

App.No: 141169 (PPP)	Decision Due Date: 28 November 2014	Ward: Meads
Officer: Richard Elder	Site visit date: 9 October 2014	Type: Planning Permission
Site Notice(s) Expiry date: 29 September 2014		
Neighbour Con Expiry: 29 September 2014		
Weekly list Expiry: n/a		
Press Notice(s): n/a		
Over 8/13 week reason: Planning committee (extension of time agreed until 28 November 2014).		
Location: Cavalier public house, 13-15 Carlisle Road, Eastbourne		
Proposal: Proposed partial change of use from Class A4 (public house) to Class C3 (residential dwellings), to form 4 maisonettes comprising of 2 two-bedroom and 2 one-bedroom self-contained units.		
Applicant: Southee Holdings Ltd		
Recommendation: Grant Permission		

Executive Summary:

The application provides the positive gain of 4 net residential dwellings on a windfall site within the Town Centre neighbourhood, contributing positively to the Council's spatial development strategy (Policy B1 of the Core Strategy) providing smaller one and two bedroom accommodation in a sustainable location and neighbourhood. The proposed development will assist in meeting the windfall delivery target for the neighbourhood. The development would conform to the Town Centre Neighbourhood Policy (Policy C1 of the Core Strategy) in 'delivering new housing through conversions' and 'conserving the historic environment and protecting it from inappropriate development' and is therefore considered sustainable development.

The area of commercial floor space to be lost is minimal and would not adversely impact on the viability of the existing public house. The alterations and extensions are focused at the rear of the premises, are not visible from the public realm and would not, therefore, impact on the character or appearance of the conservation area.

The proposal would have no impact on residential amenity and would provide a good standard of residential accommodation. No affordable housing contribution is required due to the location of the premises within a low value market area. As such, the proposal is considered acceptable and would constitute a sustainable form of development.

Planning Status:

Town centre mixed commercial and residential area.

Constraints:

Town Centre and Seafront Conservation Area
Tourism Protection Area

Covenants

Trustees of The Chatsworth Settlement

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C1 Town Centre Neighbourhood Policy
D3 Tourism (Tourist Accommodation Area)
D5 Housing Low Value Neighbourhood
D10 Historic Environment
D10a Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of New Development
UHT4 Visual Amenity
H09 Conversions and Change of Use
HO20 Residential Amenity
UHT15 Conservation Area
TR11 Car Parking
TO7 Preferred Area for Tourist Attractions

Town Centre Local Plan 2014

TC3 Mixed Use Development
TC6 Residential Development in the Town Centre
TC7 Supporting the Evening and Night-time Economy

Site Description:

The application site relates to the Cavalier Public House located on the south side of Carlisle Road within the Town Centre and Seafront Conservation Area and within a mixed commercial and residential area.

The building is 3 stories in height plus basement incorporating an extended ground floor frontage which comprises a commercial public house containing shops and residential above. The upper floors and rear are accessed via ground floor side entrance doors located on the front Carlisle Road frontage. There is a garden to the rear which is currently overgrown which can be accessed from a path which runs to the rear.

The north side of Carlisle Road is Edwardian, mainly two storeys in height and built from red brick with white painted rendered decoration, including Dutch gables, copper roofs, and circular windows, the collection of which contributes to the interest of the streetscene. The visual character of the area is defined by the built form which includes a

number of shops, cafes and a wide pavement, utilized for tables in associated with the cafes.

The basement area to the front is currently underutilised and covers a large area and incorporates a very reasonable head height.

Relevant Planning History:

EB/1970/0339

Alterations to convert first floor of No.13 from bedrooms to lounge bar, first floor of No.15 from lounge bar to bedrooms, installation of service lift between lower ground and ground floors, and formation of opening in lower ground floor wall.

Granted (Five years) 1970-07-23

EB/1969/0618

Alterations and installation of sanitary fittings to enlarge ground floor licensed restaurant, including alterations to front windows and additional toilet facilities.

Granted subject to conditions. 1970- 0 1-08

EB/1964/0382

Alterations to provide restaurant in basement, and lounge bar on ground floor, including toilets, and first floor lounge bar to revert to bedrooms.

Granted. 1964-07-23

050326

Conversion of first and second floors from a maisonette to two two-bedroom flats.

