

App.No: 141521 (PPP)	Decision Due Date: 25 March 2015	Ward: Devonshire
Officer: Leigh Palmer	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 2 March 2015		
Neighbour Con Expiry: 2 March 2015		
Press Notice(s): 17 February 2015		
Over 8/13 week reason: reporting to committee given representations received.		
Location: Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne		
Proposal: Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge.		
Applicant: Mr A Aggarwal		
Recommendation: Grant Permission subject to conditions and legal agreement. The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.		

Member Update:-

This application was reported to planning committee in June 2015 with an officer recommendation that the planning permission should be granted subject to the necessary parties signing a legal agreement covering the Local Employment Initiatives and a restriction on occupancy of the proposed open market units until the holiday let refurbishment has been implemented.

It is acknowledged that the S106 legal agreement is nearing completion however the following additional representations have been received and the case is being reported back to planning committee so that Members are aware of the additional representations prior to a formal decision being issued.

The additional representations include:-

A petition signed by 36 local residents objecting to the proposal on the lack of available on-street parking and this lack of parking has implications on/for local residents.

34 Redoubt Road has objected in the main on the following issues:-

- Parking has increased over the past few years, adding to the parking stress, commercial vehicles and non-residents park in the area,
- The applicant proposes a mix of flats and holiday flats, this will be abused and lead to enforcement issues going forward.
- Why not reduce the number of flats and make them larger and more high-end which may reduce the demand for parking.

Officers Comments:-

Whilst the additional objection letter and the petition have been recently received (prior to the notice being issued) they raise similar issues to those previously considered/reported to committee. Notwithstanding this officers have evaluated the merits of the case with regard to the representations received and the material planning considerations.

It is considered that the new information/representations received do not materially alter the conclusions drawn from the earlier reporting of this case and as such the same recommendation is offered to members to endorse and support.

Recommendation:

Grant Permission subject to conditions and legal agreement.

The S106 should cover local employment initiatives, and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.

Planning Committee June 2015 (officers report attached below)

Executive Summary:-

This application proposes the loss of hotel accommodation within the defined tourist accommodation zone; policy (TO2) is long standing and is in essence a negative/restrictive policy with only the loss of accommodation being supported in wholly exceptional circumstances and based on sound and robust evidence.

Members should note that this policy along with the policy outlining the extent of the Tourist Accommodation Zone itself (TO1) will be reviewed under/within the emerging Seafrost Local Plan; this policy review is in its formative stages and as such it should carry very little weight in the assessment of this application.

Members should also note the views of the Council's Tourism Officer (TO) and Eastbourne Hospitality Association (EHA) (in relation to the Courtlands Hotel application) whereby they suggest in broad terms that if Eastbourne is to prosper then there needs to be a refocus in the type and nature of the accommodation that is provided. Both the TO and EHA outline in their responses that it would be preferable if Eastbourne had fewer bed-spaces but of a higher quality. This higher quality would support the ambition to move Eastbourne away from the coaching trade and more over to the independent traveller. In this regard this application mirrors the ambitions of the TO and EHA.

Notwithstanding the support for the scheme from the TO and EHA members should have regard to four issues:-

1. *The deliverability of the enhanced accommodation.*

Officers are satisfied that sufficient controls could be delivered via planning conditions and S106 agreement to ensure that the retained holiday accommodation is refurbished prior to a proportion of the residential units being sold/occupied (see conditions below).

Members should be aware that whilst we can control the delivery of the enhanced holiday accommodation the planning system cannot make someone actually open and run the business.

2. *The prematurity of supporting the scheme ahead of the Seafront Local Plan.*

Any decision would be based on the evidence behind the application and all other material considerations. If refused then the decision would be based on the policy as it currently stands and as Members will be aware this is a longstanding policy that has been consistently applied. Support for the scheme could only be made if the evidence supported the claim that the current business was unviable.

The Seafront Local Plan is in its very formative stages and should not carry any material weight in the determination of this application, so there are no issues on prematurity grounds here.

3. *Whether this scheme provides a set of unique circumstances such that they could not be readily repeated on other sites/properties in the Tourist Accommodation Zone and thereby reduce the accommodation in an uncontrolled manner.*

The site has been vacant for a significant period of time and as such has not made a contribution to the available holiday accommodation with the tourist accommodation zone. Notwithstanding this it remains appropriate that officers assess and test the application against current policy.

