

App.No: 141439 (PPP)	Decision Due Date: 30 January 2015	Ward: Devonshire
Officer: Anna Clare	Site visit date: 29 January 2016	Type: Planning Permission
Site Notice(s) Expiry date: 3 January 2015		
Neighbour Con Expiry: 3 January 2016		
Over 8/13 week reason: To allow for submission and revisions to noise impact assessment and Committee cycle.		
Location: 22-24 Langney Road, Eastbourne		
Proposal: Change of use of ground floor to gymnasium, change of use of first floor to provide 1no. 1 bedroom apartment and 1 x 2 bed and 2 studios together with private amenity space.		
Applicant: LSK Properties LTD		
Recommendation: Grant planning permission subject to conditions.		

Relevant Planning Policies:

National Planning Policy Framework

- 2. Ensuring the vitality of Town Centres
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013

- B2 Creating Sustainable Neighbourhoods
- C1 Town Centre Neighbourhood Policy
- D5 Housing Low Value Neighbourhoods
- D10A Design

Eastbourne Borough Plan Saved Policies 2007

- US5 Tidal Flood Risk
- TC7 Areas for later opening of Class A3 uses
- NE14 Source Protection Zone
- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT17 Protection of Listed Buildings and their Settings
- HO20 Residential Amenity

Town Centre Local Plan 2013

TC6 Residential Development in the Town Centre
TC7 Supporting the Night-time Economy
TC24 Potential Areas for change

Site Description:

The site is a part single part two storey building on the southern side of Langney Road, with a ground floor retail unit. The adjoining church is a Grade II Listed Building. Whilst situated in a Town Centre location the site is situated outside of the primary and second shopping areas.

Relevant Planning History:

040842

Change of use from retail use (A1) to a taxi hire and administration/booking offices (sui generis).

Planning Permission

Approved conditionally

07/10/2004

Proposed development:

The change of use of the ground floor to a Gym (Class D1) with two one bed and two studio flats at first floor level. Alterations to the building include new terrace areas for the first floor flats with 1.8m screens to enclose and divide the external space, repairs to the existing metal roof, bricking up of windows in the side (west) elevation installation of air conditioning units and new window to front elevation at first floor level.

Consultations:

Internal:

Specialist Advisor (Conservation) No objections

Representations:-

An objection has been received from Cameo Nightclub, on the grounds that the noise impact assessment does not deal/include analysis of the potential effect of the night club on the residential properties proposed which may lead to objections from the new occupiers of these units which may lead to impacts/issues on current operational practices of the night club.

No objections have been received from surrounding residents/occupiers.

Appraisal:

Principle of development:

There is no objection in principle to the proposed change of use of the ground floor to a gym or the first floor to residential providing the design of any external alterations were acceptable and there were no significant impacts on the amenity of existing surrounding properties or future occupiers of the residential units in

accordance with saved policies of the Borough Plan 2007 and the Core Strategy Local Plan 2013.

The loss of the A1 unit at ground floor level to Class D1 Gym is considered acceptable as the property is not located within a primary or secondary shopping frontage therefore there is no policy reason for refusing the change of use.

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

The site is adjacent to Cameo Nightclub, the proposed gym at ground floor level is proposed to be operational for 24 hours, and surrounding properties/units are other late night uses. The nightclub is open Thursday through to Monday and therefore the frequency of opening and activity is regular. There are existing residential properties opposite the site, above ground floor commercial premises.

A noise impact assessment was submitted during the course of the application. There are three noise issues to assess;

1. firstly the impact of the proposed gym use on existing residential dwellings
2. secondly the impact of the proposed gym use on the proposed residential properties, and
3. thirdly the impact of the existing nightclub, and overall environmental noise (day and night) on the occupiers of the proposed residential properties.

The assessment of the impact of the noise from the nightclub includes entertainment noise (music) and people noise from patrons from the nightclub or in the street associated with the night time uses.

To assess the noise impact assessment submitted by the Applicant we instructed a noise consultant. Our consultant stated that some activity will, inevitably, be likely to be noticeable with noise from transport, licensed premises and commercial activity in the context of a town centre and it is likely that noise may be noticeable within the development site post the implementation of noise mitigation measures, such as on the terrace areas. However they concluded that the perception of noise impact from high levels of road traffic in combination with entertainment noise from the nightclub, people in the street and mechanical plant would not constitute a *significant* observed adverse effect.

