

<b>App.No:</b> 170022 (PPP)	<b>Decision Due Date:</b> 10 March 2017	<b>Ward:</b> Meads
<b>Officer:</b> Neil Holdsworth	<b>Site visit date:</b> Numerous visits	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 9 February 2017		
<b>Neighbour Con Expiry:</b> 9 February 2017		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason: reported to Committee out of time due to further evidence being submitted by the applicant</b>		
<b>Location:</b> 5 Meads Street, Eastbourne		
<b>Proposal:</b> Proposed change of use from Class A2 (Financial and professional services) to Class C3 (residential Dwelling), and two floor rear extension.		
<b>Applicant:</b> Caroline Murrell		
<b>Recommendation:</b> Refuse Planning Permission		

### **Executive Summary:-**

Scheme proposes the change of use of the ground floor of a vacant bank building into residential. This proposal would result in the creation of an element of non-active frontage within a prominent part of the Meads District Centre. The loss of commercial use/floorspace from the application property is likely to have a negative impact upon the character and commercial viability of the Meads District Centre.

Application is recommended for refusal

### **Planning Status:**

Former bank building within the heart of the Meads Conservation Area.

### **National Planning Policy Framework:-**

Para 18-22 Building a Strong and competitive Economy

Para 23 – 27 Ensuring the Vitality of Town Centres.

Para 126 – 141 Conserving the Historic Environment

### **Eastbourne Core Strategy Policy**

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Developments

C11 Meads Neighbourhood Policy

D4 Shopping Meads Street District Shopping Centre

D5 Housing

D10 Historic Environment

Archaeological Notification/Conservation Area

### **Borough Plan Policies**

HO2 Predominantly Residential Areas  
H020 Residential Amenity  
UHT1 Design of new development  
TR11 Car Parking  
SH1 Retail Hierarchy  
SH7 District, Local and Neighbourhood Centres

### **Site Description:**

The application site relates to the ground floor (former trading area) of a former bank building located at the junction of Dalton Road and Meads Street.

### **Relevant Planning History:**

160003

Conversion of an existing maisonette at second and third floor level into two self-contained flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace. (Re-submission).

Planning Permission on  
Approved conditionally  
29/02/2016

161188

Approval of matters reserved by condition (Condition 3: Drawings of Windows) of original permission 160003: Conversion of an existing maisonette at second and third floor level into two self-contained-flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace.

Approved conditionally  
09/11/2016

### **Proposed development:**

There are two elements to this application:-

1. Conversion of the ground floor into self-contained apartment
2. Two storey rear extension to increase the size of the ground floor and first floor apartments.

The applicant has submitted supporting evidence that outlines merits of the scheme and the problems they have had in securing a commercial tenant for the building.

The supporting evidence can be summarised as:

***Hunt Commercial:- Acknowledges the length of time the building has been vacant...sporadic take up of units in secondary areas such as Meads since the***

*2008...recommended that the terms of the rent should be £18K and reduce to £15K is a reasonable level for the current marketplace...advertising boards on site and information is displayed on company website and on regular mailing lists...very little interest in the site has been received that of those who have engaged there have been no discussions over terms...would be costly to convert to commercial business space...freeholder is willing to offer flexible terms... limited footfall with parking issues would appear to be discouraging likely tenants...given the black of commercial traction they recognises the benefits of residential conversion*

**Reid & Dean:-** Letting agent since 2015 at rate of £22K, similar to other recent lets in the area...site advertised to let on website, internet , shop windows display boards and advertising boards on site...recognised that rate level should change and dropped to £18K...have not encouraged restaurants cafes etc give the Meads Community Associations objection to such units/activities...identified that the freeholder would consider in supporting relevant conversion costs...little to no interest...recognises that the unit has been marketed to a wide audience with little interest so the conversion to residential would appear to be appropriate.

## **Consultations:**

### Internal:

**Conservation Area Advisory Group Feb 2017:** The Group was in favour of retaining the ground floor for commercial use as any residential use would fundamentally impact the character of the conservation area. No objections were raised to the design of the rear extension.

**Specialist Advisor (Conservation)** Accepting that the external alterations to the fabric of the building are likely to have limited impacts upon the character and appearance of the Conservation Area it is considered that the loss of the commercial space would be likely to have more severe impact by creating an element of 'dead' frontage which may have an adverse impact on the viability of the centre. Any diminishing of the viability of the centre may well have an adverse impact upon the wider character of the area.

### External:

**Meads Community Association** has objected to the proposal and in the main they raise the following issues:-

- Meads centre is identified as a District Shopping Centre providing a range of National and Local independents trading; as such full exploration of all town centre uses should be demonstrated prior to any units' loss to residential. The failure to do this would result in the scheme being contrary to adopted Planning Policy
- Currently only 2 vacancies including the application site delivering a vacancy rate go 7.5% down from 13% in Q1 2017
- Extremely prominent building (4<sup>th</sup> largest within the centre)
- Centre is currently going through a renaissance with a number of recent lets within the centre. 50% of the premises have been trading for less than three years and 4 units have opened during 2017.
- Question the veracity of the supporting evidence over the marketing of the unit.
- Recent trader's survey indicates that they employ 160 people and as such the continued support for the commercial sector would help to sustain local viability and make a significant contribution to the local economy.

