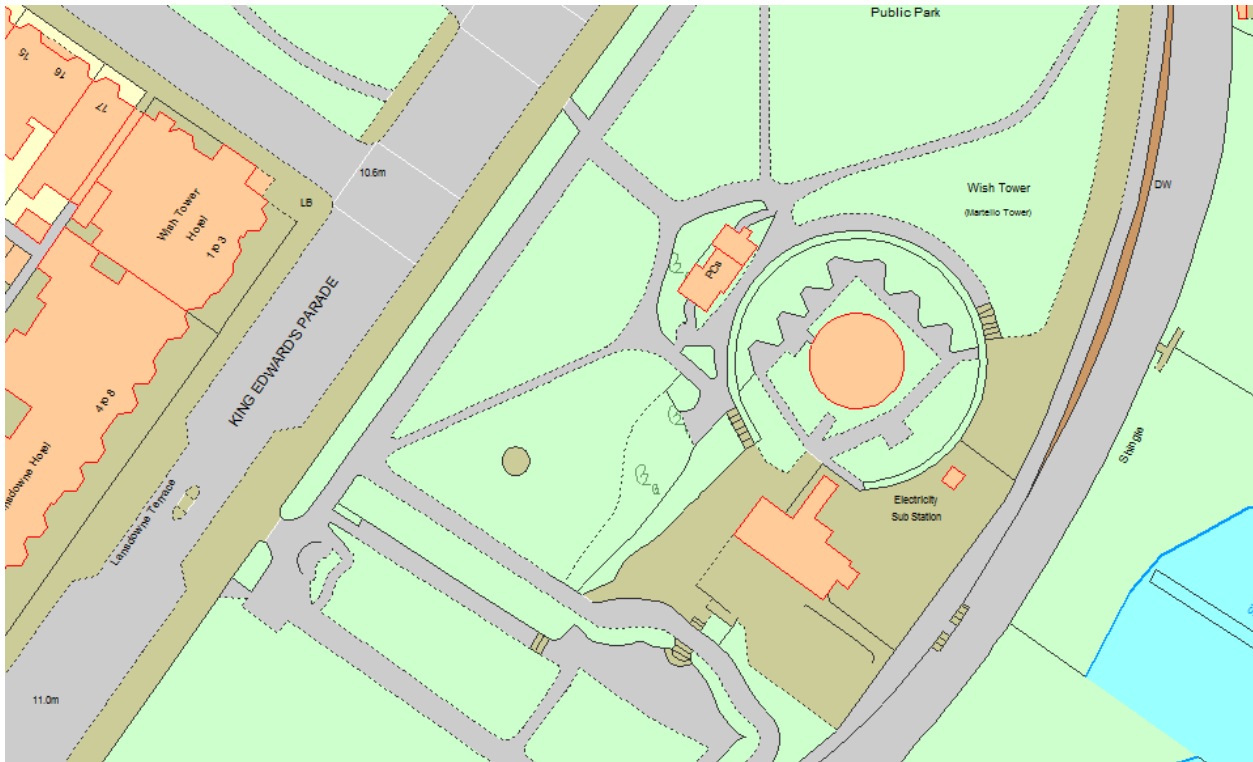


App.No: 180642	Decision Due Date: 20 September 2018	Ward: Meads
Officer: James Smith	Site visit date: 23 rd July 2018	Type: Planning Permission
Site Notice(s) Expiry date: 16 th July 2018		
Neighbour Con Expiry: 16 th July 2018		
Over 8/13 week reason: N/A		
Location: Wish Tower Cafe, King Edwards Parade, Eastbourne		
Proposal: : Demolition of existing temporary cafe building and replacement with a permanent single-storey building to be used as a restaurant.		
Applicant: Mr Paul Quanstrom		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026

Map location:



1 Executive Summary

1.1 This application is being reported to committee given the Borough wide significance of the proposed development.

The proposed development fulfils the long established planning brief for the site by way of providing a new restaurant facility that respects the constraints of the site and the surrounding area.

1.2 The public benefit of the proposed development outweighs any less than substantial harm that would impact on the neighbouring Scheduled Ancient Monument. In any case, the design, layout and orientation of the proposed building is considered to be sympathetic towards the Wish Tower.

1.3 There would be no detrimental impacts on neighbouring residents and the use is compatible with the surrounding Town Centre, contributing to its vitality and viability and providing enhanced facilities for residents and visitors that would encourage use of other nearby facilities.

1.4 The development has been designed to be as accessible as possible.

1.4 Surrounding on street car parking has sufficient capacity to serve the development.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework (2018)

- 2. Achieving sustainable development
- 4. Decision making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well designed places
- 16. Conserving and enhancing the historic environment

2.2 Eastbourne Borough Plan (2007)

- NE18 (Noise)
- NE28 (Environmental Amenity)
- UHT1 (Design of New Development)
- UHT4 (Visual Amenity)
- UHT5 (Protecting Walls/Landscape Features)
- UHT7 (Landscaping)
- UHT8 (Protection of Amenity Space)
- UHT10 (Design of Public Areas)
- UHT15 (Protection of Conservation Areas)
- UHT17 (Protection of Listed Buildings and their Settings)
- HO20 (Residential Amenity)
- TR6 (Facilities for Cyclists)
- TR11 (Car Parking)
- TO7 (Preferred Areas for Tourist Attractions and Facilities)
- TO8 (New Tourist Attractions and Facilities)
- TO9 (Commercial Uses on the Seafront)
- US4 (Flood Protection and Surface Water Disposal)

