections.

To the east and north of the site, residential properties are at such a distance from the extension, and are separated by the existing the car parking areas on the site, that there is considered to be no impact on residential amenity to the properties along Langney Rise and Willingdon Drive.

For the above reasons, it is considered that the proposed development will have no detrimental impact on the amenities of occupiers of surrounding residential properties and as such complies with Borough Plan Policy HO20.

Access and parking considerations:

The site will continue to be served by two vehicular accesses: one from Kingfisher Drive to the west of the site, and one from Langney Rise to the east of the site.

In accordance with Policies B2: 'Creating Sustainable Neighbourhoods', and D8: 'Sustainable Travel', the site is considered to be sustainable, as a large number of shoppers access the district shopping centre by foot, and it is well served by bus connections. Consultation with the Highways Department has confirmed that the remaining number of spaces is acceptable for the scale of the development, and is less of a reduction than the previously permitted scheme in 2009. It is noted however, that there is an under-provision of disabled spaces, cycle parking and motorcycle parking, which can be addressed through a series of conditions.

With regard to the bus links servicing the site, it is recognised that the routes are an important feature in retaining accessible services and facilities. However, the reconfiguration of the car park is anticipated to displace some of the traffic using the Langney Rise access, and to increase the pressure on the Kingfisher Drive access, and consequently to have a degree of impact on the bus stops close to the Kingfisher Drive access. In response, The Highways Department have recommended a scheme of bus facility improvements (to be secured by a s106 agreement) to mitigate any impact by allowing for faster operation of the stops. Improved bus facilities would also help to make bus travel more attractive, and assist with accommodating the additional demand created by the extension.

With regards to servicing, two of the proposed units will be unable to be serviced using the current facilities. A separate loading bay has therefore been provided adjacent to these units. The stated routing of delivery vehicles is to enter the site from Kingfisher Drive and to exit from Langney Rise. A condition has been suggested to control this movement in this form to ensure that any conflicts from larger vehicles using the Kingfisher Drive exit and buses are eliminated.

**Flood risk considerations:**

The application site is located with Tidal Flood Zone 3a, and the application has therefore required a Flood Risk assessment and input from the Environment Agency. The Environment Agency has assessed the proposed development and location as low risk. Within the site as a whole is the Langney Centre Pond, recognised as a Site of Nature Conservation Interest, which may provide opportunity to incorporate flood mitigation measures. It does not, however, form part of the application site being considered.

In light of the Flood Risk Assessment, it is considered that the risk can be mitigated through the use of Sustainable Urban Drainage Systems (SUDs) – the location of the extension is currently hard surfacing used as parking, so there will be no increase in surface water run-off or impermeable surfaces.

**Trees and landscaping considerations:**

The proposed application will lead to the loss of ten trees consisting of various species and a Cupressus hedge, which are all considered to have limited landscape and screening value. On advice from the Arboricultural Officer, with exception of the Plane tree, the trees and Cupressus hedge are a poor species choice for the site, and the trees proposed for removal are not of sufficient merit to compromise the scheme.

The existing landscaping proposal on plan 1129.4/P(-)105 indicates six new trees, which is insufficient on a scheme of this size, given the site has been assessed as being of an ecologically low standard. The impact of the loss of trees can be sufficiently mitigated by a detailed landscaping proposal through conditions, ensuring sufficient tree cover is provided, and detailing tree pit construction and species choice.

**Human Rights, and Equality and Diversity Implications:**

It is considered that the proposed development would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property.

**Conclusion:**

It is considered that the proposed extension to the Langney Shopping Centre is of a size and scale that meets a local need, and does not conflict or compete with other main town centre uses across the Borough. The development will enhance the appearance of the Langney Shopping Centre and is considered to have no detrimental impact on the visual amenities of the wider locality.

Furthermore, the proposed development will have no significant impact on the amenities of occupiers of surrounding residential properties and will have no harmful effect on the highway network. The proposal accords with the Development Plan and National Planning Policy Framework (NPPF).

**Recommendation:**

**(A)** That full planning permission be granted for extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping, subject to the prior conclusion of a S.106 Agreement to secure the bus stop improvement works adjacent to Kingfisher Drive, Local Employment Commitment and a Travel Plan and subject to the following conditions:

## Conditions:

- (1) Commencement of development within three years (full planning permission)
- (2) Drawing Nos. of approved plans
- (3) Samples of materials to be submitted (++)
- (4) No plant or equipment on roofs or walls
- (5) Restriction of times for building operations
- (6) Submission of details of methods to reduce noise emissions (++)
- (7) Submission of details of ventilation system (++)
- (8) Development to be in accordance with Flood Risk Assessment (++)
- (9) Submission of details of surface water drainage scheme (++)
- (10) Submission of details of location of public sewers (++)
- (11) Submission of details of foul and surface water sewerage disposal (++)
- (12) Provision of on-site wheel washing facilities during earthworks / excavation
- (13) No occupation until vehicle turning space provided
- (14) No occupation until on-site parking provided
- (15) No occupation until cycle parking provided
- (16) Submission of a Traffic Management (++)
- (17) Restricted access and egress for delivery vehicles.
- (18) Tree protection: fencing (2.4m hoarding)
- (19) Tree protection: no burning
- (20) Tree protection: excavations
- (21) Tree protection: earthworks
- (22) Landscape design proposals: car park layout to include details on tree pit construction ++
- (23) Landscape design proposals: proposed and existing functional services below ground (e.g. drainage, power communication cables, pipelines) indicating positioning ++
- (24) Landscape design proposals: regarding mitigating the loss of the curved Cupressus hedge to the south of the site adjacent to the existing building ++
- (25) Landscape design proposals: planting plan ++
- (26) Tree planting
- (27) Landscape maintenance
- (28) Surface water drainage to pass through oil interceptor
- (29) Submission of a scheme to deal with contamination risks (++)
- (30) Demolition to be carried out in accordance with Method Statement ++
- (31) Construction to be carried out in accordance with Method Statement ++
- (32) Development to cease if contamination found
- (33) Submission of Verification Report
- (34) No goods for sale on open areas of site
- (35) Limit on gross retail floorspace
- (36) Limit on net retail sales space
- (37) Mezzanine floor in eastern extension not to be used as sales space
- (38) Units not to be sub-divided
- (39) Units not to be amalgamated
- (40) No deliveries between 19:00 and 07:00 hours
- (41) No burning of waste on site
- (42) When market not in use shared surface shall be available for parking
- (43) Submission of details of refuse storage (++)

(++ Pre-commencement conditions)

**Informatives:**

- Formal agreement required from Southern Water, Building Control and Environmental Health
- S106 legal agreement – East Sussex Highways Department

**(B)** In the event the S106 Agreement is not concluded to the satisfaction of the Local Planning Authority by 03.11.13, that delegated authority be given to the Head of Planning to refuse planning permission for the following reason, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

The proposed development would fail to secure the provision of bus stop improvement works adjacent to Kingfisher Drive, local employment commitment and a Travel Plan.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.



