

App.No: 150276 (PPP)	Decision Due Date: 25 May 2015	Ward: Devonshire
Officer: Jane Sabin	Site visit date: 7 April 2015	Type: Planning Permission
Site Notice(s) Expiry date: 29 May 2015		
Neighbour Con Expiry: 29 May 2015		
Press Notice(s): 10 April 2015		
Over 8/13 week reason: Deferred from previous Committee		
Location: Beach adjacent 3 and 4 Lower Parade, Grand Parade		
Proposal: Extension of timber decked area to beach to be used in conjunction with existing Cafe Express and Belissimo Express cafes.		
Applicant: Mr P. Lewin		
Recommendation: Approve, conditionally		

Executive summary:

The proposed development has been amended and following deferral from earlier planning committee and is considered appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would comply with the relevant adopted policies and government guidance.

Planning Status:

Public seafront promenade
Town Centre and Seafront Conservation Area
Covenants
Archaeological Notification Area

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 and Culture
D10: Historic Environment
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT15: Protection of Conservation Areas

TO9: Commercial Uses on the Seafront

Site Description:

The application site comprises the two existing decks on the shingle beach immediately adjacent to the lower promenade and to the south west of the pier.

Relevant Planning History:

050831

Change of use of public shelter, part of promenade and shingle beach to A3 use, including provision of sliding doors, windows, electric and other shutters, canopy and floodlights to front of shelter and wooden decking on beach.

Approved conditionally 9 January 2006

060123

Change of use of public shelter, part of promenade and shingle beach to restaurant use (A3 Use Class), including provision of doors, windows and shutters to front of shelter and wooden decking on beach.

Approved conditionally 12 June 2006

Proposed development:

Permission is sought to extend both decks to form larger areas for customers of the two cafes.

As originally submitted, the scheme proposed a single continuous deck, but was amended following discussions with the agent to form two separate decks measuring 29.5m by 6m and 38.5m by 6m, separated by a gap of 6m where an existing groyne transects the beach.

At Planning Committee on 21 April 2015, Members deferred the application to allow for the public consultation period to fully expire, and requested officers to renegotiate the scheme. Members considered that the decks should be extended outwards in depth (towards the sea), rather than in width parallel to the promenade. Following consultation with the applicant and officers specialising in seafront engineering, the scheme has been amended to extend each deck in width by 5m (to 20.5m and 21m), and to increase the depth of the smaller deck by 1.2m to match the larger deck; the gap between them would be 37m. Both decks would have handrails which match those existing.

Consultations:

Internal:

Estate Manager – no comments received

Tourism Manager – supports proposals that help to foster economic growth and add to the range/quality of the beach side catering offer.

Specialist Advisor (Environmental Health) – no comments received

Specialist Advisor (Conservation) - In summary the proposed extension of timber decking to the beach area to be used in conjunction with the associated cafes, is considered to result in little or no harm to the character of the surrounding conservation area.

The site is located on the lower promenade to the west of the Pier, a Grade II* heritage asset within the Town Centre and Seafront Conservation Area. It includes the juxtaposition of natural and built environment, with the promenade following the contours of the bay, providing a visual link between the two. The character of this part of the promenade is a concentration of mixed use units, both on and at the foot of the Pier, including cafes, public conveniences and retail units, with kiosks on the upper promenade.

The activity associated with the commercial and retail units, in conjunction with the use of the promenade and beach for sport and recreation, results in an active and vibrant environment. Additionally, uninterrupted views of the sea and beach, including the promenade edge which is defined by the natural curve of the bay, and the rhythm and harmony provided by the groynes make a positive contribution to the appearance of the area.

In assessing the proposal against the identified character of the area, the following comments area made:

As identified, the west promenade is level with the beach and, as such, the value of the relationship between the promenade, to the west and beach includes its permeability. This value has been clearly identified and retained as part of the proposal, in the form of a distinct gap between the decking to allow for easy access to the beach, whilst taking account of the existing groyne and its future maintenance.