2.3 Eastbourne Core Strategy (2013)

- B1 (Spatial Development Strategy and Distribution)
- B2 (Creating Sustainable Neighbourhoods)
- C1 (Town Centre Neighbourhood Policy)
- D1 (Sustainable Development)
- D2 (Economy)
- D3 (Tourism and Culture)
- D10 (Historic Environment)
- D10a (Design)

2.4 Eastbourne Town Centre Local Plan (2013)

- TC1 (Character Areas)
- TC2 (Town Centre Structure)
- TC3 (Mixed Use Development)
- TC7 (Supporting the Evening & Night-time Economy)
- TC8 (Arts Trail)
- TC9 (Development Quality)

2.5 Eastbourne Wish Tower Restaurant Site SPG (2009)

3 Site Description

3.1 The site has recently been cleared but was previously occupied by a temporary building housing a café and seating area that was originally erected in 2012 to replace a permanent building that had occupied the site but fallen into a poor condition. Outdoor seating areas were also provided on hard surfacing adjacent to the café building. The original concrete plinth on which the restaurant building was stationed has been retained. There is a small electricity sub-station positioned towards the northern end of the site. Currently, the site is surrounded by hoarding.

3.2 The site is located on raised land, immediately adjacent to Martello Tower No. 73, known as the Wish Tower, which is registered as a Scheduled Ancient Monument as well as a Grade II Listed Building. The tower is immediately to the north of the site. The majority of the tower site is encircled by a retaining wall which has a dry moat behind it. A section of the wall adjacent to the site was removed during the 1950's. Planning permission has been granted (under 160128) for part of the removed wall to be replaced by a granite wall serving as a war memorial. The memorial would face inwards, towards the Wish Tower and would be adjacent to a landscaped 'peace garden'. This permission has not been implemented to date.

The site falls within the wider Town & Seafront Conservation Area. The western side of King Edward's Parade, which is opposite the site, is flanked by terraces of four and five-storey buildings, the majority of which date from the mid to late 19th Century and are in use as hotels or guest accommodation. The landscaped gardens at

3.3 To the immediate north and west of the tower are gardens positioned on sloping ground known as the glacis, which consists of the spoil produced by the original excavation works for the tower. The western slope runs downwards towards King Edward's Parade. To the south are further gardens which are on more even ground and at a lower level to the site.

3.4 The Lower Parade runs alongside the beach to the south of the site. The parade is on land that is roughly 8–10 metres below the level of the site and is bordered by a retaining wall. To the south of the parade is the beach itself.

3.5 The site falls within the wider Town & Seafront Conservation Area. The western side of King Edward's Parade, which is opposite the site, is flanked by terraces of four and five-storey buildings, the majority of which date from the mid to late 19th Century and are in use as hotels or guest accommodation. The landscaped gardens at Wilmington Square are also nearby.

3.6 There is no car parking area specifically allocated to the site but there is a large amount of car parking bays on surrounding streets which are subject to parking controls.

4 Relevant Planning History

- 4.1 120051
Demolition of life expired cafe and sun lounge building including cantilevered concrete balcony, retention of existing hoardings, provision of new hoarding to seaward side of site.
Approved Conditionally – 5/4/2012
- 4.2 120357
Construction of temporary cafe structure with catering facility and seating for around 50 - 60 covers located within proposed building and also on external deck and patio area
Approved Conditionally – 13/7/2012
- 4.3 160128
Installation of new war memorial at the wish tower, with associated hard landscaping.
Approved Conditionally – 20/4/2016
- 4.4 160894
Retention of temporary Cafe & external deck for a further 3 years beyond expiry date of existing temporary planning permission 120357 (Construction Of Temporary Cafe Structure With Catering Facility And Seating For Around 50 - 60 Covers Located Within Proposed Building And Also On External Deck And Patio Area).
Approved Conditionally – 28/9/2016

5 Proposed Development

- 5.1 The proposal involves the removal of the existing temporary café building occupying the site. This building was subject to a temporary planning permission only, which required for it to be removed and the site cleared on cessation of use. To this end, the building has already been removed from the site.
- 5.2 The site curtilage would remain the same as that of the original restaurant. The entire curtilage was previously occupied by a mix of buildings and hard surfaced terracing. The proposed building footprint is smaller than that of the original restaurant and does not extend behind the Wish Tower site as the original building did.
- 5.3 A new restaurant building would be erected on the site. This building would measure 23.1 metres in width and depth. The building would have a flat roof that would be slightly inclined upwards from approximately 3.9 metres above ground level to the north (adjacent to the Wish Tower site), to approximately 4.4 metres to the south. External finishes would consist of timber cladding and glazing.

- 5.4 The roof would measure 27.34 metres in width and depth, allowing for an overhang, particularly on the southern and western sides. The roof form would be articulated through the use of sloping soffits. A raised deck would be mounted on the roof top to provide housing for plant associated with the building.
- 5.5 The building would be surrounded by a timber decked area on which outdoor seating would be provided. This would be partially covered by the overhanging roof of the building.
- 5.6 Eastern and southern elevations would incorporate a large proportion of glazing in order to provide views over the sea and the Western Lawns respectively.
- 5.7 A detached bin store would be provided to the side (north) of the main building, to the rear of the Wish Tower perimeter retaining wall and adjacent to the existing electricity substation.

6 Consultations

6.1 Tourism Manager:

- 6.1.1 Awaiting comments if received will be reported on the addendum

6.2 Specialist Advisor (Waste):

- 6.2.1 Awaiting comments if received will be reported on the addendum

6.3 Specialist Advisor (Environmental Health):

- 6.3.1 I have no adverse comments to make at this stage.