Planning Permission Approved conditionally 18/07/2005

070402

Change of use of part of restaurant basement staff residential accommodation

Approved conditionally 21/08/2007

140343

Conversion of the existing residential accommodation on the first and second floors to form 6 no self-contained units comprising 4 x 2 bed and 2 x 1 bed flats accessed from the ground floor. Minor external alterations to the existing rear extension windows.

Planning Permission Approved conditionally 16/05/2014

Proposed development:

The application seeks permission to convert the rear upper ground floor and lower ground floor and their respective wings of the public house together with the demolition of a single storey rear addition and the erection of lower ground floor rear extensions to each rear wing and within the courtyard to provide 2 x 2 bed and 2 x 1 bed self-contained flats accessed from the existing front entrance doors to each side of the ground floor front elevation.

Both sets of extensions to each side would incorporate flat roofs and would be identical in appearance and layout. The extensions to the end of the rear wings would measure 6.95 metres long, 2.9 metres high and 3.6 metres wide. The extensions would incorporate bi-fold doors to the rear, a kitchen window to the side facing into the courtyard and 3 roof

lights to the flat roof. The inner courtyard extension would serve both the 1 bed flats and would measure 5.5 metres wide, 2.25 metres deep and 2.8 metres high.

Two new windows would be inserted to the upper ground floor rear of each wing and two upper ground floor windows to each rear wing facing into the courtyard would be blocked up.

The 1 bed flats would benefit from a small patio courtyard set back into the courtyard and the 2 bed flats would benefit from the rest of the rear garden areas.

Two existing mature sycamore trees within the rear garden are proposed to be removed to facilitate the rear extensions.

With regards the future position of the existing public house commercial unit to the front which does not form part of this application, the applicants agent have confirmed the following by email which would be addressed through a separate planning application:

"1. The freeholders of the premises intend to undertake a full renovation of the existing Public House by forming a new up market Gastro Coffee/Wine Bar.

2. Upgrade the current disused stores and cellarage areas upon the lower ground floor to provide kitchen and public toilet facilities for the gastro bar.

3. Undertake a complete refurbishment of the existing Public House with new fixtures and fittings throughout.

4. Refurbish the external frontage to provide glazed opening doors to allow external seating to be provided during the summer months. (subject to any relevant approvals being granted).

The refurbished premises will provide a much needed uplift to the street scene which is currently on the decline and also provide additional full time employment to the area.

It has never been the intention of the freeholders to remove the commercial use of the ground floor area formerly known as " The Cavalier "."

Consultations:

Internal:

Tourism Manager – No response.

Specialist Advisor (Conservation) – No objection.

Specialist Advisor (Planning Policy) –No affordable housing is required given the nature of the units proposed and the location of the site.

Specialist Advisor (Waste) – No response.

Specialist Advisor (Economic Development) – No objection. Proposal retains majority of the main public house and thus a potential employment offer.

Specialist Advisor (Arboriculture) – No objection subject to condition.

External:

Eastbourne Hotels' Association – No response.

Neighbour Representations:

3 objections have been received and cover the following points:

- Loss of pub floor space.
- Viability argument is spurious.
- Loss of pub would result in unacceptable change to the character of the area.
- Caters for theatre goers and tourists and the street experiences high footfall.
- Closure of another pub would force yet more drinkers back into the town centre.
- Loss of Heritage.

Appraisal:

The main considerations in the determination of this application are the acceptability of the loss of the rear part of the public house floor space to residential, the acceptability of the rear extensions and associated alterations and their impact on the character and appearance of the conservation area.

Principle of development:

Policy C1 of the Eastbourne Core Strategy states that that the vision for the town centre will be promoted through delivering new housing through conversions and conserving the historic environment and protecting it from inappropriate development.

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment, therefore would be a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan).

Paragraph 17 of The National Planning Policy Framework 2012 states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Subject to sufficient demonstration that the loss of the commercial floorspace is acceptable, it is considered that the principle of residential development is acceptable subject to compliance with all other relevant planning policies within the Local Development Framework.

Change of Use

Policy H09 of the Eastbourne Local Plan states that the change of use of non-residential premises to residential would be permitted if it can be clearly demonstrated that the premises are redundant for continued commercial/ business use and the proposal is well designed and provides an acceptable level of accommodation.