- These factors indicate that the area is considered to be a viable commercial destination.

**Representative from Knight Frank Surveyors:**-Given professional experience in the field and knowledge of the local demography there is the potential for the site to support café/restaurant and or doctors surgery/consulting rooms; recognises that the site is referred to in the 2012 Meads Conservation Area Appraisal as a key focal point within the area and as such is important in supporting the character of the Conservation Area; if the proposal is supported then the properties Nos 1a 3a and 3b would be functionally disconnected from rest of the main shopping street which in turn may affect the retail function of this District Centre; questions whether the property has been adequately and suitably marketed.

**County Archaeologist** – Although the application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals, for these reasons no further recommendations to make.

Neighbour Representations:

Other than the representations from The Meads Community Association referred to above there are no other third party objections received.

**Appraisal:**

Principle: In isolation there is no objection in principle to the development of new residential accommodation within the established development boundaries of the Borough as additional accommodation would contribute as a windfall site to the Councils housing need/requirements.

It is considered however that the overriding material consideration in this case is the loss of the commercial floor space from this District Centre and set against this background the principle of the loss of the commercial floorspace is considered to be unacceptable.

Retail impact Policy Context : Within the Council's Development Plan it identifies a retail hierarchy across the Borough and aligned with the hierarchy it recognises that different centres perform (in terms of supporting the community) in different ways and as such the assessment of town centre/commercial uses and change of use away from commercial are identified for particular scrutiny.

The application site is located in the Meads District Shopping Centre within the hierarchy of the borough and this is the second highest area of protection for commercial floorspace. Policy D4 of the Core Strategy which give the direct policy context for the application proposal outlines that new development will be supported which complies with the sequential order of shopping centres, is appropriate in scale and function to its location, integrated within the existing shopping area, will not have an unacceptable impact including cumulative impact of the vitality and viability of the Town Centre and surrounding district, local and neighbourhood shopping centres, and helps maintain and develop the range of shops to meet the needs of the local community within the centre.

Policy SH7 of the Borough Plan states that within the district shopping centres a change of use from class A1 uses to class A2 and A3 uses will be allowed under certain defined

circumstances and the introductory text to this policy outlines that where a proposal would create dead frontage then this may impact upon the viability of the centre. Given the above policy position an assessment needs to be made to determine whether the loss of the commercial floor space would impact upon the attractiveness/viability and sustainability of the centre.

Retail Impact Policy Assessment:

Whilst it is noted that the unit in question appears to be a relatively long term vacant unit (since 2014 according to the applicants supporting evidence) and in that regard has not contributed recently to the commercial function of the centre. However given the lack of commercial use of the premises and if supported the permanent residential use of the property will result in a permanently deactivated frontage.

This in turn will have the result of dissecting the commercial frontage and severing/isolating units 1a 3a 3b from the rest of the centre, potentially making the trading of these units harder going forward given the reduction in footfall/passing trade. If this were to happen there is the potential that support for this scheme would be seen as cementing the impression of a declining centre making other units difficult to let.

Based on the evidence submitted with the application the Council are not satisfied that the unit has been adequately and robustly marketed with a view of seeking a commercial tenant (any commercial town centre use) at letting rates that are realistic and therefore its loss should be resisted as a matter of principle.

Notwithstanding the long term vacancy there is a reasonable possibility in the Council's view that given the size and location of the unit and its reuse either as a retail unit or for another commercial use that would generate footfall and contribute positively to the vitality and viability of this district centre which would support the long established planning policy position.

For these reasons the change of use is considered to fail the policy tests and is recommended for refusal .

Extensions:

The scheme promotes a two storey rear extension that would add to the residential floor space of the ground and first floor apartments if the change of use were to be supported. In isolation and in design terms there is no objection to the external appearance of this extension and it would not materially impact upon the character and appearance of the host property in particular or the wider conservation area in general.

There are some questions over the size of the residential flats (ground floor some 171sqm) that the proposed extension would create and whether they would facilitate the future subdivision of the property into smaller units, however this will be determined if and when an application is received for that purpose

Car parking:

The scheme does not propose any off street car parking to support the change of the use or the extended residential footprint. Given the location and nature of the existing building/plot and the current lawful use of the application site it is considered that a refusal based solely on the lack of car parking could not be substantiated or justified.

**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:****Refuse Planning Permission**

The Council consider that it is undesirable for the ground floor of this building to change to a use falling within C3 use class as the building is located with the Meads District Shopping Centre and its loss and replacement with a residential use at ground floor would harm the vitality and viability of this shopping area, detrimental to its on-going sustainability, This is contrary to policy D4 of the adopted Cores Strategy (2013) and the policy SH7 of the Borough Plan 2007 (saved Policies)

**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**.