

Report to: Planning Committee
Date: 25th January 2022
Application No: 210303 and 210304
Location: Langney Shopping Centre Market, Langney Shopping Centre,
64 Kingfisher Drive, Eastbourne
Proposal: 210303 - Retrospective Installation of modular retail windscreen
fitting and repair kiosk to existing retail car park.
210304 - Retrospective application for display of eight non-
illuminated adverts
Applicant : Belron (UK) Limited trading as Autoglass
Ward: Langney
Recommendation: 210303 – Grant permission subject to conditions
210304 – Grant consent subject to conditions
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Map Location:



1. **Executive Summary**

- 1.1 The application is seeking permission for the siting of 2no modular kiosks within the carparking area of the Langney Shopping Centre, trading under the branding 'Autoglass'.
- 1.2 The proposed development would not have any detrimental impact on the amenities of neighbouring residents. Machinery previously located at the site, which was causing disturbance to residents, has since been removed following mains power hook up and the Council's Specialist Advisor in Regulatory Services (Environmental Health) has confirmed that there are no remaining concerns with noise.
- 1.3 The proposed kiosks, together with the proposed advertisements, are considered to be acceptable in terms of their design and appearance, given the commercial nature of the site.
- 1.4 The application is considered to comply with national and local policy and both applications are recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework:

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C8 Langney Neighbourhood Policy

D4 Shopping

D5 Langney Shopping Centre (District)

D10a Design.

2.3 Eastbourne Borough Plan 2001-2011:

SH7 District Local and Neighbourhood Centres

UHT1 Design of New Development

UHT4 Visual Amenity

UHT8 Protection of Amenity Space.

3. **Site Description**

- 3.1 The development is located on 15 car parking spaces along the northern boundary of the Langney Shopping Centre carpark, alongside Willingdown Drove, and sitting slightly lower than it.

4. **Relevant Planning History**

4.1 **080677**

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 station and Swanley Close. Re-configuration of car park, landscaping, bus drop-off and taxi rank

Withdrawn.

05/12/2008.

4.2 **090721**

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 6no adjacent smaller 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).

Planning Permission.

Approved Conditionally.

11/05/2011.

4.3 **130416**

Permission to display various signs to the car park and building elevations.

Advertisement.

Refused.

27/08/2013.

4.4 **130229**

Extension of existing shopping centre to provide additional retail units, reconfiguration of car park and internal access road, amended service facilities and landscaping.

Planning Permission.

Approved Conditionally.

24/09/2014.

4.5 **141442**

Non-material amendment of application 130229 (extension to shopping centre with associated works) for internal reconfiguration to form five separate outward facing units with new entrances, additional fire escape to roof level and the omission of first floor extension for storage and associated alterations to the north-east corner elevation.

Non-Material Change.

Issued.

21/03/2017.

4.6 **170061**

Various alterations to include: external lighting, amendments to the entrance, low walls, delivery doors, external stair and inclusion of external seating areas. Submitted as non-material amendment to planning permission 130229 – Extension to shopping centre to provide additional retail units, reconfiguration of carpark and internal access road, amended service facilities and landscaping.

Non-material change.

Issued.

21/03/2017.

4.7 **170931**

Application for approval of details reserved by conditions 3, 8 and 9 for application 130229: extension of existing shopping centre to provide additional retail units, reconfiguration of carpark and internal access road, amended service facilities and landscaping.

Approval of Details.

Approved Conditionally.

19/09/2017.

5. **Proposed Development**

5.1 Planning permission is sought, retrospectively, for the installation of a modular kiosk, store and canopy to create a windscreen repair and fitting kiosk, on fifteen parking bays in the carpark of Langney Shopping Centre.

5.2 The retrospective nature of the application is not a material consideration.

5.3 The development comprises, from west to east:

A Kiosk (an 'Autoglass module') measuring 4.6m x 13m, with a height of 3.7m and a ramped access to the west;

A red canopy measuring 7.95m x 4.85m, elevated on two metal poles to a maximum height of 2.85m in height, to provide shelter for cars during initial assessments; and

A windscreen storage unit measuring 4.6m x 2.4m with a height of 3.7m to store both new and redundant windscreens.

5.4 Both the screen store and the kiosk would have 'Autoglass' branding on all elevations which is subject to a separate application for advertising consent (ref 210304).

5.5 Application 210304 proposes the display of a total of eight non-illuminated advertisements associated with the service, which would be on the proposed structures.

6. **Consultations**

6.1 Environmental Health – No objection.

6.2 No external consultations.

7. Neighbour Representations

7.1 Five objections have been received, raising the following issues:

- Hazardous waste/damaged windscreens stored in unsecured container;
- Risk of crime/vandalism;
- Fume and noise from external generator, 10 hours/day, 6 days/week;
- Lack of mains water or electricity is a health hazard;
- Parking on slope, without disabled facilities;
- Loss of parking spaces for shopping centre;
- Visual impact – creeping industrialisation of the shopping centre;
- Not in keeping with the area;
- Visual clutter;
- Soft landscaping should be provided;
- Breach of planning control by seeking planning permission retrospectively;
- Increased traffic; and
- Close proximity to residential properties.

