

App.No: 170827	Decision Due Date: 11 th September 2017	Ward: Devonshire
Officer: Thea Petts	Site visit date: 1 st August 2017	Type: Planning Permission
Site Notice(s) Expiry date: 11 th August 2017		
Neighbour Con Expiry: 11 th August 2017		
Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: 2a-2b Pevensey Road, Eastbourne		
<p>Proposal:</p> <p>Create new suite on second floor to include cabaret and lounge and provision for restaurant and exotic dancing.</p> <p>Across other floors, sui generis nightclub use to be retained with ancillary offices and store.</p> <p>Nightclub use hours of operation to be extended to be 8:00am-4:00am Monday-Saturday and 8:00am-3:00am on Sundays and Bank Holidays. Lap dancing to occur concurrently between 10:00pm-4:00am on Monday-Saturday and 10:00pm-3:00pm on Sundays and Bank Holidays (revised description)</p>		
Applicant: F. Forte Developments Ltd		
Recommendation: Subject to no further representations being made (raising new issues) from 2 nd round of public consultation then the Senior Specialist Advisor Approve in consultation with the Chair be delegated to grant planning permission subject to conditions.		

Executive Summary:

Existing nightclub to be reconfigured internally to provide a self-contained unit for cabaret, exotic dancing and a restaurant on the upper floor.

Property is located in the 'late night' zone of the town centre and the proposed use is considered to be a town centre use supporting the night time economy and as such is considered to be acceptable in principle.

Scheme recommended for approval subject to conditions

Planning Status:

Nightclub with ancillary storage and offices across four levels

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy

2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
9. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
D1: Sustainable Development
C1: Town Centre Neighbourhood Policy
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas
HO20: Residential Amenity
NE14: Source Protection Zone
TC7: Supporting the Evening and Night-time Economy
TC24: Potential Area of Change
TR2: Travel Demands
TR7: Provision for Pedestrians
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Conservation Area

Site Description:

The application site stands on the north east side of Pevensey Road close to the junction with Terminus Road. The property shares boundaries with 2c Pevensey Road to the side (south west), 2 Pevensey Road to the other side (north east) and 16 Langney Road to the rear.

The property is accessed by the public from the front. There are two access doors in situ. The second floor is currently part of the nightclub, with a lounge area, toilets and a bar.

The street frontage gives the impression of a two storey property, but in fact has a basement and a second floor. The property has recently been subject to development and alteration. Works have included those granted planning permission in 2016 (ref: 161087) which proposed several changes to the internal configuration and the installation of a balcony area to the front elevation; a balcony has now been installed.

Relevant Planning History:

There is an extensive planning history related to a nightclub use on the site that authorised the nightclub use to operate until 2:00am throughout the week (case refs: 890390, 940566 and 010242).

Proposed development:

The applicant seeks planning permission to create a self-contained unit on the second floor within the property to provide cabaret, exotic dancing and

restaurant facilities. The self-contained unit would be accessed via a separate existing staircase and entrance would be at the top of the stairs.

The self-contained unit would have a stage, seating area (tables), two lounges, seating, a bar, toilets and a kitchen as well as changing rooms and facilities for staff.

Consultations:

Internal:

Specialist Advisor (Environmental Health/licensing) The activity proposed by this submission would require amendments/alterations to the their license and will be assessed under the licensing regulations/acts.

Specialist Advisor (Planning Policy) – no objection, support in principle

- Policy C1 is The Town Centre Neighbourhood Policy, which aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood
- The evening and night-time economy will be supported in order to promote Eastbourne as a broad and inclusive destination resulting in contribution to the vitality and viability of the Town also the individual and cumulative impact of proposals will be considered in order to minimise potential for noise, nuisance and disturbance
- As a 'Potential Area of Change', it is important for the Council to consider alternative uses and patterns of development in order to maintain the vitality and attractiveness off the Town Centre
- There is a requirement to protect the residential and environmental amenity of existing and future residents
- The redevelopment of this site supports the vision explained in the Town Centre Neighbourhood Policy C1, encouraging potential economic gain and increased employment. This application is strengthened through Policy TC7 which states it will support the Evening and Night-time Economy which contributes to vitality and viability of the Town Centre, as well as a potential increase in footfall towards this area of the town.

Neighbour Representations:

No objections or other representations have been received

Appraisal:

Principle of development

The principle of the change of use and creation of a self-contained unit is considered to be acceptable in this Town Centre location, subject to the requirements of adopted policies which seek to preserve and protect the amenity for nearby occupiers/businesses.

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

The operational use of the proposed unit is to extend late into the night. There are implications of noise disturbance with the extension of the nightclub hours. However, permissions previously granted allow the nightclub use to extend to 2:00am. As such, the extension of the operational hours to 4:00am are not considered likely to significantly disturb amenity beyond that authorised by

previous consents. Principle for the late operation of the unit, therefore, has already been set for the historic nightclub use.

Further to this, there is not predominance of residential units on within the immediate vicinity of the site. There are some residential units on the same stretch of Pevensey Road, but some doors down.

This area of the town has been identified by policy to accommodate late night uses and support the night time economy. Therefore, as no significant impacts on residential amenity have been identified , the scheme is considered to be in accordance with adopted policy.

Impacts on highway network or access:

The impact on the Highway is likely to be minimal. Although customers will likely visit the unit, they will not necessarily drive to the location and require parking. As with a lot of the night time uses in the Town Centre parking is unlikely to be required. The scheme having no parking provision, therefore, raises no significant concerns.

Sustainable development implications:

The ambition of the Town Centre Local Plan is to allow for diversification in the Town Centre uses to ensure vitality of the Town Centre going forward. This area of Pevensey Road has had the potential to contribute significantly to the night time economy, but many units there have remained closed for some time. The development, if carried out, would add to the offering of one of the larger units on the street, which has the potential to have a knock on effect for the rest of the empty units in this part of Pevensey Road.

This scheme is considered to provide diversity and has the potential to contribute positively to the night time economy. In sustainability terms, the development is likely to have a positive effect.

Design issues:

There are no external alterations included as part of the scheme. As such, there are no associated design concerns.

Planning obligations:

It is not considered that the development would require planning obligations to ensure acceptability, although conditions will be required.

Impacts on trees:

There are not considered to be any effects on trees.

Other matters:

During the initial consultation, the opening/operational hours were not explicitly advertised in the description of the development. To ensure that a fair and transparent consultation takes place, a second consultation has been undertaken with the hours of opening included in the description of development, for clarity.

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 unit is likely to add diversity to the night time economy offering and support the vitality of the Town Centre offering. As such, the scheme is recommended for approval subject to the imposition of conditions.

Recommendation:

Subject to no further representations being made (raising new issues) from 2nd round of public consultation then the Senior Specialist Advisor Approve in consultation with the Chair be delegated to grant planning permission subject to conditions.

Conditions:

1. Time (implement within 3 years)
2. Drawings (in accordance with the approved drawings)
3. Hours of operation (to limit the hours of use to those applied for)

Informatives:

Licencing requirements

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**.