6.4 Specialist Advisor (Planning Policy):

- 6.4.1 This application proposes to develop the existing Wish Tower Café facilities; this includes the demolition of the existing temporary café to be replaced with a permanent, high profile, 'flagship' restaurant. The application site is situated in the 'Town Centre Neighbourhood' as identified by Policy C1 in the Eastbourne Core Strategy (2013).

- 6.4.2 Policy C1 is The Town Centre Neighbourhood Policy, which sets out the vision for this area as the following; "The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan". It aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood. This will be promoted through a number of factors including, 'Enhancing and maintaining an attractive and viable seafront offer' and 'Developing the Wish Tower Restaurant into a destination to complement tourism uses in the area'. The application site is in a prominent location and therefore plays an important role in tourist and resident

facilities. It falls within the Town Centre and Seafront Conservation Area. Additionally, the Wish Tower (Martello Tower) is located within close proximity to the proposal site and is designated as a Scheduled Monument and a Grade II Listed Building.

- 6.4.3 Tourism and Culture Policy D3 of the Core Strategy states that the importance of the entertainment, cultural and sports facilities to the economic prosperity of Eastbourne is recognised. The Council will therefore support the preservation and enhancement of these through a number of measures including 'Promoting the development of the Wish Tower restaurant to provide an enhanced asset for the benefit of residents and visitors'. The application site is located within a Preferred Area for Tourist Attractions and Facilities as identified in Policy TO7 of the Eastbourne Borough Plan. Policy TO7 identifies the site as being located within the King Edwards Parade-Grand Parade- Marine-Parade-Royal Parade-Prince William Parade Preferred Area for Tourist Attractions and Facilities. Eastbourne's Seafront is an important feature for visitors and the renewing the permission on the temporary facility will help to maintain and enhance the tourism offer. The policy for New Tourist Attractions and Facilities (Policy TO8) states that 'In the preferred area for tourist development proposals for new quality tourist attractions and facilities...will be permitted, provided they do not conflict with other policies in this Plan, and meet a set of criteria.' The proposal complies with Policy criteria, as the development is considered to reflect the area's character and complement the existing facilities.
- 6.4.4 The 'Wish Tower Planning Advice Note' (2009), paragraph 5.3 states 'acceptable uses' for the site which includes restaurant/café (use Class A3) and paragraph 5.5 stipulates that public access should be retained along the seafront at all times, this application complies with those development principles. Additionally, paragraph 5.1 states that 'The building should not be higher than the existing building, to maintain the dominance of the Tower in views', the design drawings and 3D visualisations within this application show that the Wish Tower will still remain dominant in views of the seafront and therefore would be deemed acceptable by policy.
- 6.4.5 To conclude, this application complies with national and local policies covering the site. It compliments many of the development principles in the 'Wish Tower Planning Advice Note'. Therefore, this application is acceptable in terms of a policy perspective.
- 6.5 Specialist Advisor (Conservation):
- 6.5.1 This application seeks to demolish a temporary café building and to erect a new permanent restaurant structure at this major development site located in a prominent and protected location that forms part of the Town Centre and Seafront conservation area and occupies land in the immediate vicinity of the Wish Tower, a scheduled national monument.
- 6.5.2 The restaurant will replace a temporary structure that has operated over recent years, providing a permanent major eating space that honours a fondly remembered predecessor structure providing a café and sun lounge that was first constructed in 1961.

- 6.5.3 The Architectural Brief clearly establishes the authority's aspiration for the site, referencing the need for a flagship building at a key location that benefits from exceptional views and which, it is felt, can act as a major contributor to broader-based local regeneration. Specifically, it offers the promise of an enhanced seafront offer and a valuable connection to the emerging Devonshire Quarter, which from summer 2019 will provide a set of outstanding cultural and sporting facilities within easy walking distance.
- 6.5.4 Delivering this laudable ambition in this visible and much-loved and multiply protected setting requires careful planning and execution, and the architects are to be commended for generating a thoughtful design that clearly references a predecessor building while creating a compelling contemporary architectural statement in the heart of a sensitive and central heritage setting. Crucially, the design addresses the issue of relationship with the scheduled monument that is its neighbour, ensuring that the scale, mass and design of the new restaurant, though still allowing for aesthetic presence and impact, operates as clearly subordinate to the Martello Tower. This avoids the major risk of compromising the significance of a major heritage asset and its wider setting. The use of timber and glass as main materials also contribute to the modest and pleasing effect, helpfully avoiding any temptation to signal a new arrival by creating an excessively demonstrative building, preferring instead to craft a simple and subordinate structure that works well with its vivid and exposed natural setting, allows for an interaction between land, sea and landscaped gardens and ensures maximum light flow into the more public areas. My feeling is that the understated restaurant design allows the setting to shine through and project its own personality, thereby reinforcing the sense of destination and occasion.
- 6.5.5 Notwithstanding the overall competence of the project, a couple of areas provoke concern and would benefit from attention. For example, the creation of a separate service area housing bins is problematic, and it is suggested that this might usefully be relocated in order to avoid any adverse effect.
- 6.5.6 One other area that invites more cautious feedback is the roof, which in the current application forms an angled flat structure with some chunky detailing. This contrasts with earlier designs, which were more sculptural and visually inventive in their use of texture and shapes, generating positive impact through the use of sensitive detailing. This scaling back is to be regretted, since it misses an obvious opportunity to generate interest and distinctiveness; and to make a memorable contribution to the intended destination status of the new build. As presently submitted, the feeling is that the roof design inclines on the side of the pedestrian.
- 6.5.7 In overall terms, however, my feeling is that the scheme provides a permanent new restaurant structure in a privileged central location, extending the town's overall hospitality offer and enhancing the range seafront, tourism and heritage facilities. The design builds on (indeed, effectively pays homage to) its predecessor building and generally works with the Wish Tower, notwithstanding the specific areas of concern identified previously that are recognised as operating an adverse effect giving rise to the risk of harm, albeit not so substantially as to justify registering a formal objection. The public benefit

derived from the presence of the new facility is seen as providing mitigation while the judicious use of conditionality around the choice of materials and approaches to landscaping should provide additional reassurance and safeguards.