## Committee Report 6<sup>th</sup> August 2013

<b>App.No.:</b> 130353	<b>Decision Due Date:</b> 17.07.13	<b>Ward:</b> Upperton
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> Several July & August	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b> 24.07.13 <b>Neigh. Con Expiry:</b> 25.07.13 <b>Weekly list Expiry:</b> 24.07.13 <b>Press Notice(s)-:</b> 25.07.13		
<b>Over 8/13 week reason:</b> To align with planning committee dates		
<b>Location:</b> Roborough House, 1 Upper Avenue		
<b>Proposal:</b> Conversion and extension of Roborough House to create an International Study Centre, together with a new lecture theatre, student accommodation, landscaping and demolition of The Bourne Unit and other redundant buildings.		
<b>Applicant:</b> Reef Ltd		
<b>Recommendation:</b> <p>Recommendation A: Grant full planning permission for the conversion and extension of Roborough House to create an International Study Centre, together with a new lecture theatre, student accommodation, landscaping and demolition of The Bourne Unit and other redundant buildings, subject to the prior conclusion of a S.106 Agreement to a Travel Plan, Highways Contribution and Local Employment commitment and subject to conditions.</p> <p>Recommendation B: In the event that the S.106 is not signed by 3 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.</p>		

**Planning Status:**

- Upperton Gardens conservation area
- Tree preservation orders on site

### **Relevant Planning Policies:**

National Planning Policy Framework (2012)

With the adoption of the NPPF, greater weight should be given to sustainable developments, having regard to the environmental, economic and social impact of the proposal. Where a proposal is acceptable in principle, every effort should be made to work up a scheme that addresses any outstanding planning issues, and that addresses the longterm needs of a place, as identified in the Core Strategy Local Plan.

The following policies are relevant to the application at Roborough House:

- Para 7 - Achieving sustainable development through economic, environmental and social gains.
- Para 14 - Approving development proposals without delay that accord with the development plan.
- Para 17 – Sets out the core planning principles that underpins the NPPF, which are;
  - Always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - Promoting the vitality of urban areas.
  - Encouraging the effective use of land by reusing land that has been previously developed.
  - Encouraging multiple benefits from the use of land in urban areas.
  - Manage growth to make the fullest possible use of public transport, walking and cycling and focus development in locations that are sustainable.

### **Eastbourne Borough Plan (Saved policies, 2007).**

H020	-	Residential Amenity
LCF21	-	Retention of Community Facilities
NE4	-	Sustainable Drainage Systems
NE18	-	Noise
NE28	-	Environmental Amenity
TO10	-	Language Schools
TR1	-	Location for Major Development Proposal
TR6	-	Facilities for Cyclists
TR7	-	Provision for Pedestrians
TR11	-	Car Parking
UHT1	-	Design of New Development
UHT2	-	Height of Buildings
UHT4	-	Visual Amenity
UHT5	-	Protecting Walls and Landscape Features
UHT6	-	Tree Planting
UHT7	-	Landscaping
UHT15	-	Protection of Conservation Areas

### **Eastbourne Core Strategy Local Plan (2013)**

B2	-	Creating Sustainable Communities
D1	-	Sustainable Development
D7	-	Community, Sport and Health
D8	-	Sustainable Travel
D10	-	Historic Environment
D10A	-	Design

**Site Description:**

The application site lies within a triangular parcel of land, that forms a small island at the top of The Avenue, bounded to the north west by Carew Road, the north east by Bedfordwell Road, linking with Upper Avenue to meet at the junction with The Avenue. Within this parcel of land is Roborough House; The Hawthorns, a retirement village, consisting of two large three storey homes to the north west of the site, together with a small development of bungalows for the elderly; Tredegar Nursing Home; other NHS Trust accommodation; and residential dwellings facing Bedfordwell Road and Upper Avenue.

Outside this parcel land, is a range of commercial operations; A1 Security Units; Ansvar Insurance; and the probation Service are located north east of the site on St Leonards Road. Daltons Solicitors; Pixel Properties; and, Penta International, commercial concerns are located on The Avenue. The architecture of the surrounding area is an eclectic mix of styles and designs and the surrounding buildings are predominantly high rise and in commercial or residential use. Lower rise buildings are prevalent the further you move away from the Town Centre.

The application site refers to Roborough House, a red-brick building under a mansard roof, set within a substantial and clearly defined landscape garden, with original walling surrounding the site; the principle elevation faces south west to the corner bounded by Carew Road and Upper Avenue. The site lies on the edge of Eastbourne Town Centre. The location of the building on the Avenue creates a familiar and imposing landmark; and the south of the site is situated within the Upperton Conservation Area.

The site has extensive landscaping with some substantial trees and an opened lawned space to the south; which has previously been compromised by ad-hoc parking.

There are two existing vehicular and pedestrian accesses to the site, the original tree lined 'avenue' leading to the main entrance of Roborough House from the junction of The Avenue, Carew Road and Upper Avenue; and a second entrance along Upper Avenue.

The site is bounded by residential properties, retirement bungalows which are part of the Hawthorns retirement complex, which are part of The Gardens to the north, and the rear boundaries of those properties to Upper Avenue.

**Relevant Planning History:**

Roborough House was built c1890 as accommodation for Clifton House Preparatory School. After a short period when the building was vacant, a second school took the building over, changing the name to Roborough house. The National Health Service moved into Roborough House in 1949; firstly providing a home for student nurses, and then as a community facility providing mental health services to the residents of Eastbourne.

The main building to the front of the site is a three-storey property has experienced piecemeal development over the years, as can be seen in the detached modern building to the north-east of the site known as The Bourne Unit which has no architectural connection to the building. These later additions, and changes to the front elevation are inconsistent in style to the original Roborough House building.

In 1998 planning permission was granted for the first and second floors of Roborough House to be converted from nurses' accommodation to office use.

**Proposed development:**

The application seeks planning permission for the conversion and extension of Roborough House to create an International Study Centre, together with a new lecture theatre, student accommodation and landscaping; and conservation area consent for the demolition of The Bourne Unit and other redundant buildings on the site.

