

<b>App.No:</b> 170820 (VCO)	<b>Decision Due Date:</b> 21 August 2017	<b>Ward:</b> Devonshire
Officer: Thea Petts	Site visit date: Numerous	<b>Type:</b> Variation of Condition
<b>Site Notice(s) Expiry date:</b> 21 July 2017		
<b>Neighbour Con Expiry:</b> 21 July 2017		
<b>Press Notice(s):</b> NA		
<b>Over 8/13 week reason: Given cttee cycle this application is being reported to planning committee beyond the 8 week determination period; an extension of time is being negotiated.</b>		
<b>Location:</b> Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne		
<b>Proposal:</b> Application for removal of condition 13 following grant of planning permission(141521) to allow the creation of 28 residential Flats		
<b>Applicant:</b> Mr A. AGGARAWAL		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Agree that in principle that holiday let tie can be lifted</li> <li>2. Defer the application and invite officers/owner negotiate an alternative layout/mix similar to that within Table No 2.</li> <li>3. Delegated to the Senior Specialist Advisor to negotiate relevant adaptations, alterations to the S106 agreement.</li> </ol>		

### **Background:-**

Members will recall that an earlier application was reported to this committee that promoted the conversion of a former hotel into a mixed development comprising 12 holiday flats and 16 residential apartments. The proposed holiday lets would be operated/managed by an existing hotel in Royal Parade. This application was granted and supported with a legal agreement in April 2016. The full committee report for this case is appended to this report in **Appendix 1**.

The applicants have supplied a statement outlining that they have been unable to secure development finance or a development partner to support the conversion works and operate the holiday let element of the consent if it were not to be run by the existing Royal Parade hotel. This has resulted in the building remaining empty, falling further into disrepair and now becoming more of a focus for anti-social behaviour.

The application is accompanied by a statement from The Eastbourne Hospitality Association (EHA) that outlines that building (having been vacant for a significant

number of years) has not contributed to the holiday infrastructure of the town and as such its loss would not be felt. In addition given the key/prominent location of the existing building and its current state of disrepair (visual eyesore) it impacts heavily on the character and appearance of the area, which has its own tourist impacts. In view of these issues the EHA fully support the application.

It is noted that since the earlier application that the Seafront Local Plan did not materialise and that an updated/revised Tourist Accommodation strategy has been adopted. In broad terms this strategy has identified a primary secondary location for tourist accommodation and also outlined the type/scope and nature of supporting evidence that is required to support any change of use away from tourist accommodation. The strategy also recognised the important part that the EHA could have in evaluating the merits of a particular submission

**Officers Assessment:-**

Principle:-

It is clear that by way of the earlier approval that Members are satisfied that the loss of the former hotel has been justified and is acceptable.

What falls to be considered/determined under this submission therefore is whether Members remain of the view that some form of holiday accommodation should be provided/retained at the site.

Officers acknowledge that the building has been vacant for a significant period of time and as such has not made a positive contribution either to holiday accommodation at the site or the character of the wider area. Set against this background there is some merit in the officer's views in exploring alternatives development options for the site.

Space Standards:-

If members were to support the deletion of the holiday unit tie from the scheme then it would result in 28 self contained flats. These flats would vary in type and size and when assessed against the National Space standards only two would deliver accommodation above this minimum threshold. It should be noted however that 16 of the units have already obtained consent for residential use under the previous approved scheme and could still be implemented in that regard.

It is acknowledged that full compliance with the National Space standards may well be an unrealistic ambition for this site given that it relates to the conversion of an existing building and that the former support for holiday lets (and their small size) was on the understanding that these units would not be occupiers/patrons sole place of residence.

Affordable Housing:-

At present, no Affordable Housing assessments/statements have been included within the submitted documents. It is anticipated that an Affordable Housing contribution would be required unless the applicant can demonstrate that such a contribution would make the development unviable. Notwithstanding this, the application site stands within a Low Value Neighbourhood and as such in policy terms there would be a 30% Affordable Housing Contribution.

Further to this officers will seek a resolution in negotiating an amended scheme.

Below are two tables:

- table 1 outlines the dwelling mix and their relative sizes
- table 2 highlights a potential alternative layout that has been prepared by officers.

