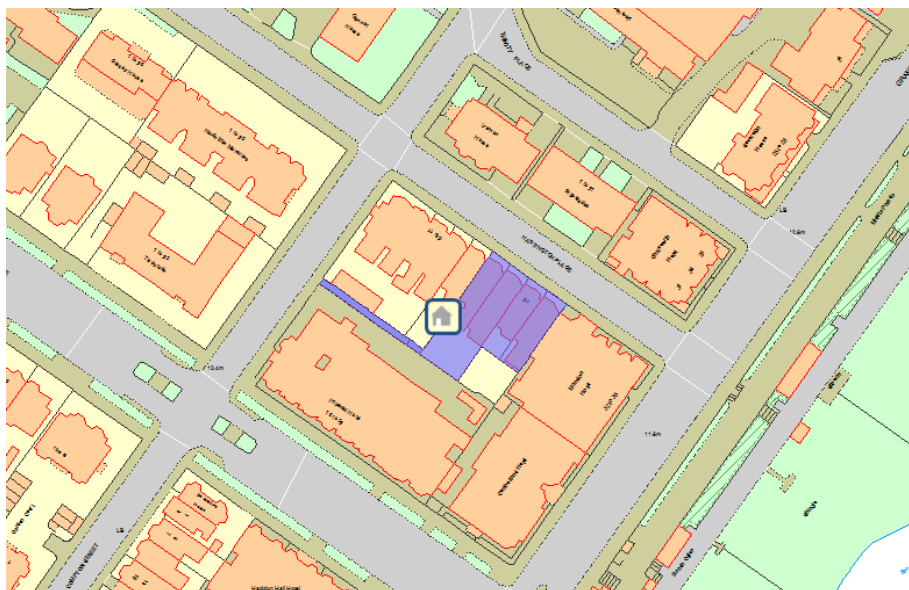


| | | |
|---|--|---|
| App.No: 200280 | Decision Due Date: 16 July 2020 | Ward: Meads |
| Officer: James Smith | Site visit date: 2 nd July 2020 | Type: Outline (some reserved) |
| Site Notice(s) Expiry date: 11 th June 2020 | | |
| Neighbour Con Expiry: 11 th June 2020 | | |
| Press Notice(s): 10 th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

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor - Planning
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026



1 Executive Summary

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

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

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

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

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

2 Relevant Planning Policies

2.1 National Planning Policy Framework

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

2.2 Government Planning Practice Guidance

National Design Guide (2019)

2.3 Eastbourne Core Strategy Local Plan Policies 2013

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

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

2.4 Eastbourne Town Centre Local Plan 2013

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

2.5 Eastbourne Borough Plan Saved Policies 2007

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

2.6 Supplementary Planning Document

Tourist Accommodation Retention (2017)

3 Site Description

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

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

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

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

4 Relevant Planning History

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

Approved conditionally – 8th March 1962

4.6 620080

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

Approved conditionally – 8th March 1962

4.7 620218

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

Approved unconditionally – 15th May 1962

4.8 080386

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

Refused – 2nd September 2008

5 Proposed development

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

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

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

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

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

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

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

6 Consultations

6.1 ESCC Highways

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

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

6.2 Eastbourne Hospitality Association

6.2.1 We have NO objection subject to the following conditions:

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

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

6.3 SUDs

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

6.4 Regeneration

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

6.5 Conservation Area Advisory Group

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

6.6 County Archaeology

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

6.7 Specialist Advisor (Conservation and Listed Buildings)

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

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

6.8 Specialist Advisor (Planning Policy)

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

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

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

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

7.2 One letter of support has been received.

8 Appraisal

8.1 Principle:

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

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

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

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

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

8.2 Affordable Housing

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

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

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

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

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

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

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

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

8.3 Loss of Tourist Accommodation

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

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

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

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

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

8.4 Density

- 8.4.1 Para. 123 of the Revised NPPF encourages intensification of residential density in new development, particularly in areas where there is a shortfall on housing land supply. The proposed development would provide 21 residential units on a site with an area of approximately 800 m², equating to a residential density of approximately 262.5 dwellings per hectare.
- 8.4.2 The Town Centre neighbourhood is identified as one of the six most sustainable neighbourhoods within the borough by Policy B1 of the Eastbourne Core Strategy, which states that development of a density of up to 180 dwellings per hectare would be supported. The density of the proposed development exceeds the suggested upper limit. However, in this instance, a higher density of development is considered acceptable given the number of storeys the building has, the small size of the units (in terms of bedrooms provided) and the highly sustainable nature of the surrounding area. The amount of Gross Internal Area (GIA) provided in each unit exceeds the minimum requirements as stipulated in the Technical housing standards – nationally described space standard (2015).

8.5 Design issues:

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

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

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

8.6 Residential Amenity:

- 8.6.1 Although a small amount of new windows would be installed, these would all be in a similar position to existing openings. There are no windows within the side elevations of the building due to it forming part of a terrace. Windows serving flats would either face out onto Hartington Place to the front, or towards windows serving rooms at the Imperial Hotel to the rear, with a distance of some 26 metres maintained between these windows. Due to the angles involved, there would be no demonstrable overlooking of neighbouring residential property on Hartington Place. Therefore, whilst the majority of windows within the building would now serve a main habitable roof of a residential flat, it is not considered that any direct, invasive views towards neighbouring residential properties would be afforded to future occupants.
- 8.6.2 Part of the amenity space to the rear would be shared between two basement level flats. Communal amenity space with an area of approximately 165 m² would also be provided. This amenity area is currently available for use by occupants of the hotel and is screened by boundary walling. Given its modest size, it is not considered that the amenity area would be able to be occupied by large gatherings of people at any one time, minimising the potential for noise disturbance to neighbouring residents. The raised bridge footpath would be at a similar height as the terraces over the existing basement extensions and any views from it towards neighbouring residential properties would be interrupted by site boundary treatment.

8.7 Living Conditions for Future Occupants:

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

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

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

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

- 8.7.3 The proposed units all exceed minimum space standards in terms of GIA. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m² for single bedrooms and 11.5 m² for double bedrooms. This is with the exception of the single bedroom within flat 21 which measures 7.2 m². Given the minimal shortfall in GIA and the need to restrict the amount of internal works in order to maintain the integrity of the Grade II Listed building, it is considered that this shortfall is acceptable in this instance.

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acceptable in this instance.

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

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

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

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

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

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

8.8 Impact upon Heritage Assets:

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

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

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

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

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

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

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

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

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

8.9 Highways:

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

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

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

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

9 Human Rights Implications

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

10 Recommendation.

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

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

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

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

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

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

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

- i. Landscaping;

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

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

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

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

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

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

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

- 10.7 **Construction Management Plan:** No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- details of public engagement both prior to and during construction works.

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

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

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

11 **Appeal**

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