The proposed new buildings are to the north and west of the site, with the detached lecture theatre proposed to the north west of the existing Roborough House, and the accommodation block extension to the northern elevation of the main house to the north-east of the plot. To the South the lawns are proposed to be reinstated with car parking provided to the south east of the site adjacent to the existing vehicular access to Upper Avenue.

The site which is currently vacant is within the ownership of Sussex Partnership NHS Foundation Trust. The Bourne Unit has been vacant for a number of years, Roborough House was vacated in 2012; due to the poor state of the premises the Trust relocated its mental health services from Roborough House to other locations. Roborough House was considered wholly unsuitable for the continued provision of modern health and social care and thereafter declared surplus to the Trust's operational requirements.

**Demolition**

Existing buildings and extensions to Roborough House are proposed to be demolished to facilitate the redevelopment of the site. The Bourne Unit which is to the north-east of the site; is a single storey detached building which has no architectural connection with Roborough House itself. Demolition is also proposed of the single storey later additions to the rear of Roborough House which are in a poor state of repair and detract from the visual appearance of the main building.

**Redevelopment**

The proposed redevelopment consists of the internal remodelling of Roborough House to create 26 classrooms and associated offices and staff areas; with the erection of new buildings/extensions to create a student accommodation block with 92 bedrooms (4 of which suitable for disabled students), new dining room with external courtyard to the centre, a gymnasium for staff and students, and a stand alone lecture theatre. The proposal also includes closing the existing entrance on The Avenue and reinstatement the existing access on Upper Avenue as the main pedestrian and vehicular access to the site, with provision of 16 car parking spaces and 60 cycle stands to the east of the site, and associated landscaping.

The proposed 92 bedrooms will accommodate up to 270 students in shared rooms; with other students staying with local families off site. The scheme also includes a canteen / server area, a separate kitchenette, a communal social area and a TV room, located centrally within the site and away from site boundaries.

The proposed student accommodation block is part single, two storey and three storeys in height including mansard roof, decreasing in height towards the north-east boundary with properties at The Gardens. The buildings are proposed with lower internal ceiling heights than Roborough House itself which reduces the overall height of the extension which is intended to minimise the visual appearance of the additions on the main building.

In terms of materials, the accommodation blocks will be constructed with facing brick which is proposed to be a contrasting dark brown/grey colour which is combined with light grey zinc cladding to the mansard roofs. The detached lecture theatre to the north-western side of Roborough House is proposed to be clad in coloured/screen printed glass; and the gym is proposed with external timber cladding.

An Arboricultural Survey, Impact Assessment and Method Statement have been submitted as part of the application. In total 13 trees are proposed to be removed from the site to allow for the redevelopment; the landscaping proposals indicate new tree planting (approximately 20 trees) along the north-eastern and north-western boundaries.

### **Applicant's Points:**

Roborough House has been a significant part of the historical fabric of Eastbourne since its construction, providing first educational uses and later health services; the proposed educational use sits well within the history of the site. The proposed educational use will bring Roborough House back into its original function, and the location within a mixed use area, on the edge of the town centre is an acceptable land use.

The position of Roborough House on The Avenue creates a significant and familiar landmark to the people of Eastbourne. A severe red brick building, Roborough House has suffered from piecemeal development as can be seen in the single storey additions to the rear. These additions are of poor repair and of no architectural connection to the main house and significantly detract from the site in the wider context.

Roborough House is a landmark, it is important that there is a clear definition and separation between the proposed and existing buildings. The use of planar glazing (structural glazing system which provides a flush glass surface by utilising stainless steel fittings) is important to the design concept of linking the new and existing buildings in a visually transparent manner. The buildings around the Roborough House site are finished in a variety of materials with no dominating contextual steer when considering the selection of external materials. The proposed retention and refurbishment of Roborough House and the reinstating of the formal lawned area to the front will significantly enhance the appearance and setting of the Conservation Area.

The proposed single storey lecture theatre is intended to read as a crisp contemporary pavilion settled in the landscape. The lecture theatre should make a strong statement about the new life breathed into the Roborough site, and give a hint of the strong contemporary design language used at the rear of the site. The proposed gymnasium will be timber clad introducing another material that will compliment the brick and zinc. Historic research has shown the mansard roof to be an original feature which would have been covered in a natural blue/grey slate. The existing artificial slates will be replaced with blue/black slates to reinstate a more aesthetically appropriate and historically accurate appearance.

The total proposed footprint including Roborough House is just under 25% of the whole site and just under 5% greater than the existing footprint. The layout of the different functions and activities of the proposed use have been carefully positioned to ensure that any potential noise generating activity is located to the centre and front of the site, while noisy locations are well screened and at a distance from nearby noise sensitive properties. An acoustic survey has been included in the application; the survey demonstrates that the development will not materially increase the level of noise within the immediate area.

A daylight and sunlight survey has also been included in the application; the survey has demonstrated that the stepping down of the buildings to the rear of the site has created a development that would not materially impact upon the amenity of the residential properties sited to the north east of the site in terms of daylight, sunlight levels or overlooking.

The development requires the removal of 13 trees, 12 of which are categorised as C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) or R/U (Those in such a condition that they cannot be retained as living trees in the context of the current land use for longer than 10 Years) and their contribution to the site is limited. The removal of these trees will have no significant detrimental impact upon the arboricultural value of the site.

The site and buildings have been designed with full wheelchair accessibility using ramps and lifts. There is provision for 4 disabled bedrooms.

East Sussex County Highways Officer's preferred choice was for the main entrance on The Avenue to be closed off on safety grounds, and the existing vehicular entrance on Upper Avenue be retained as the main vehicular access to the site.

The proposed development will provide a significant boost to the local economy of Eastbourne; in terms of student spend in local small businesses, host family income and other employment opportunities.

The development will be constructed in three phases to allow the school to continue to operate during the construction period, and to minimise construction nuisance to neighbouring properties.

Phase 1 – Remodelling of existing building: Roborough House

Phase 2 – Construction of the student bedrooms

Phase 3 – Construction of the new dining room and lecture theatre.