Certain mitigation measures have been designed into the scheme to minimise noise transmission, such as the blocking up of windows in the first floor of the building in the western elevation adjacent to the nightclub, and location of accommodation to the opposite side of the building with a corridor on the part nearest the nightclub. A number of conditions have been requested by our consultant in relation to mitigation of noise impacts.

In terms of the Gym and the impact of this use on existing and proposed residential properties, this impact is considered minimal. There are mitigation measures which can be put in place internally to mitigate the transmission of noise between uses such as floor insulation between the ground and first floor and treble glazing to the windows.

The existing residential properties opposite the site are unlikely to perceive any detrimental impacts from this use compared with the current authorised use of A1. Although the gym use is proposed to be 24 hours, it is unlikely that this use would result in significant or noisy footfall from patrons which has a detrimental impact on surrounding residential properties and therefore this is considered acceptable.

Originally the application proposed 1 no.1 bed unit, and 5 'bedsits'. This was considered inappropriate and following advice from the case officer this was amended to:-

Type	Size	National Standards
1 X 1bed	50 Sqm	50 Sqm
1 X 2bed	81 Sqm	70 Sqm
2 X Studio	42 Sqm	39 Sqm

Each proposed to have private external amenity space. These size units are all in line with the nationally described space standards. The amended layout is therefore considered acceptable.

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

The site is not situated within a conservation area, however the adjacent Church and Church Hall is Grade II Listed. There were concerns in relation to the provision of a new roof to the building and therefore the impact on the adjacent listed Church and Church Hall. However it has been confirmed that the roof would not be replaced, that the private amenity space is set back from the boundary with the church hall and therefore there would be no impact on the adjacent listed building.

A new window is proposed to the front elevation at first floor level, centrally to this section of the building. The front elevation at ground floor level was amended to provide symmetry with the new proposed door openings. The attractive door detailing is to be retained. The alterations to the elevation are minimal and are considered to maintain the character and appearance of the building and it is not considered that the external alterations will have any significant impacts on the adjoining listed building or its setting.

Impacts on trees:

None.

Impacts on highway network or access:

The site is situated within the Town Centre with excellent public transport links. The site would provide no off-street parking, however given the context of the site this is considered acceptable.

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 residential units are considered acceptable in terms of size and are in line with the National Space Standards. Whilst the site is not ideal in terms of location adjacent to and in close proximity to night time economy uses, there are residential properties existing in the immediately surrounding area. The Noise Assessment has been carefully considered by our Noise Consultant who has concluded that with mitigation measures perception of noise impact from high levels of road traffic in combination with entertainment noise from the nightclub, people in the street and mechanical plant would not constitute a *significant* observed adverse effect. The type of accommodation proposed, studio and one bed units are considered appropriate for this location within the Town Centre.

There is no policy objection to the proposed change of use to Class D1, nor are there concerns in relation to the impact of the proposed gym use on the existing residential properties.

The external alterations to the property are considered acceptable and are considered to preserve the setting of the adjacent listed building.

Therefore it is recommended that planning permission is granted, subject to conditions.

Recommendation: Approve planning permission subject to conditions as set out below.

Conditions:

1. Time for commencement
2. Approved drawings
3. Development shall be carried out in accordance with the Noise Impact Assessment.

4. Submission of a mitigation and control scheme to address noise emitted from the mechanical plant.
5. Submission of a building noise mitigation scheme
6. Submission of a scheme of mechanical ventilation requirements of the proposed dwellings that enables adequate airflow without the need to open windows or doors.
7. Prior to occupation a written report of the results of acoustic tests undertaken to confirm the adequacy of attenuation achieved.
8. Submission of a scheme for the installation and management of any electrically amplified music, public address and media reproduction within the ground floor gym.
9. Submission of details in relation to refuse storage and how provision for the commercial unit and residential units shall remain separate.
10. Submission of details in relation to the provision of cycle storage for the residential use shall be submitted.