6.6 Historic England:

- 6.6.1 We appreciate that a square plan is meant to create a distinctive counterpoint to the circular tower and that the concentric arrangement (albeit square) of core building and surrounding service space is meant to be reminiscent of the Martello Tower and its ditch. However, we think that the proposed new building only partly meets the requirements of the planning brief: it is lower than the Martello Tower in order to avoid obstructing some key views, and it is spatially and stylistically distinct from it, but we think that in some ways it does risk dominating the Martello Tower.
- 6.6.2 It should be remembered that the counterscarp wall (the outer wall of the Martello Tower's ditch) was once enclosed by and embedded in, an earthen bank known as a glacis; a new café building in the area proposed would occupy space once occupied by the glacis. The proposed design does not acknowledge the former presence of the glacis, in fact the uncompromising square shape and sloping roof (which slopes in the opposite direction to the glacis) seem to robustly overwrite it. We think that the deliberately oppositional design is quite harmful to the scheduled monument, albeit the harm is less than substantial.
- 6.6.3 We think that the new building crowds the tower/ditch. It would be desirable for visitors to be able to comfortably walk around the entire external circumference of the counterscarp wall and be able to appreciate that it was once the revetting wall for an embankment; if it is not possible to walk around it, or in doing so one has to be very close to it, it will simply appear to be a boundary wall; we think that some additional space is necessary to appreciate its original purpose. In longer views it is desirable that the full extent and character of the tower can be appreciated, so the new building should not intrude into the view of the tower and counterscarp wall to any great extent, such as in the view towards the tower from the lawns to the west. We also note that the electricity sub-station is currently located to the south of the monument, and that this is also proposed to be a location for a bin store, which we think an adverse effect on appreciation of the counterscarp wall and the public realm.
- 6.6.4 We think it disappointing that an undulating roof form has been rejected in favour of the proposed design because we think that the view from the Martello Tower's gun platform would consequently be of a large homogenous flat metal roof. We note that no visualisations of the roof in views from the Martello Tower's gun platform were provided with the application.
- 6.6.5 In views from ground level we think that the simple angled plane of the roof and the strongly expressed eaves soffit result in a heavier appearance than that of the previous design, which had an undulating roof with multiple supporting posts clearly expressed. In this sense we think that the design challenges the solidity (and hence the dominance) of the Martello Tower, especially in views upwards from the lawns to the west (see the view on page 70 of the Design and Access Statement).

- 6.6.6 We assume that the eaves soffit and walls will be timber-clad, which seems appropriate, but we think that design details and facing materials will be very important in implementing such a design successfully.
- 6.6.7 The success of the scheme, irrespective of the preferred building design, will be dependent on the careful design and implementation of landscaping, such as ground surfaces, steps and railings and careful selection of materials.
- 6.6.8 Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF).
- 6.6.9 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be.
- 6.6.10 The planning system should play an active role in guiding development to sustainable solutions. (para.8 NPPF). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para.9 NPPF). Your authority should therefore also seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets, whether through changes to the asset or to its setting.
- 6.6.11 Significance can be harmed or lost through development within its setting because the significance of a heritage asset is determined not only by the physical fabric of a place but also by its appearance, its associations with other places and its relationship with its surroundings (para.132, NPPF). Historic England's recommended approach can be found in our Good Practice Advice Note No.3: The Setting of Heritage Assets.
- 6.6.12 As heritage assets are irreplaceable harm should be avoided wherever possible. Any harm or loss should require clear and convincing justification (para.132 NPPF) so an application should demonstrate that all less harmful alternatives have been considered. If a proposal cannot be amended to avoid all harm, and the harm is less than substantial, this can be weighed against the public benefits of the proposal (para.132, NPPF).
- 6.6.13 If a proposal cannot be amended to avoid all harm, and the harm is less than substantial, this can be weighed against the public benefits of the proposal (para.134, NPPF).
- 6.7 County Archaeologist:
- 6.7.1 The proposed development is adjacent to a Scheduled Monument and within an Archaeological Notification Area defining an area of prehistoric and Roman activity, as well as military remains from the early 19th and mid-20th centuries.