Policy TC3 of the Town Centre Local Plan states that mixed uses within individual buildings will be encouraged in order to add vitality to the town centre, provide active frontages addressing streets and open spaces and added surveillance to enhance safety.

The area of floor space within the main public area of the public house that would be lost is the upper ground floor toilets and pool room area. The remaining areas of floorspace, especially to the rear lower ground floors are currently underutilised (if at all) and are in a very poor state of repair. The rear garden to the public house is not used and is currently overgrown. Access to this garden from the public house floor area is difficult and would not be easily useable as a pub garden.

The applicants have submitted a letter from the previous tenant landlord dated 16 September 2014 stating that trading conditions were difficult within the existing premises even during a world cup year where significant improvements were undertaken to the interior and bar in addition to introducing attractions such as pub quizzes, karaoke and live music. While the ability of a landlord to be able to manage a commercial unit effectively is not specifically a planning consideration, it is considered that the existing layout of the building to the rear is poor and is significantly run down due to lack of use. Given this and the ease of accessing the proposed flats from existing entrance doors on Carlisle Road would make a significantly more efficient use of the building bringing underutilised floor space back into use while retaining the majority of the commercial public house floor space to the ground floor front and basement. It is considered, therefore, that the commercial floor space that would be lost would not adversely impact on the viability of the public house or any future use of the commercial unit. The proposal is supported by Economic Development for these reasons.

Policy TC7 of the Eastbourne Town Centre Local Plan identifies the Devonshire and Congress Theatres and seafront end of Carlisle Road as an 'Evening and Night-time Economy Area 3' in supporting the role and function of the town's emerging Arts District.

The premises are situated within this commercial area which serves theatre goers, tourists residing in surrounding hotels and the night-time economy in general and therefore plays an important role in maintaining the vitality and viability of this area. Several objections have been received objecting to the loss of the pub and a spurious viability argument. As set out above, the main and most important floor space of the public house would not be lost through this proposal. The applicants have confirmed that it is their intention to retain a considerable section of the commercial unit within the front for commercial use for a potential 'gastro coffee wine bar' where toilets and kitchen areas could be located within the basement and access to drainage is currently available. As such, it is considered that a majority of the floor space within the commercial unit is to be retained within the prime area fronting onto Carlisle Road retaining an active frontage which, while reduced in size, would add to the vitality and viability of the Town Centre and support the emerging 'Arts District'. The loss of this space to other uses would not be supported on Planning Policy unless it can be adequately demonstrated that the unit is not viable. However, it is considered that the current layout, poor decoration/run down appearance and poor front elevational treatment to the shopfront window are not conducive to passing trade or provides an ideal internal customer experience which may have affected trade significantly. As such, it is considered that any future proposal/use for the continued use of the commercial unit to the front would not be compromised by the current proposal.

The proposal would, therefore, represent an efficient use of the building in bringing underused floorspace back into use and delivering new housing through conversions in accordance with the Town Centre neighbourhood Policy C1 of the Eastbourne Core Strategy and contributing positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). As such, it is considered that the proposal would accord with Policies HO9 of the Eastbourne Local Plan and Policies TC3 and TC7 of the Eastbourne Town Centre Local Plan.

Impact on character, appearance and setting of the conservation area:

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy UHT15 states that the character or appearance of conservations areas should be preserved or enhanced.

Policy D10 requires all significant heritage assets to be protected and enhanced where practicable. Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The main alterations to the building to facilitate the proposal are at the rear of the building which is not visible from the public realm or any other important vantage point. The front of the building would not change and retains its traditional shopfront features, including moulded pilasters and cornice, reflective of the neighbouring shopfronts located on Carlisle Road which make a positive contribution to the character associated with the historic and architectural appearance of the surrounding conservation area, which includes the active frontages of the cafes, public house and shops.

With regards the alterations and extensions to the rear, the mass, scale and design is considered in keeping with the character of the existing building and its immediate surroundings. Furthermore, due to the rear elevations of the south side of Carlisle Road being located, within the central core of the urban block and as such area visually isolated, the proposal would have little or no impact on the character and appearance of the wider conservation area.

The provision of bins at the front of the premises would, however, have an adverse impact on visual amenity and the character and appearance of the conservation area. As such, details of bin store provision to the rear garden, accessed via the rear path are to be secured by condition.

