

<b>App.No:</b> 180476	<b>Decision Due Date:</b> 14 August 2018	<b>Ward:</b> Meads
<b>Officer:</b> James McLean Smith	<b>Site visit date:</b> 07/06/2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 7 June 2018		
<b>Neighbour Con Expiry:</b> 7 June 2018		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b> Within time		
<b>Location:</b> Albany Lions Hotel, 41-43 Grand Parade, Eastbourne		
<b>Proposal:</b> Proposed change of use of the function suite/reception rooms, ancillary storage/offices of The Albany Hotel from C1 to C3 to form 10N° one bedroom dwellings. To include roof and side extension to create a first floor and external alterations to the front and side elevation.		
<b>Applicant:</b> Mr Sheikh Abid Gulzar		
<b>Recommendation:</b> Approve conditionally		

### **Executive Summary:**

The proposed development involves the conversion of the existing building, which houses a function room and other ancillary uses, to a total of 10 x one bedroom dwellings, with roof extensions / modifications and a three-storey side extension used to provide additional volume required for unit floor space and access.

The proposal would not result in the loss of any hotel rooms nor would it impact upon the overall viability of the hotel use. Extensions have been designed to minimise impact on visual and residential amenity.

Zero car parking provision is acceptable due to the sustainable location of the site, the expected tenure and the demand for parking not significantly increasing from that of the existing use.

### **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

- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 12. Conserving and enhancing the historic environment

#### Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution Sustainable Centre
- C1 Town Centre Neighbourhood Policy
- D1 Sustainable Development
- D3 Tourism
- D5 Housing
- D10 Historic Environment (Conservation Area)
- D10A Design

#### Eastbourne Borough Plan Saved Policies 2007

- HO1 Residential Development Within the Existing Built-up Area
- HO6 Infill Development
- HO9 Conversions and Change of Use
- HO11 Residential Densities
- HO20 Residential Amenity
- TO1 Tourist Accommodation Area
- TO2 Retention of Tourist Accommodation
- TO5 New Tourist Accommodation
- TO7 Preferred Area for Tourist Attractions
- TO9 Commercial Uses on the Seafront
- TO8 New Tourist Attractions and Facilities
- UHT1 Design of New Development
- UHT15 Conservation Area
- NE14 Source Protection Zone

#### **Site Description:**

The site is occupied by a two-storey building (lower ground and ground floor) which is attached to the main hotel building at 41-43 Grand Parade, currently known as the Albany Lions Hotel. The building is currently used for purposes ancillary to the operation of the hotel, providing space for a ballroom/function room as well as office and storage rooms.

The building faces on to Burlington Place, where pedestrian access is also obtained. The lower ground floor is set below street level, accessible through the use of a stairway. The frontage has distinctive full height bay windows, with two provided on each floor. Walls are finished in painted render. The roof to the front of the building is hipped with shallow slope. An extension has been added to the rear, with a larger footprint than the frontage building. This extension currently also provides two floors and has a shallow pitched crown roof, flanked on either side by a parapet wall. Directly behind the building is a hard surfaced yard area which is used for parking and servicing, accessed from Compton Street.

The Town Centre & Seafront Conservation Area covers this stretch of Burlington Place, as well as the majority of surrounding streets. Terraces of mid to late 19<sup>th</sup> century Italianate

buildings with stuccoed walls and prominent bay windows are a defining presence. The majority of these buildings are 3-4 storeys in height, with many also being served by basements. Buildings are occupied by a mix of residential flats and hotels.

There are no other special designations attached to the site.

**Relevant Planning History:**

EB/1960/0554

Use of premises, now used as a club, as part of the ' Sandhurst Hotel'.

Granted, subject to condition.

1960-10-06

EB/1961/0606

Change of use of club premises to 'Sandhurst Hotel' extension.

Granted.

1961-11-16

EB/1962/0221

Erection of a block of 12 flats in five storeys and a penthouse, with 9 domestic garages at the rear.

Granted, subject to conditions.

1962-04-26

EB/1962/0082

Erection of a block of 12 flats in five storeys and a penthouse, with 8 domestic garages.

Granted, subject to conditions.