- 6.7.2 The famous 'Beachy Head' Bronze Age hoard eroded out of the cliff face at the Wish Tower in 1807 and may have been related to more widespread ritual or occupation activity. Activity during the Roman period is attested by finds of Roman pottery at The Wish Tower.
- 6.7.3 The early 19th century remains comprise a Martello tower and associated defences, all of which are of Scheduled Ancient Monument designation. The café area was the site of World War 2 artillery battery, however the desk based assessment (DBA) convincingly indicates that all traces have been removed. The DBA does however highlight the potential for remains relating to the Martello tower (i.e the glacis and counterscarp earthworks), other related features and indeed earlier remains surviving beneath the remaining café foundation.
- 6.7.4 The buried archaeological remains outside the scheduled Martello tower area can be considered of local significance and, in this instance, it is acceptable for their destruction to be mitigated through an appropriate planning condition.
- 6.7.5 It is unclear from the application the level of groundworks required but presumably as a minimum this will involve utility connection trenches. Monitoring and recording by a suitably qualified archaeologist will therefore be required on all groundworks, including geotechnical investigation and grubbing out service connections.
- 6.8 Highways ESCC:
- 6.8.1 Refer to standing advice.
- 6.9 SUDS:
- 6.9.1 The applicant should investigate any existing surface water drainage including its condition, we would recommend that this existing drainage system be utilised for the redevelopment if possible. Any required improvements to this existing drainage should be carried out before a connection to it is made.
- 6.9.2 The application site present good opportunities to implement Sustainable Drainage Systems such as rain water harvesting for water reuse or green roofs. Although the proposals do not propose any increase of the existing hardstanding area, we would expect new applications to provide an improvement on the existing drainage and reduce overload of public sewers.
- 6.9.3 Nevertheless the Lead Local Flood Authority has no objection to the proposals subject to the applicant addressing the following planning conditions.
- 6.9.3 If the planning authority is minded to grant planning permission, we requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:
1. If surface water is to be discharged to the public sewer it should be limited to a rate agreed with Southern Water for all rainfall events including the 1 in 100 (plus climate change). Evidence that Southern Water agreed to the

proposed discharge rate and connection should be submitted to the planning authority.

2. The applicant should investigate the existence of surface water drains at the application site prior to commencement of construction. This should include its location and condition of the surface water drains. Any requirement improvements should be carried out as part of the construction.
3. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

6.10 Crime Prevention Design Officer:

6.10.1 This is a good example where Crime Prevention Through Environmental Design (CPTED) has been implemented into the design and layout of the development. This has created high levels of natural surveillance in and around the building. Additionally, where lighting is being proposed around the building, it will enhance the natural surveillance even during dark hours. These measures will assist in reducing the potential for loitering, concealment and anti-social behaviour occurring. The inclusion of accredited entry doors conforming to LPS 1175 SR2 or STS 2012 BR2 would be very beneficial from a security perspective.

6.10.2 I recommend consideration is given to the fitting of a monitored intruder alarm within the premises.

6.10.3 As A3 usage is being sought I ask that any consent is conditional that alcohol is ancillary to food prepared on the premises and served at the table by waiters/waitresses. Substantial food shall be available at all times. The applicant and their partners are strongly advised to consult directly with Sussex Police Licensing before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

6.10.4 I note that no timings have been disclosed for the premises at present.

6.11 Eastbourne Access Group:

6.11.1 It is considered that there will be no negative impacts associated with the new Wish Tower Restaurant.

6.11.1 A full Equality and Fairness Analysis has been undertaken and stakeholders have been consulted on it. As a result of receiving one email from a member of the Equality and Fairness Stakeholder Group, minor amendments were made to the assessment and reference to 'disabled toilets' and 'disabled parking bays'

have been replaced with 'accessible toilets' and 'accessible parking bays.'

6.12 Conservation Area Advisory Group

6.12.1 The Group agreed that the scheme enhanced the conservation area.

7 **Neighbour Representations**

7.1 5 letters of objection have been received in which the following points were raised:-

- 7.2
- Why has the café been shut so soon?
 - A café for day trippers as it used to be would be very acceptable. We do not need another restaurant.
 - The overbearing and ultra-modern design detracts from the ancient monument.
 - The corner of the building would be within a metre of the existing perimeter wall of the monument which is a highly sensitive archaeological area.
 - The lack of a programme of archaeological works is unacceptable.
 - Would remove a community amenity in the form of the existing café and would detract from the setting of the monument and the adjacent peace garden.
 - No music which is audible outside should be allowed and there should be an obligation to provide refreshments to non-diners.
 - There is no restriction on operating hours.
 - People are more likely to arrive by car for a restaurant use as opposed to a café.
 - There are more appropriate sites for a chain restaurant such as the new Arndale Centre.
 - The people of Eastbourne should be considered a priority; we do not need a destination restaurant.
 - There would be nowhere sheltered for elderly people to sit on the western part of the seafront.
 - There are plenty of empty properties that this restaurant could move into.
 - If it does not work as a destination restaurant how long will it be before it becomes a burger bar.

7.3 2 letters of comment have been received in which the following points were raised:-

- 7.4
- The provision of level access from the path into the building needs to be ensured.
 - The toilet facilities must include toilets for wheelchair users and be of a suitable height for use by other disabled people.
 - It is important to keep an area within the restaurant for people to enjoy tea/coffee/scones/cakes etc.

8 Appraisal

8.1 Principle of development:

- 8.1.1 The proposal involves the provision of a restaurant within the Town Centre neighbourhood. Aside from the fact that an A3 use of the site has been established for a significant number of years in the form of the recently removed temporary café and the permanent café in place prior to that, such a use is recognised as a priority town centre use by Policy TC3 of the Eastbourne Town Centre Local Plan (2013). Para. 86 of the Revised National Planning Policy Framework (2018) states that main town centre uses should be located in town centres.
- 8.1.2 More specifically, the site falls within the Town Centre Neighbourhood Area, as defined by Policy C1 of the Eastbourne Core Strategy (2013) which includes a key objective of developing the Wish Tower Restaurant into a destination to complement tourism uses in the area. The Core Strategy policy reflects a long established intention, reaching back to at least 2000, for the site to be redeveloped. The most recent advice note, issued in 2009, identifies a restaurant/café (A3) use as an acceptable use for the site, providing public access to the adjacent Wish Tower and seafront promenade is maintained.
- 8.1.3 The site is also referred to in Policy D3 of the Core Strategy which identifies it as being suitable for development to provide an enhanced asset for the benefit of residents and visitors. It is noted that the site falls within an area designated as a preferred area for tourist attractions and facilities (Borough Plan Policy TO7) and that Policy TO8 of the Borough Plan advocates approval of new facilities within this area, subject to compliance with other relevant policies. The proposed scheme will be assessed against all relevant policies within this report.
- 8.1.4 It is therefore considered that the proposed development is acceptable in principle.