In addition the proposal has been designed to reflect the existing timber decking and balustrades. Whilst this is an acceptable approach, it may be worth exploring an alternate design for the balustrading, as this detail would allow for a more contemporary approach within this historic environment, adding design value to the existing character and appearance of the surrounding conservation area.

Specialist Advisor (Engineering) – the revised scheme poses no problems in respect of access to the beach for maintenance. Extending the decks towards the sea, however, is not recommended, as they would be vulnerable to damage due to tidal and wave conditions, as well as erosion; the sea has been observed up to the toe of the eastern deck on more than one occasion. Furthermore, it would pose operational complications during beach works, as land-based plant drives on the berm; it may be necessary to build ramps over the groyne or work during low tides. It should be noted that EBC will not be liable for any damage to the decks either from tide/coast/storm conditions, or from coast protection maintenance works. The profile of the shingle may change over time/seasonally, and whilst this sort of infrastructure will be considered, it would not be possible to maintain the existing profile consistently just for the decks. With regard to services, there would be no objection to locating them under the promenade, however it is recommended against bringing them through the sea wall on this section of the frontage.

Conservation Area Advisory Group - At its meeting on 31 March 2015, no objections were raised in principle to the extension of the decked areas, however concerns were expressed in respect of the continuous nature of the decking and the impact it would have on the relationship between the beach and the promenade. The Group were firmly of the opinion that the deck should be separated into sections with wide gaps between them so that the shingle would still be visible right up to the edge of the promenade. It was also considered essential that good quality materials should be used, particularly for the balustrading; the design of the balustrading should be carefully considered to reflect either the ornate traditional features found along the promenade, or a very modern interpretation.

External:

Eastbourne Hospitality Association expressing full support for the application

Neighbour Representations:

3 representations have been received who in the main have commented on the following issues:- there should be no commercial activity of this nature on the seafront, that access to the beach would be impeded and had concerns regarding the potential increase in noise levels over longer hours.

No further representations were received after the Committee meeting.

Following the receipt of the revised drawings, fresh site notices alerting the public to the amended scheme were displayed at both cafes, and each objector has been contacted individually, as well as the Eastbourne Hospitality Association. At the time of writing this report, one further representation had been received commenting in the main on the following issue:-

- The scheme would reduce public access to the main beach.

Appraisal:

Principle of development:

The existing cafes and decks are popular and well used. Extending the decks would improve the offer of the cafes and encourage more customers to use them, to the benefit of the vitality of the seafront.

Impact on character and setting of a listed building or conservation area:

The Specialist Advisor in engineering (including sea defences) has confirmed that it would not be desirable to extend the decks any further towards the sea, as they would be vulnerable to damage due to tidal and wave conditions, as well as erosion, and may pose operational difficulties during maintenance works. After a mild winter with minimal erosion, the shingle berm is only level with the parade for a distance of 5m before it starts to drop. National flood defence funding should not be used to keep specific beaches built-up for the protection of timber decking.

The siting, scale and form of the extended decks is considered to be appropriate for this location, and preserves access to the shingle beach for members of the public as well as access for essential repairs/maintenance to the groyne and beach. The wide separation of the decks also preserves the visual relationship between the promenade and the shingle beach.

The balustrade, as proposed, matches that on both existing decks. The views of the Conservation Area Advisory Group on the balustrading are noted, however it is considered that the provision of traditional ornate features would not be sufficiently understated on the lower promenade (the ornate lighting columns and railings are generally featured on the middle promenade). Certainly the shingle beach is not the place for glass or polycarbonate. It is therefore considered that simple timber balustrading is the correct approach.

Other matters:

Hours of use of the extended decked areas is controlled under other regimes (Licensing and lease via Estates dept). The existing licence has a closing time of midnight.

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 proposed development in its reduced form is considered to be appropriate in terms of its siting, scale and design, and would provide an improved facility on the seafront for tourists. It would comply with the relevant adopted policies and government guidance.

Recommendation: Approve, conditionally

Conditions:

1. Commencement within three years
2. Development in accordance with the approved plans
3. Submission of details of foundations
4. No mains electrical/gas/water connection through promenade

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.