1962-02-22

EB/1966/0298

Removal of one bay window on front elevation and provision of a covered balcony with balustrade.

Refused, one reason.

1966-06-09

EB/1969/0504

Change of use from casino to hotel accommodation, and formation of opening to 'Sandhurst Hotel'.

Granted (Five years)

1969-10-23

EB/1977/0436

Erection of a single-storey extension at front, to form a sun lounge.

Granted, subject to conditions.

1977-12-13

EB/1978/0411

Erection of a single-storey extension at front, to form a sun lounge.

Granted (Five years).  
1978-10-17

970632

Rear extension to enclosed yard at basement level to provide hotel leisure facilities.

Planning Permission

Approved conditionally

16/04/1997

040615

Retrospective application for the retention of four ornamental lions, two either side of the Burlington Place entrance, one at the corner of Burlington Place and Grand Parade and one on the Grand Parade elevation at the boundary with the West Rocks Hotel (subject to revisions), and the retention of PVC-U windows to the fourth floor on both the Grand Parade and Burlington Place elevations.

Planning Permission

Approved conditionally

10/12/2004

040617

Retrospective application for the retention of two ornamental lions, either side of the main entrance in Grand Parade (subject to revisions), and the retention of PVC-U windows to the third floor (subject to revisions) and basement on both Grand Parade and Burlington Place elevations together with the proposed replacement of existing timber windows to first and second floors to both Grand

Parade and Burlington Place elevations and to ground floor to Burlington Place elevation.

Planning Permission

Approved conditionally

10/12/2004

070791

Erection of carport over rear car parking area to include kitchen and side door

Planning Permission

Approved unconditionally

05/02/2008

080759

Rear extension to ballroom at back of hotel, with undercroft car parking below

Planning Permission

Refused:

1.) Extension would be overbearing towards neighbours, cause overshadowing, loss of privacy and would lead to increased activity.

2.) Detrimental to the setting of the Conservation Area and nearby Listed Buildings.

12/03/2009

100179

Replacement doors to front entrance

Planning Permission

Approved conditionally

16/07/2010

100728

Upper ground floor and basement extension to ballroom at rear with storage below.

Planning Permission

Not determined

26/12/2010

110024

Upper ground floor and basement extension to ballroom at rear with storage below.

Planning Permission

Refused

1.) Extension would be overbearing towards neighbours, cause overshadowing and would lead to increased activity.

11/03/2011

### **Proposed development:**

The proposal involves the modification of the roof of the existing rear extension to the building, which is currently used as an ancillary element of the adjoining hotel, by way of removing the current crown roof and replacement with a flat roof, allowing for additional space for first floor accommodation. The roof top of the new flat roof would match that of the flat roof element of the crown roof whilst the parapet walls at either side of the roof would be retained, with a modest extension at either end where the parapet wall currently slopes down in alignment with the roof slope.

A three-storey (lower ground floor to first floor) flat roof extension would be added to the side of the existing building to provide additional space, including for access. The roof top height of this extension would match that of the roof extension to the attached building.

The rear fascia of the building would be altered to provide two bay windows at each level of the extended building.

The extended building would be subdivided in order to provide a total of 10 x one bedroom flats to be distributed between the lower ground floor (4 units), ground floor (4 units) and first floor (2 units). The ground level to the rear of the building would be lowered by approximately 1.1 metres in order to provide full height windows to lower ground floor flats.

The proposal is for a car-free development.

### **Consultations:**

Internal:

#### Conservation Area Advisory Committee

The item appeared before Conservation Area Advisory Group on 22 May 2018; The group felt that the proposals had a limited impact on the conservation area and applauded the replacement of UPVC windows with timber sash to the front elevation. The group requested that the SA conservation discuss the replacement of the front door with the applicant and also wished to confirm that the decorative parapet would be retained.

