

App. No: 170928	Decision Due Date: 27 October 2017	Ward: Devonshire
Officer: Thea Petts	Site visit date: 11 th September 2017	Type: Planning Permission
Site Notice(s) Expiry date: 25 th August 2017		
Neighbour Con Expiry: 25 th August 2017		
Press Notice(s): 25 th August 2017		
Over 8/13 week reason: committee cycle and an extension of time sought.		
Location: Coda Bar, 125 Langney Road, Eastbourne		
Proposal: Demolition of existing Coda bar Class A4 and erection of a 4 storey building to provide 10 residential apartments with associated secure parking, cycle storage, refuse and recycling storage, amenity space and external landscaping.		
Applicant: Mr Gary Ablewhite		
Recommendation: Approve conditionally and subject to S.106 Agreement for Local Labour initiatives		

Executive Summary:

This application is being reported to planning committee as it is a major application.

Scheme proposes the demolition of the existing building (Coda Bar) and replacement with 10 flats across four floors with associated parking (13 spaces).

Scheme represents an appropriate redevelopment of this sustainable brownfield site and as such complies with national advice and local plan policy.

Recommended for approval subject to conditions and s106 covering local labour initiatives.

Planning Status:

Public house/bar with bedsitting rooms over (across 3 ½ floors) and associated car park

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
6. Delivering a wide choice of high quality homes
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10: Historic Environment

D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO20: Residential Amenity

NE14: Source Protection Zone

LCF24: Redevelopment of Public Houses

TR6: Facilities for Cyclists

TR11: Car Parking

UHT1: Design of New Development

UHT4: Visual Amenity

US5: Tidal Flood Risk

Local Employment and Training Supplementary Planning Document

Technical Housing Standards

Nationally Described Space Standard

Site Description:

The application site, which is roughly triangular in shape, stands on the north-side of Langney Road, where it adjoins Bourne Street. The application site shares boundaries with Rush Court to the side (North West) and Bourne Primary School to the other side and the rear (north and north east). To the immediate east, fronting the road stands a former substation (outside of the site). A triangular shaped island stands in the road in front of the site in the middle of the Bourne Street and Langney Road junction. This island hosts a pumping station and public conveniences (now closed).

The building on the site is detached, has three and a half floors and is Victorian, retaining some traditional features (such as timber sliding sash windows). A car park stands to the side of the building (east) and is accessed via an existing dropped kerb at the centre of the front of the site.

The established street scene is somewhat eclectic, with Coda Bar remaining as one of the few Victorian buildings on the north side of this stretch of Langney Road. To the west and north (Bourne Street) lie various blocks of flats of three storeys, built in a generic style with pitched roofs. To the east stands the Salvation Army Citadel, this has a unique and bold appearance in the street. The Bourne School buildings are set back from the road, meaning that the backdrop for the development is predominantly open space of the playground serving the school.

Relevant Planning History:

001333

Demolition of existing public house and re-development for six one-bedroom and three two-bedroom flats.

Planning Permission

Approved conditionally

14/03/2001

060021

Amendment to Condition 1 of planning permission EB/2000/0655 to extend the period in which development must be commenced by 3 years.

Planning Permission

Approved conditionally

20/03/2006

980592

Change of use from electricity substation to store.

Approved unconditionally

09/04/1998

Proposed development:

The proposal is to demolish a current Public House with residential accommodation over (mixed use class A4/C3) and to erect a four storey building to provide ten self-contained residential units. The building is broadly rectangular in shape over four floors under a flat roof and providing undercroft access to a rear car park court containing 13 car parking spaces and cycle storage space.