### **Summary Information:**

Site Area:	0.88 has
Previous land use(s) and floorspace(s):	1690 sqm
Area to be demolished:	1150 sqm
Total floorspace following completion:	2130 sqm
	Phase 1: remodelling of main building –880sqm
	Phase 2: student accommodation – 870 sqm
	Phase 3: dining hall / lecture theatre – 280 sqm
Change in floorspace (+/-):	+440 sqm
Student accommodation:	92 rooms (inc 4 adapted rooms)
Number of jobs created/lost:	50
Proposed parking spaces:	16
Proposed cycle stands:	60
Previous land use:	D1 – non-residential medical institution
Proposed land use:	C2 – residential school
Building Techniques:	Dark brick, timber cladding and zinc roofs
Heating and Energy Initiatives:	BREEAM 'very good'

### **Consultations:**

The scheme was presented to the Design Review Panel on 14.01.13 and as a result, the following feedback was incorporated into the submission proposal:

- The scheme offered an opportunity to reinforce the historic visual relationship of Roborough House to The Avenue through landscaping of the site and its boundaries.
  - The scheme presents an opportunity to create a piece of contemporary design that would relate sensitively to the existing building.
  - A "pastiche" design for the new elements should be avoided.
  - That an internal communal space could mitigate any noise concerns and a construction free buffer zone be incorporated on the north-eastern boundary of the site.
- 
- The scheme was presented to the Conservation Area Advisory Group on 16.07.13. The forum raised no objections, and were pleased to see the building being brought back into use.
  - A series of pre-application discussions with the Council, and 3 public exhibitions were held throughout January – March 2013, as the scheme evolved. The public exhibitions were attended by 41 members of the public and councillors. The retention of Roborough House was supported, and residents were pleased to see it being brought back into use.

- In addition, representation was sought from the following teams: Highways, Arboricultural Team, Planning Policy, Cleansing Contracts Team, Economic Development, Environmental Health, Tourism Team, Environment Agency, Development Contributions Co-ordinator, Eastbourne and District Chamber of Commerce, Eastbourne Fire Station, The Eastbourne Society, South East Water, Sussex Police and Southern Water, as summarised below:

Highways (17.05.13):

The submitted Transport Assessment has considered the number of trips which would have taken place to and from the previous Hospital use as well as the proposed language school use through use of the TRICS database. It has demonstrated that overall there will be a reduction in the total number of trips (especially by car) with an increase in the more sustainable modes (i.e. walking, cycling, bus).

Adequate levels of car (including disabled) and cycle (both short and long term) parking have also been provided to serve the developments.

The current access onto the Carew Road/The Avenue junction will also be closed off, with all access from the existing Upper Avenue entrance.

On this basis the proposal is acceptable in highway terms.

A Travel Plan, secured by a legal agreement, will however be required to ensure that students using the premises who will be unfamiliar with the town are provided with travel information including suitable pedestrian routes to and from the Town Centre.

I recommend that any consent shall include the conditions relating to pedestrian access via Upper Avenue only; wheel washing equipment during earthworks / excavations; parking areas; cycle parking and Travel Plan.

Planning Policy (17.07.13):

The application site is located within the Upperton neighbourhood as identified in the Eastbourne Core Strategy Local Plan (2006-2027). Upperton has been identified as one of the more sustainable neighbourhoods in the Borough. It is also located within the Upperton Conservation Area.

The vision for the 'Upperton' neighbourhood as set out in the Core Strategy is 'Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood'.

In addition, Core Strategy Policy C2: Upperton Neighbourhood Policy states that the vision for Upperton will be promoted by a number of measures, including: *Delivering new housing through redevelopment and conversion of existing properties; Increasing the provision of affordable housing; and Protecting the distinctive character of the neighbourhood, especially in historic areas.*



The Strategic Housing Land Availability Assessment (SHLAA) (2010) identifies the site as being unsuitable at that time for residential development as there was interest from the NHS to occupy and retain the site. Although the position has since changed, the site has not been through a recent SHLAA assessment to determine its current status, or its potential for residential redevelopment.

Borough Plan Policy LCF21: 'Retention of Community Facilities' states that Planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions) unless it can be demonstrated either that: there is no longer a demonstrable need for the facility; or compensatory provision to equivalent community benefit will be made in the immediate vicinity. Evidence supplied with the application demonstrates that the building is no longer required by the Sussex Partnership NHS Foundation Trust, as it is '*considered wholly unsuitable for the continued provision of modern health and social care services and was declared surplus to the Trust's operational requirements; registered on the Register of Surplus Public Sector Land (without other public interest) and then openly marketed*'. Therefore the proposal complies with Borough Plan Policy LCF21.

The proposal is also supported by Borough Plan Policy TO10: 'Language Schools', which states that 'planning permission will be granted for the establishment and development of new, or expansion of existing, English Language Schools subject to other policies of this Plan, provided that: they are in or adjoining commercial areas; they are not in predominantly residential areas; the impact on residential, visual and environmental amenity is acceptable; and a travel plan can be agreed in appropriate circumstances'. The application site is not located within a commercial area or a predominantly residential area, and would be considered as in compliance with Policy TO10 subject to residential amenity considerations.

Conservation response (15.07.13):

Roborough House is located within the Upperton Conservation Area. The Upperton Conservation Area Appraisal (adopted 2011) extended the Upperton Conservation Area to include part of the Roborough House complex. It includes the main building but does not include the building to the rear of the main building. Any development within a Conservation Area will be required to preserve or enhance the character or appearance of the area, in accordance with Borough Plan Policy UHT15: Protection of Conservation Areas.

The existing Roborough House is set within a clearly defined landscaped garden, with original walling, tree lined approach avenue and lawn to front (Carew Road/Upper Avenue). The late 20<sup>th</sup> Century additions in terms of a series of single storey buildings mostly to the rear detract from the heritage asset and are considered a negative contributor to the Conservation Area. There are therefore no objections on conservation grounds for the demolition of these structures.

The proposed new buildings are set towards the rear and side of Roborough House as viewed from the original entrance. They comprise a large residential block to the rear, with an interesting roofline, and material palette to complement and contrast with Roborough House, rather than mimic.

Dark brick, timber cladding and zinc roofs are proposed, and it is recommended that the detail and material should be conditioned. The use of glass link-routes between the old and new structures respects the fabric and setting of Roborough House.

The relative scales and massing of the proposed new buildings are considered to be suitable for the setting and impact to the streetscape, the main view will be across the lawns from Carew Road. The proposal is considered appropriate in this regard.

It is noted that vehicular access and service areas will be via the existing entrance to Upper Avenue. It is regrettable that the original avenue cannot be reinstated, but it is accepted that the gates, if used issue on to a busy and potentially dangerous junction for pedestrians or vehicles. It is recommended that the proposed gate detail be subject to approval by the Council, and may be an opportunity for creative detail as with the proposed etched glass screen to lecture theatre, and that the gate piers and specimen trees be retained. It is welcomed that the original pedestrian pathway from Upper Avenue to the Front entrance of Roborough House is part of the proposal.

It is recommended that the proposal be recommended, subject to materials as described.

Economic Development (24.07.13):

This application makes good use of this site and creation of a language school will have a positive economic development impact on the town in terms of student spend with local host families, public transport, in the town generally throughout the year.