8.2 Impact of proposed development on amenities of adjoining occupiers and surrounding area:

- 8.2.1 The site is not directly adjacent to any residential sites, being surrounded by a combination of public gardens and the Wish Tower on three sides and flanked by the promenade and beach to the south. The nearest residential properties are at Grand Court, approximately 95 metres to the north-west. There are hotels on King Edward's Parade that are closer to the site. Hotels are not afforded the same level of protection of amenity within planning legislation. In any case, the nearest hotel, 'The Big Sleep' is approximately 80 metres to the west of the site.
- 8.2.2 Whilst the level of the application site is raised in terms of its relationship with nearby streets, the impact of the proposed building would be limited due to it having a low profile, aided through the use of a flat roof design, with maximum height being approximately 4.5 metres above ground level. Impact upon neighbouring residents would be further diminished as a result of the significant distance of separation maintained between the restaurant building and neighbouring dwellings. As such, it is not considered that it would cause undue

levels of overshadowing or overlooking towards neighbouring residents, nor would it appear overbearing.

8.2.3 The proposed use would have the potential to generate a certain level of noise but this must be appreciated within the context of the existing character of the wider surrounding area which is not only within a town centre but also a vibrant tourism and cultural area owing to the presence of hotels and the Congress and Devonshire Theatres. It is not considered that the proposed use would cause any material changes in levels of noise that neighbouring residents would be exposed to, particularly given the distance it is from neighbouring dwellings and the contained nature of the site. It is considered that the proposed use could operate into the evening as a functioning part of the night time economy without causing detriment to the amenities of neighbouring residents by way of noise generation.

8.2.4 It is also considered that, by allowing for the use of the site into evening hours, there would be increased footfall and surveillance of the surrounding area during evening hours and this would act as a deterrent to anti-social behaviour.

8.2.5 In regard to the surrounding public gardens and the site of the Wish Tower itself, it is not considered that the nature of the use of the site would be significantly altered in relation to the long established use of the site for A3 purposes. Access to the Wish Tower and the lower promenade would be maintained as required by the Planning Advice note pertaining to the site and the development would not encroach onto any surrounding public space. The modest height of the building would also prevent it from appearing overly imposing towards members of the public enjoying the surrounding open space.

8.2.6 A number of objectors have raised concerns that the proposed use would not provide any indoor public seating area as was the case with the previous café. Whilst this true, the planning advice note for the site made clear that any future use of the site would not be required to provide this facility. It is not considered that the facility is an essential community function, given that it was ancillary to the provision of the café on the site, and it was at no time a requirement for the occupation of the site from a planning perspective, meaning that it could have been revoked at any time had the café been maintained in place.

8.3 Impact on Historic Environment:

8.3.1 The proposed restaurant building would be immediately adjacent to the Wish Tower, which is a Scheduled Ancient Monument and also a Grade II Listed Building. The development would not encroach into the curtilage of the Wish Tower itself.

8.3.2 The building would be sited almost entirely on land that has already been levelled following the construction of the original restaurant that occupied the site during the 1960's. The comments made by Historic England relating to the glacis (the sloping land made up of spoil from excavations during construction of the Wish Tower) are noted. However, the proposed development would not intrude onto the remaining glacis or involve any material alterations in site level. It is also noted that the glacis is not included within the area designated as a

Scheduled Ancient Monument. It is also not considered that the angling of the roof is sufficiently pronounced that it would appear disruptive when seen in context with the slopes of the remaining glacia surrounding the development.

- 8.3.3 The proposed building responds to the design objectives set out in the Planning Advice note for the redevelopment of the Wish Tower site in that the modern design provides a clear juxtaposition to the historic building, ensuring that the visual distinctiveness of the Wish Tower is enhanced. The square floor plan provides an effective contrast to circular tower. The modest height of the restaurant building would also ensure that it appears entirely subservient towards the Wish Tower. It is therefore considered that the prominence and distinctiveness of the Wish Tower would not be compromised by the proposed restaurant building. This is recognised in the response from Historic England which acknowledges that the proposed building would be spatially and stylistically distinct from the Wish Tower.
- 8.3.4 Whilst Historic England have concerns over the flat roof of the building representing a monotonous feature when viewed from the gun platform of the Wish Tower, it is not considered that the roof would be prominently within the direct line of sight due to being at a lower level to the gun platform and, in any case, only occupying a small proportion of the 360° views that are available from the gun platform. The angled flat roof form is not considered to be significantly dissimilar to the form of the recently removed temporary building, albeit having a larger surface area, and have less coverage than the roof of the former permanent restaurant building, which also wrapped around to the south of the Wish Tower.
- 8.3.5 Whilst the flank elevation wall and roof of the proposed building would be positioned close to the edge of the Wish Tower site, where the retaining wall has been removed, it is considered that any sense of enclosure introduced as a result of this would be entirely consistent with the overall enclosed nature of the sit produced by the presence of the retaining wall around the majority of the site perimeter.
- 8.3.6 Most pertinently, it is considered that the proposed restaurant building would result in less than substantial harm upon the setting of the Scheduled Ancient Monument. Historic England concur with this view (see para. 6.6.2 of this report).
- 8.3.7 Para. 196 of the revised NPPF (2018) states that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...' In this instance, the proposed development would provide a clear benefit to the viability and vitality of the surrounding area, providing enhanced facilities for residents and visitors alike, supporting the surrounding night time economy, adding vibrancy to the surrounding tourist area and encouraging visits to the area, which are likely to be shared with visits to other nearby attractions. Furthermore, the proposed restaurant would provide a destination point on the town centre arts trail (Town Centre Local Plan Policy TC8) and encourage more visits to the area, raising the profile of the Wish Tower and enhancing awareness of it as encouraged by para. 192 of the revised

NPPF.