## Conservation Officer

This application seeks permission to redevelop the ballroom at the side of this prominently positioned hotel located within a conservation area setting as residential accommodation. The intention is to create 10 one-bedroom apartments using existing basement and ground floor levels and by creating a new additional level to the rear. Development work is heavily concentrated at the back of the building in a service area characterised by limited public visibility and overlook, with only limited impact on the front elevation. Indeed, this most visible area will demonstrate benefit in heritage terms through the proposed replacement of fenestration at lower ground level, with new timber windows replacing existing uPVC products. The overall impact on the character and impact of the conservation area is marginal, and I do not wish to register an objection.

The owner's representative confirmed on 23 May 2018 that the parapet will remain and that the applicant is happy to install a replacement door. Plans have been amended accordingly.

## Specialist Advisor (Planning Policy):

The application site is located within the Town Centre neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006 – 2027 (adopted 2013). It is located within the Tourist Accommodation Area as defined by the Eastbourne Borough Plan 2001 – 2011 Saved Policies and the Core Strategy. It is also within the Town Centre and Seafront Conservation Area.

The Town Centre has been identified as both a Sustainable Centre and a Sustainable Neighbourhood. Core Strategy Policy C1: Town Centre Neighbourhood Policy supports the delivery of new housing through conversions, infill development and redevelopment. The policy also aims to protect tourist accommodation from losses and inappropriate development.

Although the proposal is within the tourist accommodation area and the premises are used as tourist accommodation, it does not involve the loss of bedspaces and, as such, it is not considered that Borough Policy Plan TO2: Retention of Tourist Accommodation applies in this instance.

The Planning Statement supporting the application indicates that the ballroom has limited use and is surplus to requirements, and therefore the loss of such a space would not have an adverse impact on the viability of the tourist accommodation as a whole.

In terms of the supply of housing, para. 49 of the National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Currently, Eastbourne can only demonstrate a 3.16 years supply of housing land, which means that the presumption in favour of sustainable development applies. The lack of a five-year supply is also a material consideration in the determination of the application.

The NPPF supports sustainable residential development and is supported in order to meet local and national housing needs. The site has not been identified in the Strategic Housing & Employment Land Availability Assessment (SHELAA) (2017) and, as such, would be

considered to be a windfall site. Residential development on windfall sites is required in order to meet the Core Strategy's Spatial Development Strategy (Policy B1 of the Core Strategy). As such, the principle of residential development in this location is supported.

As the application involves the creation of 10 residential units, it is under the threshold for affordable housing and, therefore, no affordable housing contribution is required.

Due to the lack of a five-year housing land supply, the application should be judged against the presumption in favour of sustainable development contained within the NPPF. It is not considered that the adverse impacts of this application outweigh the benefits of the creation of new housing units, and it is not contrary to any specific policies within the NPPF.

Regeneration Officer:

Request a Local Labour Agreement.

Specialist Advisor (Conservation):

This application seeks permission to redevelop the ballroom at the side of this prominently positioned hotel located within a conservation area setting as residential accommodation. The intention is to create 10 one-bedroom apartments using existing basement and ground floor levels and by creating a new additional level to the rear. Development work is heavily concentrated at the back of the building in a service area characterised by limited public visibility and overlook, with only limited impact on the front elevation. Indeed, this most visible area will demonstrate benefit in heritage terms through the proposed replacement of fenestration at lower ground level, with new timber windows replacing existing uPVC products. The overall impact on the character and impact of the conservation area is marginal, and I do not wish to register an objection.

The item also appeared before Conservation Area Advisory Group on 22 May 2018, where it was well-received. Members requested that officers follow up on a couple of detail points on the retention of an attractive decorative parapet to the front, and their preference for a new front door for the development. The owner's representative confirmed on 23 May 2018 that the parapet will remain and that the applicant is happy to install a replacement door. Plans have been amended accordingly.

CIL:

The proposed development involves the provision of flats and, as such, is not CIL liable.

External:

Southern Water: Consent is required if any additional connections are made and that no development including planting shall be within 3m of the existing sewers

SUDS:

In terms of flood risk, we acknowledge that this application is for a change of use and that the development mostly consists of internal changes. Whilst there is a first floor extension, this is unlikely to result in an increase in the impermeable area of the development site.