The proposed accommodation schedule:

Unit	Occupancy	Floor Space	Complies with Nationally Described Space Standard?
1	2 bed, 3 person	65m ²	Yes
2	1 bed, 2 person	50.5m ²	Yes
3	2 bed, 3 person	65.5m ²	Yes
4	1 bed, 2 person	50m ²	Yes
5	1 bed, 2 person	50m ²	Yes
6	1 bed, 2 person	59m ²	Yes
7	2 bed, 3 person	66m ²	Yes
8 (2	2 bed, 3 person	70m ²	Yes

storey)			
9 (2 storey)	2 bed, 3 person	71.5m ²	Yes
10	2 bed, 4 person	94m ²	Yes

Consultations:

Internal:

Specialist Advisor (Arboriculture) – no comments received

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

- The vision for Seaside is to enhance its level of sustainability and to play an important role in the delivery of housing.
- The National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs
- The site has previously been identified in the Council’s Schedule of Development Sites for the Core Strategy, site reference CC171. The application will result in a net gain of ten dwellings, which will provide one additional unit to the potential number identified in the Schedule of Development Sites. This additional unit will further assist in meeting the housing target on a site which has already been identified as suitable for development.
- The proposal is contrary to policy LCF24. However, the loss of the existing public house has been accepted, in principle, through a previous lapsed permission (ref: EB/2000/0655).
- As of July 2016, Eastbourne had a 2.9 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies that where relevant policies are out of date, permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.
- It is considered that the positive contribution to the housing target is a benefit which outweighs the loss of the public house. Therefore the proposal is in accordance with the NPPF.
- The development doesn’t meet the threshold for affordable housing.
- Although it is considered that the loss of the public house in the Seaside Neighbourhood is contrary to policy, Eastbourne cannot demonstrate a five year housing land supply and therefore the policy is considered out of date. Moreover the proposal would positively contribute to the housing numbers.

Specialist Advisor (Conservation) – no comments received

Regeneration – recommend approval subject to Local Labour Agreement

- In accordance with p.11 of the Council's Local Employment and Training SPD, this proposal qualifies for a local labour agreement as it meets the residential threshold for development

External:

Southern Water – recommend conditions

- The applicant should confirm the actual location of the foul sewer
- The sewer can potentially be redirected as long as there is no hydraulic capacity lost as a result (includes requirements of such a redirection)
- Southern Water requires a formal application for connection to the sewer (covered by
- informative)
- If drainage apparatus is diverted, a condition is recommended pertaining to the measures to be taken in diverting the sewers
- It is the developer's responsibility to make suitable provision for the disposal of surface water

East Sussex Building Control Partnership – no comments received

Environment Agency – no comments received

County Archaeologist – recommends a condition

- The submitted desk-based assessment shows that the existing pub has a moderate heritage significance and a low – moderate potential for pre-historic and Romano-British archaeological remains to be buried on the site
- Deposits are most likely to survive in the enclosed yard to the rear of the pub
- In light of the findings of the desk-based assessment, a programme of archaeological works and written scheme of investigation should be secured by way of condition

Highways ESCC – recommend conditions

- The ESCC Parking Calculator requires 12 parking spaces to serve the development; the 13 spaces provided are adequate
- Parking spaces 10-13 might be difficult to access and manoeuvrability within the site might require extra movements, however, this is not considered likely to negatively affect the highway
- The proposed cycle parking numbers comply with ESCC standards, however this provision needs to be covered
- The proposed development will likely be fewer than the number of trips associated with the current A4 and HMO use and as such, the highway network will be unlikely to be affected
- The applicant has provided a travel plan; this is considered acceptable as a method to raise awareness of and encourage other modes of travel from the site

- The access is not to be subject to alteration to facilitate the development. The access is considered appropriate for serving the proposed development and will accommodate two way vehicular flows
- The refuse collection point is within the site and within 25m of the highway and as such, is considered to comply with the relevant good practice guidance
- The site is within easy reach of public transport links. There are bus stops serving major routes within 250m of the site and Eastbourne Railway Station is 1km away, which is an acceptable distance. The site is also within an acceptable walking distance to the Town Centre.
- The proximity of Bourne County Primary School to the site requires the need for a Construction Traffic Management Plan (condition recommended)
- Hardstanding should be drained by means of oil trap gullies or oil/petrol interceptors

Neighbour Representations:

No objections have been received.

Two notes of support have been received and cover the following points:

- Proposed scheme will regenerate the area
- The redevelopment will be better than a closed pub
- Hopefully parking will not be affected, but otherwise development is likely to be better than existing

Appraisal:

Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs. The site has previously been identified in the Council’s Schedule of Development Sites for the Core Strategy, site reference CC171 and a previous permission (ref: 001333) has set the principle for residential development on the site.