Officers are satisfied that if refurbished the type and nature of the accommodation falls within the grading threshold that is very common within Eastbourne (2* - 3*) and to some extent there may be perceived to be an oversupply. In this regard the delivery of fewer bed spaces at the site but finished to a higher/more modern quality would add to the range/type of accommodation available and may better support the wider tourist economy.

In addition to the grading level, the size, location and the room frequency rates (an indication of the client group and repeat business) are such that the principle of the loss of tourist accommodation could be supported, especially as the use has been redundant for a significant period of time. In addition this scheme proposes the retention of enhanced accommodation within a building that will have the ability to operate independently.

The retained holiday lets will be serviced and managed by a parent hotel with seafront location and as such the likelihood of this set of circumstances being repeated elsewhere in the Tourist Accommodation Zone is remote/ but not unlikely.

As with any application any future submission that promotes the loss of tourist accommodation would be based on its individual merits and as such whilst supporting the scheme would not create such a precedent that would obstruct alternative decisions on other sites/properties in the future.

4. *Whether members feel that sufficient evidence accompanies the application to demonstrate that the current business is unviable.*

In broad terms officers accept that the provision of a smaller operating establishment supported by a parent hotel would make the business more viable and deliver a return on investment that would be likely to sustain going forward.

The evidence submitted with the application has been independently assessed by an external consultant; their conclusions are that the scheme has satisfactorily assessed and demonstrated compliance with the local policy and as such the loss of the tourist accommodation is acceptable in principle.

Scheme proposes the reuse of a vacant hotel within the tourist accommodation zone into a mix of holiday flats and residential apartments for open sale/let.

It is considered that the proposal has satisfactorily demonstrated that the hotel in its current form is redundant and unviable and that the split use for/as holiday lets supported by an existing 'parent' hotel and open use residential accommodation is considered to be appropriate and acceptable.

A suite of conditions are proposed to control the long term availability of the holiday let accommodation.

Constraints:

Town Centre and Seafront Conservation Area, and within the Tourist Accommodation Zone.

Relevant Planning Policies:

National Planning Policy Framework

The NPPF was formally adopted on 27 March 2012 and sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of achieving sustainable development, which should be interpreted and applied locally to meet local aspirations.

Paragraph 21 goes on to state that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow for rapid response to changes in economic circumstances.

With regard to main town centre uses, such as hotels, paragraph 24 states that local planning authorities should apply the sequential test and require such uses to be located within town centres, and then to edge of centre sites.

The NPPG was published as an online resource to guide plan-makers, applicants and decision-makers on 6th March 2014. With regard to tourism, paragraph 007 of the section on ensuring the viability of town centres, directs the reader to tourism planning guidance hosted on the Visit England website. This states that:-

"There may be circumstances where a traditional market has changed and the local tourism provision needs to restructure; in some areas long standing changes in visitor numbers may have left a considerable surplus of hotel, guest house, pub and bed & breakfast accommodation. This can leave many businesses struggling on very low turnover, unable to reinvest in improving their facilities. In such circumstances, owners and developers will need to work collaboratively with local planning authorities and others to provide where appropriate a productive alternative use for premises."

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution Sustainable

Neighbourhood

C3 Seaside Neighbourhood Policy

D3 Tourism Tourist Accommodation Area

D5 Housing Low Value Neighbourhoods

D10 Historic Environment Archaeological Notification Area

D10 Historic Environment Conservation Area

Eastbourne Borough Plan Saved Policies 2007

TO1 Tourist Accommodation Area

TO7 Preferred Area for Tourist Attractions

TO9 Commercial Uses on the Seafront

TO8 New Tourist Attractions and Facilities
TO2 Retention of Tourist Accommodation
TO5 New Tourist Accommodation
UHT15 Conservation Area
US5 Tidal Flood Risk

Site Description:

The application site comprises the Heatherleigh Hotel, a 55 bedroom hotel on a level rectangular site of some 0.093 hectares, located at the junction of Royal Parade and the Redoubt Road. It incorporates a small 'bedsitter' manager's flat.

It is situated towards the north-eastern periphery of the Tourist Accommodation Area as defined in the Eastbourne Borough Council Local Plans, but backs onto substantial residential hinterlands beyond. It is only 150 metres from the absolute north-eastern boundary of the Tourism Accommodation Area which sits at the junction of Royal Parade and Carlton Road.