The planning proposal includes four basement dwellings, these are considered to be 'highly vulnerable' in the NPPG. However, British Geological Survey data shows that the site is at risk of groundwater flooding occurring at the surface and that groundwater on site is less than 3m below ground level. From the information submitted, there is no indication as to whether the applicant has taken groundwater flood risk into consideration.

The applicant intends to discharge surface water from the site into a public sewer. This is acceptable in principle as the existing connection can be utilised.

If the planning authority is minded to grant permission, we request that the following conditions are added to manage flood risk at the site:

1. Due to high groundwater levels, the applicant will need to provide evidence that the basement dwellings are resilient against the ingress of groundwater.
2. The condition of the combined drainage system should be investigated and improvements should be implemented if required. This should take place prior to occupation.

#### Neighbour Representations:

Two letters of objection have been received and cover the following points:

- Would result in loss of light to neighbouring properties;
- Insufficient parking and would result in loss of staff parking to the rear;
- Underground parking should be considered instead of basement flats.

#### **Appraisal:**

##### Principle of development:

Para. 17 of the National Planning Policy Framework (NPPF) lists the reuse of existing resources, including conversion of existing buildings within the 12 core land use planning principles that underpin decision taking.

Policy D3 of the Core Strategy states that the Council will resist the loss of visitor accommodation through the retention of a tourist accommodation area and protection policy and support the appropriate upgrading of existing hotels.

Although the proposed development involves the change of use from C1 (hotel) use to residential, it would not impact on the quantum or size of hotel rooms provided as the building that is to be converted contains only ancillary uses rather than hotel accommodation itself.

The current ballroom / function room is currently underused and not seen as essential to the ongoing viability of the main hotel use. It is therefore considered that the proposal represents the efficient use of the building that would not compromise the provision of tourist accommodation. Furthermore, by disposing of the underused ancillary building, the viability of the hotel use is likely to improve, should the development be approved.



Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Currently, Eastbourne is only able to demonstrate a 3.26 year supply of land. This proposal, for 10 additional units, would make a contribution towards increasing the number of year's supply of housing land.

The density of the development is high on account of the number of storeys and the modest size of the plot. However, the site is located within the Town Centre which is recognised as a sustainable neighbourhood and a high density area, with Policies B1 and C1 of the Core Strategy encouraging development of up to 180 dwellings per hectare in this location. The proposed development represents the upper end of this spectrum and is therefore considered to represent an optimal use of the site.

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

Policy HO20 requires development proposals and extensions to existing buildings to respect residential amenity.

The proposal involves the modification of the roof of the rear portion of the existing building, which adjoins 23 Burlington Place (Alban Court), projecting approximately 7.7 metres beyond the rear wall of that property. Alban Court is occupied by flats (one per floor) all of which have rear facing windows. It is not considered that the proposed works would adversely impact upon the occupants of these properties as the height of the roof would not be increased. The modest extension of the parapet wall required by the replacement of the pitched roof with a flat roof would not significantly alter the relationship of the building towards Alban Court, whilst the side extension would be screened entirely by the existing building. As such, it is not considered that the proposed modifications would bring about any undue increase in levels of overshadowing towards neighbouring properties or appear overly dominant or overbearing.

All new windows would face to the rear and, as such, would not allow for invasive views towards windows of flats at Alban Court and the associated amenity space. The windows would face towards the rear of 1-3 Howard Square, which is in hotel use. Whilst the windows would be, at some points, within approximately 15 metres of rear facing windows at 1-3 Howard Square, this sort of relationship is common within the surrounding area due to the density of buildings and, in any case, hotel uses are not afforded the same amenity protections as residential dwellings within planning policy. This position also applies to the relationship between the proposed three-storey side extension and the neighbouring building to the east, which is occupied by hotel rooms at the Albany Lions Hotel.

#### Design issues:

Policy UHT1 requires that new development harmonises with the appearance and character of the local environment, is appropriate in scale and form, and that it makes the most effective use of the site with the highest density appropriate to the locality.

The proposed works would not impact upon the attractive appearance of the existing building frontage as the main works are concentrated to the rear, where they would be almost entirely screened by the front of the building. The proposed modifications are considered to improve the appearance of the rear of the building as they would involve the removal of an existing unsightly crown roof, with more attractive features such as the parapet wall and chimney being retained, and the provision of full height bay windows that would complement the existing characteristics of the main building as well as the wider surrounding Conservation Area.