It is clear from these tables that support for the current scheme would deliver 28 small apartments the majority of which do not comply with the National Space Standards and if an alternative layout could be delivered there is the potential for fewer apartments but built to a higher/greater space standard

TABLE 1:

Application proposed layout/mix (shaded non compliance with National Space Standards)

Flat Number	Type	Size (m2)	National Space Standards (m2)
1	2 Bedroom 4 Person	59	70
2	2B 4P	54	70
3	1B 2P	32	50
4	2B 4P	60	70
5	2B 4P	64	70
6	1B 2P	26	50
7 Holiday Flat (HF)	2B 4P	51	70
8 HF	1B 2P	34	50
9 HF	1B 2P	40	50
10	2B 4P	62	70
11	2B 4P	66	70
12	1B 2P	27	50
13 HF	1B 2P	41	50
14 HF	2B 3P	53	61
15 HF	1B 2P	41	50
16	2B 4P	60	70
17	2B 4P	67	70
18	1B 2P	43	50
19	1B 2P	42	50
20 HF	1B 2P	34	50
21 HF	1B 2P	39	50
22 HF	2B 3P	47	61
23	1B 2P	46	50
24	2B 3P	47	61
25	2B 4P	71	70
26 HF	1B 2P	37	50
27 HF	1B 2P	51	50
28 HF	1B 2P	41	50

TABLE 2

Potential alternative layout/mix (Shaded non compliance with National Space Standards).

Flat Number	Type	Size	National Space Standards
1	2 Bed 3 Person	69	61
2	2B 3P	64	61
3	1B 2P	39	50
4	1B 2P	44	50
5	2B 4P	68	70
6	2B 3P	62	61
7	2B 3P	62	61
8	1B 2P	40	50
9	1B 2P	42	50
10	2B 4P	60	70
11	2B 4P	63	70
12	2B 3P	65	61
13	2B 3P	66	61
14	1B 1P	36	39
15	2b 4P	58	70
16	2B 4P	65	70
17	2B 3P	63	61
18	2B 3P	61	61
19	1B 2P	25	39
20	2B 3P	56	61
21	2B 3P	61	61
22	1B 2P	28	50
23	2B 3P	56	50
24	2B 4P	58	70

Parking: It is also acknowledged that given the footprint of the site and its site coverage that there is limited availability for off street parking to support the former or proposed use. It is clear therefore that there will be a reliance on any shortfall being accommodated within the surrounding highway network. The principle of reliance on off-street parking was accepted on the recent approval given and as such remains relevant with this submission.

Recommendation:-

- 1** Agree that in principle that holiday let tie can be lifted
- 2** Defer the application and invite officers/owner negotiate an alternative layout similar to that within Table No 2 or better.
- 3** Delegated to the Senior Specialist Advisor to negotiate relevant adaptations/alterations to the S106 agreement.

Appendix 1

<b>App.No:</b> 141521 (PPP)	<b>Decision Due Date:</b> 25 March 2015	<b>Ward:</b> Devonshire
--------------------------------	--	----------------------------

<b>Officer:</b> Leigh Palmer	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 2 March 2015		
<b>Neighbour Con Expiry:</b> 2 March 2015		
<b>Press Notice(s):</b> 17 February 2015		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne		
<b>Proposal:</b> 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.		
<b>Applicant:</b> Mr A Aggarwal		
<b>Recommendation:</b> 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.		

### 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 Seafront 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 within 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 6<sup>th</sup> 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 constriction 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 due in part local support and investment from the local community 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 the 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:**

1Time Limit

2 In accordance with the approved drawings

3Details, 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.

4Controls over Construction and Demolition Times.

5Making good after demolition of conservatory and garages.

6Tree Planting and Landscaping.

7Boundary Treatment.

8Refuse enclosure.

9Vehicle and bicycle parking to be provided and retained, in accordance with the approved plans,

10Surface and Foul Water Drainage Arrangements.

11Hard Surfacing Details.

12Details of any external lighting required.

13Controls to ensure retention of tourist let uses.

14Control to limit the occupancy of the open residential units instil 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**.