The site is located directly opposite the Redoubt Fortress and areas of greensward, as well as the bowling greens, beyond which is the shingle bank leading up to the coastal walk and cycle way, and beach. Properties along the frontage in this part of the Town feature a variety of hotels, guest houses, private houses and tourism-let apartments.

The application building, which rises to maximum height of 4 storeys above street level; (5 including the basement), is effectively comprised of 2 large properties which appear to have been amalgamated following the granting of planning permission in 1958.

The premises also include a block of 7 garages, (proposed to be partially demolished); along the back of the site, together with some open parking, fronting onto the Rylstone Road at the rear, a wholly residential road as are others in the vicinity to the rear.

The general theme of local development in this area is a narrow strip of often tourism related uses along the frontage, (within the Tourist Accommodation Area), and a substantial residential hinterland beyond, with predominantly recreational uses opposite. The road frontage is generally similar in style along this frontage, with the feel of originally having been residential properties, such as that of the application site, with largely similar Victorian and possibly Edwardian styling.

The character is markedly different further along Royal Parade to the south-west, where the properties are generally much more substantial and higher. They have a different character, materials and design, mostly in hotel use, from the junction between Royal Parade and Cambridge Road, and heading further south-west, towards the pier and the central part of the seafront area, and commencing with the Langham Hotel.

Relevant Planning History:

Following the creation of the hotel in the 1950's there has been numerous applications relating to extensions and adaptations to the hotel building.

Proposed development:

Application seek approval to convert the existing vacant hotel into 28 flats, 12 would be tourist lets and the remaining 16 would be for open market occupation.

In terms of the actual conversion works, these are taking place over all 5 floors of the property, as follows;

- **Basement:** Conversion to 6 flats; (4 x 1 bedroom and 2 x 2 bedroom).
- **Ground floor.** Conversion to 7 flats; (3 x 1 bedroom and 4 x 2 bedroom).
- **First Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Second Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Third floor:** Conversion to 3 flats; (1 x 1 bedroom and 2 x 2 bedroom).

Therefore, the scheme will provide a total of:

- **28 flats**, The flat sizes range from 25.5 sq. metres to 71 sq. metres
- 14 x 1 bedroom and 14 x 2 bedroom,

The flats are also:

- Divided into **holiday lets** and **open market units**, with:
- **12 holiday let units** and **16 open market**, and therefore almost a 50/50 split. The split reflects the differences between the 2 separate original dwellings which made up the current hotel, and are clearly separated by the main staircase.
- The applicants have very carefully laid out the development so that the **holiday let units would all be sited in the westernmost part of the premises**, the 'half' of the floor space which belonged to the dwelling which was incorporated into the overall hotel following the 1958 planning permission.

This layout will therefore ensure that the units are properly segregated, and that they follow a logical division, thus ensuring that the holiday and open market lets are wholly separated, and make it much less likely that there could be future support for the loss of these holiday lets to unrestricted housing. The holiday let units will be spread out over the 4 floors of the western-most half whilst the open market housing will be laid out over the 5 floors of the eastern-most element.

The **Holiday let** units would be laid out as:

- **9 x 1 bedroom and 3 x 2 bedroom flats.**
- This **number of 1 bedroom flats will be appropriate as the smaller unit elements** would be more likely to be marketable as holiday lets, with a significant part of business being for the singles market or couples, but allowing for a few family units as well.

The holiday lets would also be operated in conjunction with the applicants' core business of coaching holidays from their nearby business centre at the Hilton Royal Parade, where these units would be administered in connection with their overall holiday business.

Supporting Reports:-

The application has been submitted with a number of supporting reports which in the main conclude that the building has fallen into significant disrepair and that the costs involved in bringing it back to current standards at a time when the hotel market is in a state of flux would be unviable and also unrealistic.

Given the sustainable location and that the proposed use would be likely to result in a reduction in the level of private motor vehicle use then the change of use is likely not to result in any material increase in off-site impacts.

The support for the application would retain an element of tourist accommodation at the site and would also realise the full development potential of the site.

To the rear of the plot the scheme proposes 7 off-street parking spaces along with bike storage for 20 cycles and a further enclosure that would accommodate up to 24 refuse/recycling bins.

