

Application ID: 130339 (FP)	Decision Due Date: 03.08.2013	Ward: Devonshire
Officer: Mehdi Rezaie	Site visit date: 09.08.2013	Type: Minor
Site Notice(s) Expiry date: N/A		
Neigh. Con Expiry: 17.07.2013		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure.		
Location: 88 Terminus Road, Eastbourne, BN21 3LX.		
Proposal: Change of Use with installation of new shop front, installation of x2 satellite dishes, Ariel & x2 condenser units to the rear.		
Applicant: William Hill Organisation Ltd.		
Recommendation: Approve, subject to conditions		

Planning Status:

- Secondary Shopping Area.
- Source Protection Zones.

Relevant Planning Policies:

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy TC6 from the Eastbourne Borough Plan 2007
- Policy C1 from the Eastbourne Core Strategy Local Plan 2013
- Policy D1 from the Eastbourne Core Strategy Local Plan 2013
- Town & Country Planning (Use Classes) Order 1987 (as amended)
- General Permitted Development Order 1995 (as amended)
- National Planning Policy Framework 2012

Site Description:

In terms of local context, the application site falls off the eastern end of Terminus Road adjoining onto Cornfield Road. The area is defined within the Eastbourne Policies Map 2013 (Town Centre Inset Map) as a 'Secondary Shopping Area', opposite the entrance to the Andale Shopping Centre which is classified as the 'Primary Shopping Area', two doors away from HSBC Bank (74 Terminus Road) which is classified as a building of 'Local Historic Interest'.

In terms of its immediate context, the application site falls amid a row of terrace properties that are three and four storeys in height; at ground floor these properties retain a retail frontage. The premise has remained unoccupied for an unknown period of time, the last known and operational planning use for the site fell under the category of 'A1 Retail' in accordance with the Town and Country Planning Use Classes Order 1987 (as amended).

Relevant Planning History:

No relevant planning history for the site, some minor applications submitted for works carried out on the public highway adjacent to 88 Terminus Road which include:

Application for Advertisement Consent submitted on 08.09.2008 (Application No: EB/2008/0533) for the display of an internally illuminated advertisement panel on BT payphone kiosk. Application approved at committee on 17.09.2008.

Application for Prior Approval submitted on 11.08.2008 (Application No: EB/2008/0537) for the replacement of two BT payphone kiosk with internally illuminated advertisement panel. Application approved unconditionally at committee on 17.09.2008.

There is also an application for Advertisement Consent submitted on 08.06.2013 (Application ID: 130340) for the display of an internally illuminated fascia sign and one internally illuminated projecting sign.

Proposed development:

The applicant seeks planning permission for the change the use to their existing premise from an 'A1 Retail' into an 'A2 Financial and Professional Services', serving as a licensed betting office.

The applicant further seeks planning permission for the installation of a new shopfront aswell as two satellite dishes, an aerial and two condenser units.

Applicant's Points:

A Planning Statement was submitted on 12.04.2013 by Mr. A. E. Watson (acting agent on behalf William Hill Organisation Ltd), making reference to:

- Various Borough Plan Policies (TC6 in particular) remain extant
- Planning appeal decision for: 78 Terminus Road.

Consultations:

Neighbour notification letters were sent out on 26.06.2013 to several nearby and neighbouring properties, which include: 52, 55A, 55, 82-86, 88, 94 Terminus Road. Public consultation period expired on 17.07.2013.

Neighbour Representations:

Three objections received, all objections refer to the prominent position of the site 'Secondary Shopping Area 9' stating the proposed use class would fall contrary to the criteria as set out in 'Policy TC6' from 'Eastbourne Borough Plan 2007'.

- Objection received on 15.07.2013 from Mr. R. Irving (planning consultant for IDP Planning).
- Objection received on 17.07.2013 from Mr. A. Hall (planning consultant for Crickmay Chartered Surveyors).
- Objection received on 05.08.2013 from Ms. S. Reay (planning consultant for DPP).

Statutory Consultee:

- Letter for statutory consultee sent to Highways Authority (East Sussex County Council) on 26.06.2013.
- Letter for statutory consultee sent to Environmental Health (Eastbourne Borough Council) on 19.07.2013.
- Letter for statutory consultee sent to Planning Policy (Eastbourne Borough Council) on 20.08.2013.

Statutory Consultee Response:

- East Sussex County Council has no comments to make on this application.
- Internal Memo received on 01.08.2013 from Mr. A. Albon (Specialist Advisor for Environmental Health), stating that the standard conditions for air conditioning units should be attached.
- Internal Memo received on 20.08.2013 from Mr. M. Hitchin (Planning Policy at Eastbourne Borough Council), stating the proposed change of use would not be acceptable in policy terms. The proposed scheme falls contrary to saved Policy TC6 from the Eastbourne Borough Plan on 'Town Centre Shopping Areas' and Policy D4 from the Core Strategy on 'Shopping'. A report has been produced which includes a retail survey that calculates the current and proposed 'A1' percentage to 'Non-A1' percentage for the area.