8.4 Design and Impact on Wider Surrounding Area:

- 8.4.1 The street scene impact of the building would not be disruptive due to the degree to which it would be set back from the road and location on the eastern side of King Edward's Parade, which is characterised by occasional visually distinctive buildings rather than the terraces of predominantly mid to late-19th building that border the eastern side.
- 8.4.2 The most prominent public views of the building would be made from the surrounding public gardens, the promenade and the beach itself. In this context, would appear as a distinctive, high quality feature that draws attention to the seafront and the neighbouring Wish Tower without appearing overly dominant or obscuring the wider outlook towards the sea or views from the beach towards the main townscape.
- 8.4.3 Associated plant will be accommodated within a low profile deck area that would be mounted on the flat roof of the main building. This would be visually recessive due to its minimal height projection, siting away from roof edges and towards the lower end of the roof allowing the upward slope to provide additional screening and the flat roof design that would allow it to integrate with the main roof line. The upward sloping roof would also reduce The siting of plant and roof top level also prevents the need for a plant room to be attached to the building, which would have the potential to introduce a sense of clutter as well as increase the building footprint.
- 8.4.4 Given the sensitivity of the location as a result of its proximity to the Wish Tower, as well as the level of weathering that the building would be exposed to due to its seafront location, it is considered to be of great importance that suitable external materials are utilised that would be sympathetic towards the Wish Tower as well as hard wearing. The elevations of the building would contain a significant amount of glazing which can be easily cleaned or replaced if damaged. Other elements would be timber clad, complementing features within the surrounding coastal environment such as the timber groynes on the adjacent beach and weathering in a similarly characterful way. The roof would be metal clad, providing a durable surface that can be treated with protective coating and finished in a suitable colour scheme.
- 8.4.5 There is a plentiful amount of public seating nearby and the site is located adjacent to public gardens and the beach which are accessible throughout the day and night. It is therefore considered that the outdoor seating would not introduce a level of outdoor activity that would conflict with the existing character of the surrounding area. The building would occupy a prominent site where it would benefit from high levels of surveillance, reducing the risk of anti-social activity around it. No secluded or enclosed, isolated areas would be created as a result of the building and, as such, it is not considered it would attract anti-social behaviour. The primary role of the development would be as a sit-down restaurant and it is not considered that it would provide a venue for high volumes of alcoholic consumption that may result in disturbance to neighbouring residents.

8.5 Highways Impact

- 8.5.1 The proposed restaurant would not be served by a designated car park. Given the constraints of the site it is not considered that such a facility would be feasible for the site. As the site is located in a town centre environment, the surrounding area is well served by controlled parking bays and it is considered that the amount of bays available could comfortably accommodate parking associated with the development, as was the case with the previous temporary café use and the larger permanent structure that was in place before that.
- 8.5.2 A significant proportion of diners are likely to combine a visit to the restaurant with visits to other nearby uses such as the theatre, gallery and town centre shops meaning that additional parking requirements relating to trips to the restaurant alone would not be unmanageable. Furthermore, the site is within a sustainable location with good access to public transport as well as customers within walking distance of the restaurant, including nearby residents as well as substantial numbers of people staying at local hotels.
- 8.5.3 Servicing and emergency vehicles would access the site to the rear via the service road connected to the lifeboat museum car park, which is owned by Eastbourne Borough Council. This access utilises an existing wide dropped kerb taken from King Edward's Parade. As such, it is not considered that delivery and servicing vehicles would cause any disruption to the free flow of traffic as they would not need to stop on King Edward's Parade. The potential for conflict between delivery and servicing vehicles and other users, particularly those using the parking facilities, during busy holiday periods. As such, a Delivery and Servicing Plan will be required to be submitted to, and approved by, the Local Planning Authority prior to occupation of the building. This would include measures such as restricting delivery times to less busy periods.

8.6 Accessibility

- 8.6.1 An Equality and Fairness Analysis Report has been carried out, in conjunction with the Equality and Fairness Stakeholder group. No objections have been raised.
- 8.6.2 The proposed restaurant would have step free access available from King Edward's Parade as well as from the promenade via the service road to the rear of the site. There are 12 accessible car parking bays positioned either side of the access to Western Lawns from King Edward's Parade, from which step free access to the restaurant would also be obtained. There are also two accessible bays provided directly to the rear of the site. The restaurant site is located approximately 80 metres from the disabled bays on King Edward's Parade, with an existing surfaced path providing the step free access. The path is not significantly steep as the glacis has been levelled where the footpath crosses.
- 8.6.3 The restaurant building itself incorporates features to provide enhanced levels of accessibility. These include 900mm wide doorways in which doors with vision panels and low level handles would be installed. All external doorways would also provide level access to the building and unobstructed turning space for

wheelchairs would be provided adjacent to the doors. The interior of the building would be open plan and allow for ease of circulation whilst the decked area surrounding the building would also allow for movement around the building.

8.6.4 Clear signage and the use of textured surfaces would be utilised to improve accessibility to individuals with visual impairments.

8.6.5 Designated accessible toilet facilities would be provided within the building. Sufficient turning space for wheelchairs would be provided within the facility.