The proposed side extension would match that height of the extended building be of a similar flat roof design with parapet roof, thereby ensuring visual integration and preventing a cluttered appearance from arising to the rear of the site.

The proposed flats would utilise the existing access from Burlington Parade, ensuring the building continues to engage within the street scene and also benefits from an easily identifiable access point which enjoys good levels of natural surveillance from surrounding buildings as well as defensible space in the form of boundary walling and railings. The area adjacent to ground floor windows to the rear of the building are shown as amenity space. It is considered that a condition should be added to ensure that this space is defensible, particularly given that the adjacent yard is used as a parking and servicing area for the hotel.

#### Living conditions for future occupants:

All units would exceed the minimum standards for Gross Internal Area (GIA) set out in the Technical housing standards – nationally described space standard (2015), with single occupancy units providing over 39 m<sup>2</sup> GIA and 2 person units providing over 50 m<sup>2</sup> GIA.

All communal living space within each flat would be served by bay windows, providing a good level of natural light to these rooms. Other than Flat 3 (lower ground floor) and Flat 7 (ground floor) all bedrooms will be served by windows. The bedrooms at Flats 3 and 7 would be served by windows within a lightwell. Whilst the level of natural light may be reduced as a result of this, the main living space would have better access to natural light. The presence of lightwell windows would also ensure that the bedrooms are adequately ventilated.

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

Policy UHT15 requires development to preserve or enhance the character or appearance of the area.

The modest scale of the proposed development combined with its discrete positioning and amount of separation from nearby Listed Buildings will combine to ensure that it does not negatively impact upon their setting.

The design attributes of the development have been supported by the Council's Conservation Officer as well as the Conservation Area Advisory Group (CAAG), following minor revisions that were made to the frontage as per a request.

#### Impacts on trees:

No trees or any other landscaping would be affected by the proposed development.

#### Impacts on highway network or access:

The proposal is a car free development and, as such, no car parking spaces would be provided. Borough Plan Policy TR11 states that Planning applications for new development, changes of use and extensions to existing premises must comply with approved maximum car parking standards. The Policy then goes on to qualify that Permitted parking provision will reflect local public transport, cycle and pedestrian accessibility, and economic conditions and other local circumstances, including, environmental impact and traffic conditions, and availability of public parking elsewhere and take account of operational needs and local parking strategies.

Whilst no parking spaces are provided, it is noted that the development consists exclusively of one-bedroom units and that the tenure of small units such as this does not include a high demand for car parking spaces. Furthermore, it is considered that the parking demand generated for the existing use, if operating at its full potential, would be likely to be greater than that of the proposed scheme.

The site is recognised by the Core Strategy is being in a highly sustainable location with good levels of access to public transport, shops and other services, further reducing the need for future occupants to own a car.

The site is located in a Controlled Parking Area and, as such, on-street parking would not be possible in any case, although any future occupants that did have a car would have the opportunity to apply for a parking permit for on-street parking.

Cycle storage, along with bin storage, would be provided adjacent to the development, The provision of cycle storage would encourage the use of the bicycle as a means of transport. Bins would be accessible from the rear access road and, as such, the site could be serviced in a similar way to the existing arrangement for neighbouring properties on Burlington Place. The facilities are only indicatively shown on the accompanying plans and, as such, a condition would be attached to any approval to require further details to be provided confirming the capacity of the facilities and that they would be secure and covered.

#### **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:**

It is considered that the proposal represents sustainable development by making efficient use of an existing building without any unacceptable impact upon the viability and vitality of tourism in the town or upon visual and residential amenity.

**Recommendation:**

It is recommended that the application is approved, subject to the attached conditions.

**Conditions:**

1. 3 year time limit;
2. Approved Plans;
3. Flood resilience measures;
4. Drainage survey;
5. Materials
6. Details of defensible space;
7. Construction Hours;
8. Construction Method Statement;
9. Cycle Storage details;
10. Bin Storage details;
11. Local Labour Agreement;

**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**.