As the Council cannot demonstrate a five year housing land supply, local policies in relation to housing should be regarded as not up to date. Para 14 of the NPPF identifies that where relevant policies are not up to date, permission should be granted *'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*

Residential amenity for future occupiers

The development proposes the creation of 10 flats, all of which comply with or exceed the requirements of the Technical Housing Standard in terms of overall floor space. The proposed bedroom sizes also significantly exceed these requirements.

Unit	Occupancy	Floor	Complies with Nationally
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		Space	Described Space Standard?
1	2 bed, 3 person	65m ²	Yes
2	1 bed, 2 person	50.5m ²	Yes
3	2 bed, 3 person	65.5m ²	Yes
4	1 bed, 2 person	50m ²	Yes
5	1 bed, 2 person	50m ²	Yes
6	1 bed, 2 person	59m ²	Yes
7	2 bed, 3 person	66m ²	Yes
8 (2 storey)	2 bed, 3 person	70m ²	Yes
9 (2 storey)	2 bed, 3 person	71.5m ²	Yes
10	2 bed, 4 person	94m ²	Yes

The current scheme does provide suitable outlook for future occupiers. It is noted that there will not be far reaching views offered to the rear of the ground floor units as a wall bounds the west of the site (Rush Court). However, there are no windows proposed to look out onto this wall and the rear and front facing windows are considered adequate in providing light to habitable rooms.

Some amenity space is allocated for each unit. This is considered to be a desirable feature and merit to the scheme. Most of the amenity space is provided by balconies, but the ground floor units have small gardens and a terrace.

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

The removal of the public house use and its replacement with self-contained residential units and ancillary car parking is likely to have a positive effect on the residential amenity enjoyed by nearby residents. This is principally due to the late opening hours of the existing pub and associated potential for late night noise nuisance and ASB.

The existing building on the site is tall; the proposed building is to be no taller, but will have increased bulk. Nevertheless, the proposed building is not likely to affect the amount of light received into adjoining residential sites. It is noted that the Bourne School playground may be affected by some light loss, but this is not likely to be significant such that the application should be resisted on this issue when the scheme is acceptable in all other respects.

It is noted that the proposed building has many balconies serving the residential units. However, it is not considered that these balconies will result in a material loss of privacy for any adjacent property. The Bourne Scholl playground will be overlooked, but this is not considered to reduce privacy – especially considering that the playground is already significantly overlooked by the existing and neighbouring buildings.

As the development site is located within immediate proximity of many dwellings, the hours of construction and demolition shall be controlled by condition in order to preserve amenity.

Design issues:

The design of the current proposal is modernist influences and does not propose a pastiche of the existing building. The previously approved scheme (ref: 001333) proposed a development which would pick-up on the features of the building to be demolished. However, it is not considered that a modern development should be rejected just because of a departure from the existing character of the site. The existing building and car park, although they have not attracted enforcement action under Section 215 of the Town and Country Planning Act 1990 (as amended), are not in the best condition and do not contribute positively to the appearance of the area. That being said, the existing building has the potential to contribute positively to the street scene, but as it is not Listed and offers few distinctive features for the historic fabric of the area (above ground), its loss is considered acceptable.

The bulk of the proposed building is stacked towards the front, with the tallest part of the building located to the centre-west of the site (close to the position of the building to be demolished). As the existing building is built up against the highway, the character of a tall and flat frontage is already present. The triangle island in the middle of the road will buffer the visual appearance of any development on the site when viewed from Langney Road, a main thoroughfare.

The proposed scheme is considered to be appropriate in this location, with a number of design details included which echo the more distinctive and positive design choices used in the area. The most notable would be the use of brickwork to form the essential shape of the building and to highlight details. The use of this material is a key element to the harmonious blending of the old development with the new in this location.

The visual emphasis is to the design draws the eye to the horizontal, much like the Victorian terraces of Langney Road and the more modern blocks of flats on Langney Road and Bourne Street. Balconies too are included within the design to the front and rear. Both of which are commonplace on the nearby blocks.

The depth of the proposed building is considered to be appropriate for the site, with a good amount of open space to the rear of the site it is not considered that the site would be overdeveloped.