8. Appraisal

8.1 Principle of Development

- 8.1.1 The use of carparking spaces in the shopping centre for windscreen repair is considered an appropriate commercial use of the land.
- 8.1.2 It would accord with policy C8 of the core strategy with supports extensions/redevelopments at the Langney Shopping Centre, as a District Shopping Centre, to 'provide additional retail, leisure and residential uses'.
- 8.1.3 It provides a service to customers visiting the shopping area and will potentially attract additional customers by adding to the range of services provided.
- 8.1.4 On this basis, the principle of the development is considered to be acceptable.

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

- 8.2.1 The kiosks are located on the edge on the edge of the large carparking area, adjacent to, but at a lower level than, Willingdon Drove (the B2191). The nearest residential properties are on Fern

Close to the north, some 30m from the site, separated from it by Willingdon Drove.

- 8.2.2 Residents of Fern Close have raised concerns over noise emissions and fumes from a generator being used at the site. While concern over noise is noted, it is considered that this can be addressed with the imposition of a condition controlling the hours of use to between 8am and 5pm.
- 8.2.3 The noise and air quality impacts are not considered sufficient to warrant refusal of the application, particularly given the location of the site within the shopping centre carpark, separated from residential properties by a large road with the associated background noise and air quality impacts.
- 8.2.4 During the course of the application, mains power has been installed at the application site. The generator previously being used has now been removed therefore any noise created by the equipment has ceased. A condition is recommended to prevent the introduction of plant/machinery without the prior consent from the Council on the specifications, to protect residents in the long term.
- 8.2.5 Concerns have also been raised over the security of the site and potential for vandalism. It is considered that this can be addressed by the imposition of a condition requiring the site is secured outside its hours of use.
- 8.2.6 On this basis, subject to conditions, the scheme is considered acceptable in terms of its impact on residents.
- 8.2.7 The proposed adverts would not comprise any illumination and, as such, there would be no disturbance to neighbouring properties.

8.3 Design

- 8.3.1 While the kiosks are evident when viewed from Willingdon Drove, given their location along the edge of the shopping centre site, they are seen in the context of the large, branded buildings of the shopping centre so are not considered to be unduly prominent or out of keeping with the area.
- 8.3.2 There are no other canopies and kiosks within the carparking area, and the wider area is dominated by the road infrastructure, including the large pedestrian bridge.
- 8.3.3 The proposed adverts would be displayed on the structures. It is not considered that they would have a significant impact upon the visual amenity of the site given its commercial nature in the context of the shopping centre.
- 8.3.4 On this basis, the appearance of the scheme is considered acceptable.

8.4 Other Matters

- 8.4.1 Given the carparking area that remains after the use, the loss of carparking spaces is not considered likely to result in any overspill

parking on surrounding streets, or to otherwise have a detrimental impact on highway capacity or road safety.

- 8.4.2 Given the proximity of the shopping centre, the lack of permanent toilet facilities is not considered detrimental to the human health of either employees or customers.

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 Subject to the imposition of conditions, as noted above, the application is considered acceptable in terms of design and impact on residential amenity.

- 10.2 Approve Subject to Conditions.

10.3 **210303 – Full Planning Permission.**

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

- Drawing no. 1523-01 – Location Plan
- Drawing no. 1523-02 – Site Plan
- Drawing no. 1523-03 Rev A – Autoglass Kiosk Elevations; and
- Drawing no. 1523-04 – Screen Store Elevations

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

- 10.5 **Hours of use** - The use hereby permitted shall not be open to customers, and no plant shall be operated, including generators, except between the hours of 0800 and 1700 on any day.

Reason: To safeguard the amenities of residents in the locality and to comply with Policy B2.

- 10.6 **Units secured** - Outside of the permitted hours of operation set out in condition 2, the kiosks and their contents, including waste windscreens, shall be fully secured.

Reason: To minimise crime and anti-social behaviour, in accordance with Policy D10a of the Eastbourne Borough Plan.

- 10.7 **Land restored following cessation** - Within three months of the development, hereby approved, being no longer in use, the structures and kiosks shall be removed, and the land restored to its pre-existing condition and use as a carpark.

Reason: To protect the appearance of the area, in accordance with Policy D10A of the Eastbourne Borough Plan and C8 of the Core Strategy.

- 10.8 **Noise** - No plant and/or machinery shall come into operation until full specifications, and any mitigation measures required to achieve this condition, have first been submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 48 dBA between 0700 and 2300 hours and 37 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: In the interest of protecting residents against the potential for future noise disturbance from plant introduced as a later date.

10.9 **210304 – Advertisement Consent.**

- 10.10 **Lapse of consent** - The period of consent lapses at the expiration of five years from the date of issue.

- 10.11 **Owner consent** - No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

- 10.12 **Safety** - No advertisement shall be sited or displayed so as to:

a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or;

c) Hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle.

- 10.13 **Maintenance** - Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

- 10.14 **Maintenance** - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

- 10.15 **Removal** - Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

The reason for imposing the above conditions are:

- 10.16 (1) To comply with regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement may continue to be displayed after this date, subject to the same conditions as set out in the Consent and the power of the District Planning Authority to require discontinuance of the display under Regulation 8.

- 10.17 (2-6) Standard Conditions required to be imposed by Regulation 2(1), in the interest of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

11. **Appeal**

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