Eastbourne Borough Council has prepared a Local Employment and Training Technical Guidance Note (April 2013) to assist in securing local employment and training measures as part of development proposals. The ambitions detailed therein will be achieved by formalising the use of local labour and provision of training opportunities in both the construction and operational phases of the development via a Section 106 Agreement.

This Technical Guidance Note is directly linked to the requirements in Policy D2 'Economy' of the Eastbourne Core Strategy Local Plan which seeks to '*encourage development which supports improvements in the local jobs market through the creation of additional jobs and employment diversification*'.

The development will support small and medium sized enterprise, and offer opportunities for apprenticeships and work placements which will be identified within an Employment and Training Plan setting out how relevant employment and training measures will be delivered, linked to the overall construction spend of the project which needs to be confirmed by the applicant. One of the key benefits of the application is that it provides opportunities at operational phase to recruit locally.

The Economic Development team's viewpoint would be of support for this application.

Arboricultural response (25.07.13):

- The site is subject to Tree Preservation Order 55.
- The site was subject to extensive pre-application discussions regarding tree retention and removals. This resulted in positive changes to the layout and design of the site predominantly regarding T11 of the applicant's tree survey ref Project No.: LWWA102/001/003. The applicant has undertaken a full detailed Arboricultural survey Ref: LGVA103 / 001 / 001 dated October 2011 and an Arboricultural Impact Assessment including an Arboricultural method Statement ref Project No.: LWWA102 / 001 / 003 dated April 2013. which must be adhered to at all times during all phases of the development of the site.
- If approved the application will not lead to any significant trees lost on or adjacent to the site providing recommendations for conditions are implemented.
- The thirteen trees indicated as removed are either poor specimens or insignificant trees of category C or R which should not represent a constraint on development. The applicant proposes to compensate the loss of these trees with a planting plan using a minimum of twenty specimens.
- All of the significant trees on site have been taken into consideration and providing suitable conditions are implemented and adhered to and the applicant's Arboricultural method statement ref Project No.: LWWA102 / 001 / 003 dated April 2013, is implemented the potential for tree related conflict will be reduced

Cleaning Contracts (26.07.13):

The bin storage space is considered to be adequate.

### **Neighbour Representations:**

Consultation was carried out by letter to 470 neighbouring residents and businesses, and site notices were displayed close to the site. In addition, the proposal was posted in the local paper. The applicant facilitated a public exhibition over 3 sessions in February and March, and incorporated consultation responses into the proposal between sessions.

Since submission 9 objection comments have been received, primarily from residents sharing a boundary with the site, and the material planning considerations are summarised below:

Residential amenity

- Despite agreement that there should be redevelopment on-site, there are concerns over the noise impact, and loss of privacy.
- Proximity of student accommodation to existing dwellings
- Location of proposed new buildings close to retirement homes where there is more suitable vacant space elsewhere on-site
- Opposition to the Roborough site being used as a language school, and the proposal for residential accommodation of any size.
- Loss of tranquil and peaceful surroundings
- Increased noise from students, throughout long hours and during holiday periods

#### Parking and traffic concerns

- The proposed development will attract more vehicles into the area (i.e. coaches to transport students to and from locations, frequent refuse collections etc) and will impact on the noise levels and safety on the highway by increasing road traffic. The absence of double yellow lines outside the proposed property will encourage even more on-road parking.

#### Loss of trees

- Concerns that the mature trees on-site may be removed unnecessarily

In addition the following comments were received, which are not considered to be material planning considerations:

- Noise and disruption associated with the construction process of a re-development of this size
- The proposed re-development of the site, to provide an International Study Centre for young students, seems at odds with the existing buildings.
- Concern over security of the centre
- The immediate buildings surrounding the proposed site are specifically catering for people of retirement age, or those people who are infirm or ill.

#### **Appraisal:**

The key considerations in determining the application relate to:

- Change of use in relation to local policy
- Access, traffic and parking
- Noise concerns
- Privacy and outlook
- Conservation considerations
- Daylight / Sunlight
- Trees and landscaping
- Economic impact of scheme

#### **Change of use in relation to local policy**

The proposal requires a change of use of the main building from D1 (non-residential institutions) to C2 (Residential school). The Borough Plan Policy LCF21: 'Retention of Community Facilities' states that Planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions) unless it can be demonstrated either that:

- there is no longer a demonstrable need for the facility;
- or compensatory provision to equivalent community benefit will be made in the immediate vicinity.

Evidence supplied with the application demonstrates that the building is no longer required by the Sussex Partnership NHS Foundation Trust, as it is '*considered wholly unsuitable for the continued provision of modern health and social care services and was declared surplus to the Trust's operational requirements; registered on the Register of Surplus Public Sector Land (without other public interest) and then openly marketed*'. Therefore the proposal complies with Borough Plan Policy LCF21.

The site was initially assessed in the SHLAA (2010) as undevelopable for residential use (C3) as at the time there was a clear indication to retain the site as D1 use. This position changed as the Core Strategy progressed to adoption (in early 2013), and the site became vacant, at which point interest was expressed in other uses for the site. The site has not recently been assessed through a formal SHLAA assessment process, and there is no existing residential allocation for the site, and within the site history there have been no residential applications. On this basis there is no formal requirement for the site to be retained as a potential residential site to meet a proportion of the housing need in the Upperton housing target, and other uses could be considered, subject to compliance with the other Core Strategy policies.

Finally, Borough Plan Policy TO10: 'Language Schools' states that 'planning permission will be granted for the establishment and development of new, or expansion of existing, English Language Schools subject to other policies of this Plan, provided that:

- they are in or adjoining commercial areas;
- they are not in predominantly residential areas;
- the impact on residential, visual and environmental amenity is acceptable; and
- a travel plan can be agreed in appropriate circumstances'.

The application site is located close to the town centre commercial areas, and sits within mixed urban area, rather than a 'predominantly residential area'. The impact on residential, visual and environmental amenity is considered to be acceptable, as assessed within the appraisal, and a Travel Plan will be secured via a s106 agreement. In conclusion, the development complies with Policy TO10.

### **Access, traffic and parking**

Roborough House's principle elevation faces Upper Avenue and Carew Road, with the original vehicular and pedestrian access aligned with The Avenue. A second vehicular and pedestrian access, with further parking spaces and areas for delivery vehicles lies to the east along Upper Avenue.

The submitted Transport Assessment has considered the number of trips which would have taken place to and from the previous Hospital use as well as the proposed language school use through use of the TRICS database. It has demonstrated that overall there will be a reduction in the total number of trips (especially by car) with an increase in the more sustainable modes (i.e. walking, cycling, bus).