Issues with the positioning of a foul sewer running under the site have led to the designing of the scheme to respond sensitively to this constraint. The inclusion of undercroft parking and the retention of the existing access are symptomatic of this constraint also.

However, the off-road parking will resultantly be obscured from view of the street. This is considered to be an additional benefit in favour of the proposed scheme as it allows compliance with relevant policies which seek to avoid having extensive off-road parking visible from the street.

Impact on historic assets:

The site does not fall within an Archaeological Notification Area, nor is the building Listed or is it within a Conservation Area. However, ESCC Archaeology has been consulted as the scheme constitutes 'major' development. It has subsequently recommended a condition requiring archaeological investigation due to the potential for significant pre-historic and Romano-British finds on the site (specifically below the existing beer garden to the rear).

Impacts on trees:

As all proposed buildings and their foundations are to be located outside of the tree root protection areas there should be no effect on tree roots as a result of development. However, to ensure trees are not damaged by bonfires on the site, a condition requiring that no bonfires are made on the site will be attached to any consent granted.

Further to this, there are not considered to be any other requirements for tree protection.

Impacts on highway network or access:

When consulted, ESCC Highways do not consider that the scheme is inappropriate – indeed the proposed scheme exceeds the parking space requirements by one space. The number of cycle parking spaces has been provided for each dwelling in line with ESCC recommendations also. However, the cycle parking needs to be covered and secure to comply with ESCC recommendations. As such, details will be secured by way of a condition.

Overall, the current use is considered to exceed the number of trips to and from the property in comparison to the proposed use. Therefore, this is considered not to have a negative effect on the highway network.

ESCC support the inclusion of the Travel Plan and have requested a condition is attached to any permission granted to ensure its implementation.

Planning obligations:

The proposed development reaches the threshold for the requirement of a Local Labour Agreement as ten residential units will result from development (in-line with the adopted SPD). As such, this should be secured using a S.106 agreement if the scheme is approved.

Sustainable development implications:

The location of the site for housing is considered to be sustainable in terms of its proximity to travel links and nearby amenities.

Other matters:

A public sewer runs through the centre of the site. Southern Water requested confirmation from the applicant about the location of this sewer, as the plans available to Southern Water show only the approximate location of this sewer. The applicant has confirmed that the sewer location as referred to in the planning application documents is accurate.

The existing public house has previously attracted some anti-social behaviour and the revocation of the license last year (August 2016). Although this is not in itself considered to be a material planning consideration, the potential for crime and disruption of residential amenity is considered to have the potential to be a material consideration. As such, the proposed development, if it goes ahead, would attend to this issue and remove the potential for anti-social behaviour associated with the public house use.

The loss of the public house is technically contrary to Policy LCF24 of the Borough Plan (Saved Policies). However, as the Council cannot demonstrate a five year housing land supply, this policy is considered to be out of date and the principle of the redevelopment of the site was set previously in 2000 (ref: 001333). Therefore the scheme should not be refused based on this policy.

The provision for waste storage is considered appropriate and corresponds to requirements previously discussed with the Specialist Advisor for Waste.

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 development is considered to be appropriate for the site and coupled with the demolition of the existing public house, may have a positive effect on this part of the town. The design is considered to be good and the provision for the amenity of future occupiers is also appropriate.

As such, the scheme is recommended for conditional approval and subject to a S.106 Agreement for Local Labour Initiatives.

Recommendation:

Approve conditionally with S.106 Agreement for Local Labour initiatives

Conditions:

1. Time
2. Drawings
3. Construction Method Statement – temporary buildings etc.
4. Hours of demolition/construction
5. Car parking prior to occupation
6. Secure and covered cycle parking prior to occupation
7. Vehicle turning space in accordance with plans prior to occupation
8. Construction Management Plan
9. Submitted Travel Plan shall be implemented prior to occupation
10. Visibility splays to be provided prior to occupation and retained thereafter
11. Programme of archaeological works to be submitted prior to development and a written record of findings to be submitted within 3 months of completion of archaeological works
12. No bonfires
13. No contaminated materials to be brought on site

Informatives:

- 1) Southern water - connection to sewer

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**.