Appraisal:

The newly proposed facade includes a window and door arrangement that aligns with the frontages of its adjoining neighbours which falls below 6.5m at 5.9m. Specific detailing to include the transom, mullion, cill, freeze and fascia follow adjoining horizontal and vertical lines, displaying a sympathetic approach to its design which complements the character and appearance of streetscene. The decorative features found on the existing shop front are minimal, there are no mouldings, cornice, corbels or console brackets to be preserved.

Notwithstanding this, the newly proposed frontage retains the existing pilasters and its stallriser, to include blue powder coated aluminium and glazing frames to match. It is therefore considered, the proposal for a new shopfront would not fall to the detriment of visual amenity, in accordance with 'Policy UHT1' (a, b) on the 'Design of New Development' and 'Policy UHT4' (c) on 'Visual Amenity' from the 'Eastbourne Borough Plan 2007'.

The applicant also proposes to install on the roof of their premise two satellite dishes and an aerial (side nearing the front elevation that faces onto Terminus Road). These pieces of equipment are well screened from public sight, as they have been placed behind the gable roof. Additionally, the applicant further seeks permission to install two A/C condenser units on the roof (rear elevation), again, the equipment is set away from the public realm and placed behind the profile of adjacent buildings. It is therefore considered, all equipment proposed create no detriment on visual amenity in accordance with 'Policy UHT4' (c) on 'Visual Amenity' from the 'Eastbourne Borough Plan 2007'.

Planning permission is sought to change the use on the existing premises from an 'A1 Retail' to form an 'A2 Financial and Professional Services' establishment. In determining the application for the newly proposed Use Class, and any possible cumulative impact that may arise, consideration has been placed on the Town & Country Planning (Use Classes) Order 1987 (as amended 2005) and subsequent new legislation from the General Permitted Development Order 1995 (as amended 2013) which expressly states that 'a planning application is not required for change of use from A1 or A2'.

Class D of the 2013 amendment to the General Permitted Development Order allows the change of use of a building from Class A1 (shops) (among other uses) to a flexible use falling within Class A1 (shops) and Class A2 (Financial and Professional Services) (among other uses), for a single continuous period of up to two years. An application for prior approval for the change of use would not be required, as the footprint of the premise shall remain unaltered at 119m², its operational floor space covering an area no greater than 89m², below the 150m² requirement for permitted development. Additionally, the proposed operational floor space and new frontage by comparison to adjoining and nearby properties remains relative. The scheme also adheres to saved 'Policy TC6' (b, c) on 'Town Centre Shopping Areas' from the 'Eastbourne Borough Plan 2007'.

Taking into consideration the nature and character of the use proposed, including the level of activity associated with it, it has been determined that there shall be no rise on unacceptable noise or disturbance. It has been considered that the proposed use falls in accordance with saved 'Policy TC6' (a,

d, e) on 'Town Centre Shopping Areas' from the 'Eastbourne Borough Plan 2007'.

Additionally, an application for change of use at: 78 Terminus Road (EB/2011/0733) was refused and later approved by the inspectorate (APP/T1410/A/12/2170342/NWF) which made reference on policy and the area, also holds weight to the determination of this application. The inspectorates report, paragraph 10, in part states:

"the proposal would bring about an increase in non-A1 uses further above the threshold set out in the table to the 2003 Local Plan Policy. However, this strict percentage approach should be read along with the permissive policy wording which sets out the considerations for a balanced decision. In this case that balance lies in the grant of permission having regard to the circumstances of the location, the neighbouring uses and the intended use, and the change of use would not be likely to adversely affect the vitality and viability of Eastbourne town centre".

The proposed new use and shopfront shall in effect rid the area of a dead frontage, delivering redevelopment in keeping with 'Policy C1' on 'Town centre Neighbourhood Policy' from the 'Eastbourne Core Strategy Local Plan 2013'.

Human Rights Implications:

It is considered that there are no adverse Human Rights implications.

Conclusion:

The proposed installation of new shop front, two satellite dishes, an aerial & two condenser units shall blend in well to its context, materials and details maintain and reflect the local variations as appropriate. Furthermore, by creating an active frontage and use, the proposed change of use shall improve the vitality and viability of the town centre. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012). Having regard to the material considerations and all other matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission, subject to the following conditions.

Recommendation: Permission be granted approval subject to the following conditions:

(1) Time Limit for Commencement of Development

(2) Restrict Use of Premise

That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the change of use from 'A1' to 'A2' is hereby permitted for a period of two years from the granting of this planning permission, after such time, the use as Class A2 shall cease and the use of the premises shall revert back to the lawful Class A1 use unless .

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of the premises in the interest of safeguarding the amenities of the area and to comply with policy.

(3) Compliance with Drawings

(4) Compliance with Materials

(5) Hours of Operation - 7.00am and 10.00pm on Monday to Fridays and 7.00am and 10.00pm on Saturdays and 7.00am and 10.00pm on Sundays and Bank or Public Holidays.

(6) Restrict Use of Premise - as a licensed betting shop and for no other purpose (including any other purpose in Class A2)

(7) Standard Air Conditioning Unit Conditions - Rating level – night and Rating level - day

Summary of recommendations:

The proposed installation of new shop front, two satellite dishes, an aerial & two condenser units shall blend in well to its context, materials and details maintain and reflect the local variations as appropriate. Furthermore, by creating an active frontage and use, the proposed change of use shall improve the vitality and viability of the town centre. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).