In accordance with Policy TR7, '*All development will be required to provide for the needs of pedestrians including people with disability and mobility difficulties... all new development must take account of pedestrian links within and outside the site boundaries.*'

In light of the number of students walking to and from the site and the level of traffic on Carew Road and Upper Avenue, it is reasonable to restrict pedestrian access to the existing Upper Avenue entrance only, and to close off the Carew Road/The Avenue junction.

This approach is advised by the Highways Department and has been discussed with the agent during the application process. In addition, a Travel Plan, secured by a legal agreement, will be required to ensure that students using the premises who will be unfamiliar with the town are provided with travel information including suitable pedestrian routes to and from the Town Centre.

The Highways Department has confirmed that adequate levels of car (including disabled) and cycle (both short and long term) parking have also been provided to serve the development.

### **Noise concerns**

The proposal is located on a large site measuring 0.88 has. To the north-east of the site is a newly developed collection of retirement bungalows, The Hawthorns. The key concerns raised by residents along the boundary relate to increased noise and disturbance from students.

In developing the scheme, a series of pre-application meetings focussed on concerns around increased noise on site, and as a result the following work was carried out:

- Reconsideration of distance between proposed buildings and the Hawthorns retirement bungalows
- Sinking the accommodation block into the ground to reduce the height of the building in relation to neighbouring buildings
- Daylight / sunlight analysis, and acoustic survey were commissioned to inform the design progression

Student communal areas have been provided as social meeting points meaning student rooms will not be occupied for the majority of the day. The applicant has confirmed that a warden will be on-site to minimise noise disturbance after 'lights-out' and a curfew will be in place for younger students (16-17 years old). The communal areas and dining accommodation has been located centrally in the site, together with the associated external courtyard, away from the dwellings on the neighbouring site. An Acoustic Report, included as part of the application, has demonstrated that there will be no material increase in the level of ambient noise levels experienced by neighbours as a result of the study centre.

### **Privacy and outlook**

The location of the new building maintains a distance of 8.75m with neighbouring buildings at its closest point, and the single storey element of the accommodation, which runs in two parts to the rear of the building, ensures that a distance of 14m is retained between the 2-storey element of the proposal, and the bungalows of The Hawthorns retirement scheme.

The 2 single-storey 'wings' of the accommodation ensure there is not a continuous wall facing the neighbouring dwellings, and the sinking of the block into the ground reduces the height and dominance of the building. The block is well screened along the boundary by close-board fencing and mature trees, which is being retained.

The rear elevations of the 'wings' have only a single door facing the boundary, and windows on the flank elevations, thereby leaving the privacy of neighbouring occupants unaffected. Buildings to the north-west and south-east are at a considerable distance from the site boundaries, and again will be unaffected by the additional windows.

### **Conservation considerations**

Roborough House is located within the Upperton Conservation Area. It includes the main building but does not include the single storey building to the rear of the main building (proposed to be demolished). A series of ad hoc smaller buildings have been added to the site over time but do not reflect the character and appearance of the original building. Therefore, the demolition of the ad hoc buildings is acceptable in conservation terms.

The relative scales and massing of the proposed new buildings are considered to be suitable for the setting and impact to the streetscape - the main view will continue to be across the lawns from Carew Road. They comprise a large residential block to the rear, with an interesting roofline, and material palette to complement and contrast with Roborough House, rather than mimic. The use of glass link-routes between the old and new structures respects the fabric and setting of Roborough House.

The new proposal is supported by the Conservation Officer, Conservation Area Advisory Group and Design Review Panel, subject to materials and detail being conditioned: Dark brick, timber cladding and zinc roofs as proposed, and materials and detail of the proposed gate is conditioned (new gates to close off main entrance).

### **Daylight / Sunlight**

The risk of loss of daylight is most relevant to the bungalows to the rear of the site, particularly as the proposed development is sited south west of the existing dwellings.

The impact of the proposal was considered at pre-application stage, and the design amended to reduce the height of the accommodation closest to the boundary. The daylight / sunlight assessment report submitted with the application states that:

*'The proposed development falls below this 25 degree line, and therefore it is considered that the development is unlikely to have a substantial impact on the on the daylight levels of the existing buildings.'*

Existing dwellings do not face directly towards the new development and the proposed single storey element is not dissimilar to the existing single storey block currently on the site. On balance, the design of the scheme minimises the loss of light to neighbouring properties, and is considered acceptable, given the distance retained between buildings, the height of the accommodation and that the development falls below the 25 degree line.

### **Trees and landscaping**

The applicant proposes to remove thirteen trees indicated within the Arboricultural Assessment - 4 close to the front of the site, where there is a great detail of existing tree cover along the boundary and avenue on-site; 7 to the rear of the site where the accommodation is proposed; and 2 close to the rear boundary, where there is also a good amount of screening and tree cover. The 13 trees to be removed are either poor specimens or insignificant trees of category C or R which should not represent a constraint on development. The landscaping proposals indicate new tree planting along the north-eastern and north-western boundaries of the site. The level proposed (approximately 20 new trees) should be sufficient to off-set the proposed tree losses.

All of the significant trees on site have been taken into consideration and providing suitable conditions are implemented and adhered to, and that the applicant's Arboricultural method statement ref Project No. LWWA102 / 001 / 003 (dated April 2013) is implemented - erection of protective fencing, installation of ground protection, the creation of a Construction Exclusion Zone, and the use of pile and beam foundations - the potential for tree related conflict will be reduced.

### **Economic impact of scheme**

The International Study Centre seeking to use the site is part of an established 'Education First' network with 50 years of experience in delivering education and cultural exchanges. It has 30 years of running summer programmes in Eastbourne, and seeks to expand the portfolio to include a year-round study centre in Eastbourne.

Figures provided by the organisation indicate that the student market in Eastbourne is worth £7 million, and the development has the potential to have positive economic impact on Eastbourne's tourist market. The proposal is anticipated to generate £1.3 million per year in student spend to local businesses and services, and an additional £1.1 million as 'hosting' costs to local families hosting students who are not accommodated on-site (based on similar operation in the Brighton centre).

The applicant has engaged with the Policy D2: Economy, accompanied by the Local Employment and Training Technical Guidance Note (April 2013) to assist in securing local employment and training measures as part of development proposals, to be secured via a s106 agreement.

The development is considered to have a positive impact on Eastbourne's tourist trade and local economy, and accords with local planning policy in securing local employment opportunities during the development stage, as well as longer term employment / skills development opportunities with other local education providers.

### **Human Rights, and Equality and Diversity Implications:**

It is considered that the proposed development is at a suitable distance from boundaries with residential properties as to not impact on the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property.