8.7 Landscaping:

8.7.1 The site is located within adjacent to landscaped areas in the form of the Wish Tower Slopes and the Western Lawns. There are no valuable landscape features within the site itself, which was almost entirely hard surfaced, that would be lost as a result of the proposed works. A small amount of ornamental planting to the west of the building would be thinned in order to allow ease of access to the Wish Tower site. It is considered that sympathetic site landscaping should be incorporated into the development in order to soften the visual impact of the building, assist integration with the surrounding lawns and gardens and to provide shading and cooling. A suitable landscaping scheme can be secured by way of planning condition.

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8.8 Sustainability:

8.8.1 The proposed building would incorporate a number of features to improve sustainability and reduce energy demands and carbon emissions resulting from the development.

8.8.2 A significant proportion of the elevation walls of the building would be glazed, allowing for a high level of permeation by natural light, reducing the duration over which artificial lighting would be required. The amount of windows and openings would also allow for natural ventilation of the building. The roof overhang would also introduce an element of shading that would reduce the chance of the building overheating due to exposure to sunlight. These features would reduce reliance on mechanical ventilation.

8.8.3 Energy efficient glazing and building fabric would also help reduce the loss of heat during colder weather, reducing the heating requirements for the building.

8.9 Other Matters:

8.9.1 A number of public representations have criticised the choice of potential operator of the site. Planning legislation does not allow for the choice of an operator to be a determinative factor nor does it have the power to dictate

pricing of products and services. The previous use of the site was A3, as is the current use, and this means that the café occupying the site could have been used by any restaurant operator at any time without the need to apply for planning permission.

8.9.2 It is appreciated that, previously, members of the public could use seating within the café building without having to make any purchases. However, this was not as the result of any planning obligation and the previous occupant could have withdrawn rights to do this at any time.

8.9.3 The proposed building would be positioned adjacent to the proposed war memorial wall on the perimeter of the Wish Tower, for which planning permission has been granted under 160128. It is not considered that the proposed building would detract from the setting of the proposed war memorial wall as it has been designed to face inwards, towards the Wish Tower and it is from within the Wish Tower site that people would engage with it. The modest height of the building would prevent it from appearing dominant towards the war memorial and from detracting from its setting. Site landscaping for the proposed development could potentially be used to provide a sense of connectivity with the proposed 'peace garden'.

9 Human Rights Implications

9.1 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.

10 Recommendation

10.1 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

3321-D100 rev P4 Ground Plan
3321-D201 rev P4 Proposed South-West Elevation
3321-D202 rev P3 Proposed North-West Elevation
3321-D203 rev P4 Proposed North-East Elevation
3321-D204 rev P4 Proposed South-East Elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 Prior to the completion of building works, a full schedule of external materials and finishes to be used for the walls, roof and decked area as well as for any balustrading, shall be submitted to and approved by the Local Planning Authority. The approved materials shall thereafter be maintained in place throughout the lifetime of the development.

Reason: To ensure the building is constructed in high quality, durable materials that are appropriate for the surrounding environment and sympathetic towards the neighbouring Scheduled Ancient Monument and Conservation Area.

- 10.5 Prior to the occupation of the development hereby approved, a Delivery & Service Management Plan, which includes details of types of vehicles used for deliveries and servicing, method and frequency of deliveries, turning facilities and timetabling of deliveries to minimise conflict with surrounding road and parking users shall be submitted to and approved by the Local Planning Authority. All deliveries and servicing of the development shall therefore be carried out in accordance with the approved plan.

Reason: To minimise the impact of delivery and servicing operations towards traffic, pedestrians and neighbouring residents,

- 10.6 Prior to the occupation of the building, details of all measures to enhance building accessibility including accessible toilet facilities and wayfinding signage, shall be submitted to and approved by the Local Planning Authority and such measures shall thereafter be provided and maintained in place throughout the lifetime of the development.

Reason: To ensure that the building is accessible to all members of the public.

- 10.7 Prior to the occupation of the building, the bin storage facility shall be erected in the position shown on approved plan 3321-D100 rev P4 in accordance with details to be submitted to and approved by the Local Planning Authority. The bin store shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In the interests of visual and environmental amenity

- 10.8 Any digging, trenching, ground levelling or other excavation works carried out on land outside of the existing concrete plinth area shall be supervised by a qualified member of the Chartered Institute for Archaeologists.

Reason: In the interests of safeguarding archaeological remains.

- 10.9 Prior to the occupation of the development hereby approved, details of secure cycle parking facilities for staff and customers shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be made available for use prior to the first occupation of the development and shall

thereafter be retained for use at all times.

Reason: To encourage the use of sustainable means of transport

- 10.10 Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include:-

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including quantity, species and size

All soft landscaping shall be carried out in the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and

- 10.11 Prior to the occupation of the development hereby approved, details of all external lighting shall have been submitted to and approved by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.

Reason: To prevent excessive or unsympathetic lighting that would compromise the character and appearance of the surrounding area and the setting of the Scheduled Ancient Monument.

- 10.12 All plant and machinery shall be housed within the roof top plant deck. This shall include odour control equipment which is to be installed prior to the occupation of the approved development and maintained in place thereafter

Reason: In the interests of visual and environmental amenity.

- 10.13 No customers/patrons to be on site outside of the hours 08:00 – 00:00 on any day. No staff to be on site 07:30 – 00:30 on any day.

Reason: In the interests of the amenities of surrounding residents and the character and appearance of the surrounding area.

- 10.14 Consumption of alcohol on the premises shall be for diners only and served direct to the table by waited service. There shall be no vertical drinking anywhere with the application site.

Reason: To safeguard the amenities of the locality.

11 **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.

12 Background papers