Consultations:

Internal:

Estate Manager:- No comments/objections to the scheme

Tourism Manager:- No direct response to this application but in relation to a very similar application at the Courtlands Hotel they supported the views of the Hospitality Association whereby the view that fewer bed-spaces but higher quality was promoted.

External:

Southern Water Services:- No objections subject to an informative requiring the applicant obtains SW approval for the conventions prior to the sue commencing.

Environment Agency:- No objections to the proposal

Eastbourne Hotels' Association:- Support the application for the following reasons:

- *The hotel is unsustainable in its current form*
- *Evidence from other recent applications still stand*
- *The hotel has not contributed to the hotel stock for a significant period of time.*
- *Not economically viable to refurbish and run as a hotel*
- *Fewer holiday rooms but better quality would be better for the town as a whole.*
- *Parking no worse than as its former use as a hotel*
- *Further deterioration would be harmful to the area and may follow the same path as the Lynwood and the Latham*
- *Town has more than adequate bed stock to cope with demand (Premier Inn and the re-opening of the Ambassador*

County Archaeologist:- Works involved do not constitute any risk to archaeological remains and thereby no objections are raised

Highways ESCC

Neighbour Representations:

1 letter of support has been received commenting in the main on the following issues:-

- *No realistic chance of the property ever being viable as a hotel again,*

5 letters of objection has been received and cover the following points:-

The area already suffers from parking issues, particularly in the summer months. I don't believe the proposal adequately deals with the parking issues for 28 new dwellings.

No construction works before 9am and or after 6PM as this may conflict with guests at nearby properties.

Concerns over the likely occupiers of the users

This area is due in part local support and investment from the local community

The area is a safe environment and an attractive holiday spot, anything that would detract from this would be damaging to Eastbourne's Tourism as a whole

Refuse areas being unsightly

The rear of the building needs to be refurbished as much as the front as this is where the wider community live.

Appraisal:

Principle of development:

The proposal complies with the adopted planning policy for the loss of tourist accommodation and as such there is no objection to the principle of the change of use.

The scheme proposes the retention of an element of tourist accommodation with the remainder of the property being converted into residential apartments. It is considered that the proposed residential accommodation would provide 'windfall' units in an area of the town where they are needed and given the general sustainable location of the site it is considered to be supportable in this regard.

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

The property has a history of hotel/holiday accommodation and as such the local community would have experienced some degree of activity associated with this business operation. It is accepted that this activity has reduced during the periods of inactivity/close business. Notwithstanding this a refusal based on the impacts from the increased commercial activity at and within the vicinity of the site could not be substantiated.

Similarly local residents will experience some loss of amenity through the activity associated with on street parking, however it is considered that this loss of amenity would be less than if/when the hotel was fully functioning.

Design issues:

The application proposes that the new uses should follow broadly the former split between the properties. In addition the scheme relates to a change of use and as such save for modest repairs and refurbishment there are no significant external changes.

Given this it is considered that there should not be any material impacts upon the character of the host property or the character of the wider area

Impacts on highway network or access:

It is accepted that the site has not been active for a number of years and to some regard the local community has grown used to this. The regeneration of the site into holiday accommodation and also open market residential properties would generate some pressure for on street parking, however when compared to the lawful use of the site the impacts are considered to be less than substantial in NPPF terms and therefore a refusal on this issue could not be sustained

Other matters:

The applicants are happy to accept controls/limitations upon the tourist and residential accommodation in order to ensure that the long term availability/retention of the tourist accommodation.

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.

Recommendation:

Grant Permission subject to conditions and legal agreement.

The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.

Conditions:

- 1 Time Limit
- 2 In accordance with the approved drawings
- 3 Details, including Samples, of a Good Quality of Materials to be used on external elements of the proposed development, where required, to be submitted to the satisfaction of the Council.
- 4 Controls over Construction and Demolition Times.
- 5 Making good after demolition of conservatory and garages.
- 6 Tree Planting and Landscaping.
- 7 Boundary Treatment.
- 8 Refuse enclosure.
- 9 Vehicle and bicycle parking to be provided and retained, in accordance with the approved plans,
- 10 Surface and Foul Water Drainage Arrangements.
- 11 Hard Surfacing Details.
- 12 Details of any external lighting required.
- 13 Controls to ensure retention of tourist let uses.
- 14 Control to limit the occupancy of the open residential units until such time as the holiday accommodation has been refurbished and is trading. (Ok to delete if dealt with via the S106)

Appeal:

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