**Conclusion:**

It is considered that remodelling of Roborough House and extensions to form an international study centre and associated student accommodation is acceptable, without resulting in adverse impact on the character and appearance of the surrounding conservation area.

The development will contribute positively to the local economy and by virtue of the scale and height of the sections is considered to have no detrimental impact on the residential amenities of neighbouring occupants. Furthermore, the proposed development will have no harmful effect on the highway network, and subject to conditions, provides suitable pedestrian access to and from the site. The proposals therefore accord with the National Planning Policy Framework (2012), the Core Strategy Local Plan (2013) and the Eastbourne Borough plan (Saved policies, 2007).

**Recommendation A:** Grant full planning permission for the conversion and extension of Roborough House to create an International Study Centre, together with a new lecture theatre, student accommodation, landscaping and demolition of The Bourne Unit and other redundant buildings, subject to the prior conclusion of a S.106 Agreement to a Travel Plan, Highways Contribution and Local Employment commitment and subject to conditions.

**Conditions:**

Phase 1 – Remodelling of existing building: Roborough House:

- (1) Time limit (3 years)
  - (2) In accordance with approved plans
  - (3) Closing off of main driveway and access (junction of Carew Road / Upper Avenue)
  - (4) Pedestrian access restricted to Upper Avenue only
  - (5) Parking areas prior to occupation
  - (6) Cycle parking prior to occupation
  - (7) Samples of materials and detailing to be submitted (++)
  - (8) Samples of gate materials and detailing to be submitted (++)
  - (9) Submission of details of surface water drainage scheme (++)
  - (10) Development to cease if contamination found
  - (11) Tree and natural feature protection fencing (++)
  - (12) Landscape design proposals (++)
  - (13) Tree Protection – Excavations (++)
  - (14) Tree Protection – Earthworks (++)
  - (15) Tree planting (++)
  - (16) Landscape maintenance programme (++)
  - (17) Retention of boundary screening – protection of retained trees
  - (18) Restriction of times for demolition / building operations
  - (19) Provision of on-site wheel washing facilities during earthworks / excavation
  - (20) Phase 1: Demolition method statement, incorporating Root Protection Areas (++)
  - (21) Phase 1: Construction method statement, incorporating the location of site offices, access routes and material storage areas (++)
  - (22) No burning of waste on site
- (++) Pre-commencement conditions for phase 1)

Phase 2 – Construction of the student accommodation:

- (1) In accordance with approved plans
  - (2) In accordance with approved landscape maintenance programme
  - (3) Pedestrian access restricted to Upper Avenue only
  - (4) The residential accommodation to be C2 use only.
  - (5) Samples of materials and detailing to be submitted (++)
  - (6) Development to cease if contamination found
  - (7) Tree and natural feature protection fencing (++)
  - (8) In accordance with approved landscape design proposals
  - (9) Tree Protection – Excavations (++)
  - (10) Tree Protection – Earthworks (++)
  - (11) Tree planting (++)
  - (12) Retention of boundary screening – protection of retained trees
  - (13) Restriction of times for demolition / building operations
  - (14) Provision of on-site wheel washing facilities during earthworks / excavation
  - (15) Phase 2: Demolition method statement, incorporating Root Protection Areas (++)
  - (16) Phase 2: Construction method statement, incorporating the location of site offices, access routes and material storage areas (++)
  - (17) No burning of waste on site
- (++ Pre-commencement conditions for phase 2)

Phase 3 – Construction of the new dining room and lecture theatre:

- (1) In accordance with approved plans
  - (2) In accordance with approved landscape maintenance programme
  - (3) Pedestrian access restricted to Upper Avenue only
  - (4) Samples of materials and detailing to be submitted (++)
  - (5) Development to cease if contamination found
  - (6) Tree and natural feature protection fencing (++)
  - (7) In accordance with approved landscape design proposals
  - (8) Tree Protection – Excavations (++)
  - (9) Tree Protection – Earthworks (++)
  - (10) Tree planting (++)
  - (11) Retention of boundary screening – protection of retained trees
  - (12) Restriction of times for demolition / building operations
  - (13) Provision of on-site wheel washing facilities during earthworks / excavation
  - (14) Phase 3: Demolition method statement, incorporating Root Protection Areas (++)
  - (15) Phase 3: Construction method statement, incorporating the location of site offices, access routes and material storage areas (++)
  - (16) No burning of waste on site
- (++ Pre-commencement conditions for phase 3)

**Informatives:**

- Discharging of pre-commencement conditions for each separate phase is required prior to the commencement of work for relevant phase.
- Phases 2 or 3 shall not commence until conditions for phase 1 have been met
- The residential units approved as part of the development are for C2 (residential school) use only and as such cannot be used as non-school related residential accommodation.
- S106 legal agreement

**Recommendation B:** In the event that the S.106 is not signed by 3 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.



**Committee Report 6 August 2013**

**Item 7**

<b>App.No.:</b> 130359	<b>Decision Due Date:</b> 16/07/2013	<b>Ward:</b> Devonshire
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 19/07/2013	<b>Type:</b> Change of Use
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neigh. Con Expiry:</b> 18/07/2013		
<b>Weekly list Expiry:</b> 17/07/2013		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Backlog of applications in connection with staff changes and organisational restructure		
<b>Location:</b> 27 – 29 Elms Avenue (Camberley Hotel), Eastbourne		
<b>Proposal:</b> Change of Use from Hotel to HMO.		
<b>Applicant:</b> Mr H Baig		
<b>Recommendation:</b> Approve subject to conditions		

**Planning Status**

- Predominantly Residential Area
- Conservation Area
- Conversion of Tourist Accommodation

**Relevant Planning Policies:**

Summary of Eastbourne Core Strategy Local Plan (2013) relevant policies:

B1	Spatial Development Strategy and Distribution
B2	Creating Sustainable Neighbourhoods
C1	Town Centre Neighbourhood Policy
D1	Sustainable Development
D5	Housing

Summary of the relevant saved Borough Plan Planning Policies (2003):

HO2	Predominantly Residential Areas
HO9	Conversions and Change of Use
HO14	Houses in Multiple Occupation
HO20	Residential Amenity
TR11	Car Parking
UHT15	Protection of Conservation Areas
US4	Flood Protection and Surface Water Disposal

**Site Description:**

The application site is a three storey property converted from two adjoining properties for use as the 14-room Camberley Hotel situated within the Town Centre and Seafront Conservation Area. The building is set within a street of Edwardian villas leading on to Cavendish Place and the entrance to the pier. The other properties along the Elms Avenue are now mainly converted for use as hotels, HMOs and flats.