As such, the proposal would accord with the aims of Policies UHT1 and UHT15 of the Eastbourne Local Plan and Policies B2, D10 and D10a of the Eastbourne Core Strategy.

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

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Policy TC6 of the Town Centre Local Plan requires residential proposals to protect the amenity of surrounding residential occupiers, provide a mix of different dwelling sizes, provide outdoor amenity space and adequate bin and recycling storage.

The proposed single storey extensions would not affect the residents of neighbouring properties due to their use as commercial premises. The provision of an additional 4 flats with private gardens would significantly improve the run down appearance of the rear of the pub and provide an active use, enhancing visual amenity for surrounding residents and reducing any fear of crime along the private path that runs along the rear of the terrace through added surveillance.

The quality of the proposed accommodation appears to be satisfactory providing an appropriate mix of flat sizes with sufficiently sized rooms that would achieve good levels of sunlight and daylight and external private amenity space for each flat. Provision of bin storage could be located at the rear, accessed via the rear path and a condition is recommended requiring full details of the bin storage prior to commencement of works.

As such, it is considered that the proposal would not have an adverse impact on residential amenity and the proposal would accord with Policies HO20 of the Eastbourne Local Plan, Policy B2 of the Eastbourne Core Strategy and TC6 of the Eastbourne Town Centre Local Plan.

Affordable Housing

Policy D5 seeks to deliver housing within the sustainable centres and sustainable neighbourhoods and must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. All development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).

The scheme proposes a net increase in 4 residential units and is to be considered against the Council's affordable housing requirements. It is considered that given the difficulty in delivering and managing independent affordable units within a conversion without a separate entrance, a full off site contribution would be unachievable. A full commuted sum payment in lieu of on-site delivery is then considered. However, given the location of the site within a low value market area, the Affordable Housing Implementation Technical Note (2013) states that flats within the low value areas are 'zero rated', and as such, a financial contribution will not be required.

Impacts on Trees:

Policy NE28 of the Eastbourne Local Plan states that development proposals will be judged on their effect on environmental amenity.

The proposal involves the removal of 2 mature sycamore trees within the rear garden to facilitate the erection of the east wing extension. The applicants have submitted a tree survey which concludes that the trees are not magnificent specimens, worthy of a Tree Preservation Order and are not worthy of retention. Although the trees do provide

amenity value within the locality, it is considered that their removal is acceptable in facilitating the rear extension to the rear wing.

The Council's Arboricultural Officer has been consulted and considers that the trees do not meet the criteria for a Tree Preservation Order and are still of insufficient merit to be considered a constraint to development. As such, the removal of the trees are deemed acceptable to facilitate the rear extensions and a condition is recommended requiring details of hard and soft landscaping and replacement tree planting within the rear garden.

Impacts on highway network or access:

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

Given the nature and use of the building and its location within a terrace of commercial properties within the town centre, there is no potential for off-street parking at the site. Any parking requirements generated by the proposal could be provided on-street where a parking permit would be required (if available) or the residents pay to park in specific bays or park further afield in uncontrolled parking areas.

In any event, it is considered that due to the location of the premises within this town centre location and given its location in an area of high public transport availability close to the train station and bus routes, it is considered that the proposal would not have any material adverse impact on on-street parking capacity within the vicinity and would accord with Policy TR11 of the Eastbourne Local Plan.

Human Rights Implications:

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.

Conclusion:

The application provides the positive gain of 4 net residential dwellings on a windfall site within the Town Centre neighbourhood, contributing positively to the Council's spatial development strategy (Policy B1 of the Core Strategy) providing smaller one and two bedroom accommodation in a sustainable location and neighbourhood. The proposed development will assist in meeting the windfall delivery target for the neighbourhood. The development would conform to the Town Centre Neighbourhood Policy (Policy C1 of the Core Strategy) in 'delivering new housing through conversions' and 'conserving the historic environment and protecting it from inappropriate development' and is therefore considered sustainable development.

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The proposal would have no impact on residential amenity and would provide a good standard of residential accommodation. No affordable housing contribution is required due to the location of the premises within a low value market area.

As such, the proposal is considered acceptable and would constitute a sustainable form of development.

Recommendation:

Approve conditionally

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. In accordance with the submitted drawings
3. Materials to match the existing building
4. Details of refuse storage.
5. Hard and soft landscaping and tree planting details.

Informatives

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**.