Between the application property at 27-29 Elms Avenue and the neighbouring property at number 25 sits an access road running the depth of the properties and leading on to a service road at the rear of the properties along the Northern side of Elms Avenue, and the run of properties (13 – 95) on the South side of Seaside. The Camberley Hotel as an outside amenity space at the rear of the property with directly access on to the service road through a set of double gates.

**Relevant Planning History:**

App Ref:EB/2005/0545	Description: Change of Use from Guest House to single private dwelling.
Decision: Withdrawn	Date: 21/09/2005
App Ref:EB/2005/0647	Description: LDC application for use if the property as single private dwelling.
Decision: Issued	Date: 28/11/2005
App Ref:EB/2007/0067	Description: Change of Use from single private dwelling to three flats.
Decision: Approved - Conditionally	Date: 12/03/2007
App Ref:EB/2011/0388	Description: Proposed Change of Use from hotel and owner's residential accommodation into two houses.
Decision: Approved - Conditionally	Date: 05/09/2011
App Ref:EB/2012/0176	Description: Discharge of condition 3 of permission EB/2011/0388 (Submit copies of proposed boundary treatments to front elevation).
Decision: Discharged	Date: 13/04/2012

**Proposed development:**

The applicant (the potential purchaser of the property) seeks permission to create a house of multiple occupancy (HMO) for 14 persons. The proposed arrangement comprises of 2 units on the ground floor with 6 on both of the upper floors with a communal lounge, dining room and kitchen to be located on the ground floor.

The rear courtyard of the property will house adequate storage space for refuse and secure bicycle storage for all of the proposed rooms / residents.

**Applicant's Points:**

- By 2011, no longer viable to run property hotel
- Permission sought and granted to convert to 2 houses and marketed as such
- Large houses, but small gardens with no off-street parking making less suitable as large family homes
- On market since Jan 2013 with no offers being made
- Concluded not economically viable to sell as single private dwellings
- Of Approx. 28 properties in Elms Ave – 4 hotel / guest houses; 6 HMOs and rest residential in form of flats and houses.
- Concluded no over intensification of use by converting to HMO
- Suitability assessed for use of HMO by council in April 2013

**Summary Information:**

N/A

**Consultations:**

- Neighbours
- Historic Buildings Advisor – Recommended for approval subject to conditions (Any external flues/vents/ducts/pipework to be situated on rear elevation; no kitchen worktops or similar fixtures to be sited within 1m of the windows to the principal elevation of Elms Avenue
- Planning Policy Manager – Recommended for approval

**Neighbour Representations:**

The residents of 104 neighbouring properties were consulted, with 5 objections received (summarised below).

- 1) Sufficient / too high number of HMOs in the area already
- 2) Absentee Landlords with no real stake in the area
- 3) Perceived noise disturbance from HMO residents
- 4) HMO residents more transient in nature, don't care for the area
- 5) Perceived reduction in parking space
- 6) Increase in waste products / litter deposited in the area

Other comments include the increasing number of satellite dishes and aerials on building frontages in the street and HMOs already existent in the area, not well kept.

**Appraisal:**

The proposed Change of Use conversion in to an HMO is supported in principle by Planning Policy for the following reasons:

- 1) The site is located outside of the Tourist Accommodation Area so change of use from a hotel is not afforded protection;
- 2) There would be no loss in overall numbers of net dwellings (Hotel with one permanent unit if living accommodation is being converted to one residential planning unit (HMO)).
- 3) Development conforms with the Town Centre Neighbourhood Policy (Policy C1: Town Centre) by 'delivering new housing through conversions', and does not conflict with the Council's Spatial Development Strategy, nor does it compromise 'Creating Sustainable Neighbourhoods / Communities';
- 4) Policy HO14 of the Borough Plan supports the creation of HMOs subject to there being no detrimental impact on amenity. HMOs provide a certain type of housing accommodation that is in need locally, especially in the Town Centre.
- 5) The development conforms to Policy HO9 of the Borough Plan 'Conversion and Change of Use' and satisfactory evidence has been provided to indicate that the current use is unviable. In line with the NPPF the proposal can be considered sustainable development.
- 6) As the site is located within the Town Centre neighbourhood, on-street parking provision is acceptable. The proposal does create secure cycling parking facilities for each of the 14 rooms within the HMO which is beneficial for the site's sustainable location;
- 7) As no external changes are proposed through the application, then there should be no negative impact on the Town Centre and Seafront Conservation Area (a view supported by the Council's Conservation Officer).

It is the author's view that the impact to residential amenity should not be sufficiently degraded as a result of the proposed development. The scheme provides a great opportunity to create a number of permanent residential spaces which there is a significant need for in the town.

The applicant has expressed views verbally on two separate occasions that the rooms will be converted to a high specification in order to attract 'professionals' to the accommodation, well-served by the nearby infrastructure including good public transport links in close proximity to the application site, which is felt will make the project more economically viable in the long-run.

With regard to the ongoing issues communicated through representations received for this application, the relevant content has been passed through to the Environmental Health and Neighbourhood First Teams to investigate the reported degradation to residential amenity felt currently by some residents.

Overall the proposal accords with the relevant policies set out in the Eastbourne Local and Borough Plans and for this reason is recommended for approval.



### **Human Rights and Equality & Diversity Implications:**

The proposal is considered to have no significant Human Rights or Equality and Diversity implications.

### **Conclusion:**

With a demonstrated mixed use for the buildings in the rest of Elms Avenue and with no external works planned, the proposal does not harm the distinctiveness of the local area, and is appropriate for the conservation area.

The site is served by excellent public transport links and is a short walk for local services. There is sufficient proposed secure storage for cycles as part of the application negating the lack of proposed new parking facilities on or around the site, which is in line with the Borough Plans Parking Policy for the Town Centre and adheres to the model of Sustainable Neighbourhoods.

The proposal is not thought to have a negative affect on residential amenity in its locale, and there will be no unacceptable loss of outlook, privacy, overshadowing or light as a result of the development. There is thought to be no concern of an increase in noise or general disturbance as a result of the proposal and therefore adheres to Policies HO20 of the Borough Plan.

### **Recommendation:**

Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Any external flue / vents / ducting or any other pipework to be sited on the rear elevation of the property.
- (3) No kitchen worktops or similar fixtures to be sited within 1m of the windows to the principal elevation of Elms Avenue.
- (4) Bin Storage and Cycle storage shown on submitted plans to be approved by council prior to usage and maintained thereafter following occupation of the premises as an HMO.
- (5) Approved Plans.

### **INFORMATIVE:**

Compliance with Borough Council's HMO inspection criteria before starting use as HMO.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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