

**Report to:** Planning Committee  
**Date:** 25 July 2022  
**Application No:** 211058  
**Location:** Unit 7, The Crumbles, Eastbourne  
**Proposal:** Change of use of former cinema (sui generis) to Class E(a) and erection of external garden centre.

**Applicant :** Iain Pratt  
**Ward:** Sovereign

**Recommendation:** Approve subject to conditions and S106 for Travel Plan Monitoring

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**Map Location:**



## 1. **Executive Summary**

- 1.1 This application is presented to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 The use of the building for retail purposes and the erection of a garden centre area to the rear are considered to be compatible with surrounding uses and, as such, would not result in a harmful impact upon the character and appearance of the surrounding area or the amenities of the neighbouring residents. The proposed development will bring into use a unit that has been vacant for a significant period.
- 1.3 The recommendation of approval is subject to a S106 agreement for a Travel Plan Monitoring Fee and subject to conditions to ensure the unit is not subdivided into smaller units that may attract businesses more suited to the town centre.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework:

- 2: Achieving Sustainable Development
- 4: Decision Making
- 6: Building a Strong and Competitive Economy
- 7: Ensuring Viability of Town Centres
- 9: Promoting Sustainable Transport
- 11: Making Effective Use of Land
- 12: Achieving Well Designed Places.

### 2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Sustainable Distribution Centre
- B2: Sustainable Neighbourhood
- C14: Sovereign Neighbourhood Policy
- D2: Economy
- D4: Shopping
- D10a Design.

### 2.3 Eastbourne Borough Plan 2001-2011:

- HO20: Residential Amenity
- LCF10: Location of Major Leisure Developments
- LCF11: Major Leisure Developments
- SH7: District, Local and Neighbourhood Centres
- TR2: Travel Demands
- TR11: Car Parking

UHT1: Design of New Development

UHT4: Visual Amenity.

### 3. **Site Description**

- 3.1 The site is occupied by a large unit housed within a metal clad structure which was previously in use as a multi-screen cinema, the unit is currently unoccupied.
- 3.2 The unit is part of the Crumbles Retail Park which consists of a number of similar sized units, primarily in retail use, which are arranged around a large car parking area.
- 3.3 The retail park is accessed via a roundabout on the A259 (Pevensey Road) that is dual carriageway to the west and single carriageway to the south. Pedestrian access is available via crossings on the A259 as well as from the wider Sovereign Harbour development to the south of the site.

### 4. **Relevant Planning History**

#### 4.1 EB/1986/0431

Comprehensive mixed-use development for residential, commercial business, hotel, leisure, and a retail element not exceeding 240,000 square feet gross, also including the constructions of harbours and associated works.

Approved Conditionally – 20/05/1988.

#### 4.2 110848

Demolition of existing health and fitness building, formation of a new pedestrian link and the erection of commercial units (Class A1, A2, A3, D1 and/or D2) facing towards the new pedestrian link, with a replacement cinema above. Change of use of the existing cinema to Class A1 Retail Use, and an extension of existing unit 6 for retail purposes, along with new/replacement Mezzanine Floors in the retail units. External works to refurbish the retail units, improvements to the related pedestrian walkway and formation of additional car parking. Provision of new vehicular accesses from Atlantic Drive and Harbour Quay (limited to use only by buses)

Approved Conditionally – 28/11/2012.

#### 4.3 180666

Change of use of unit 7 (Ground and First Floor) from a cinema (Use Class D2) to Retail (Use Class A1).

Approved Conditionally – 03/01/2019.

#### 4.4 180667

Extension of existing mezzanine floor in Unit 7 to be used for retail purposes (Use Class A1).

Approved Conditionally – 03/01/2019.

## 5. **Proposed Development**

- 5.1 The proposal is for the change of use of the existing unit from a cinema (Sui Generis) to Class E(a) (Retail) and the erection of a garden centre to the rear of the unit.

## 6. **Consultations**

### 6.1 East Sussex Highways:

#### 6.1.1 Development Proposal

The site is located in The Crumbles and currently consists of an existing cinema. The application seeks planning permission for the change of use of the former cinema (Sui Generis) to Class E(a) and erection of external garden centre

#### 6.1.2 Access

The development has existing access from the car park in the Sovereign Harbour Retail Park and this is to remain the same as part of the proposed development

#### 6.1.3 Trip Generation

A parking beat survey was undertaken in the surrounding car park, Sovereign Harbour Retail Park, to ascertain the current level of car parking. The results determined that on a Friday, Saturday and Sunday there would be approximately 99% parking stress. However, this leaves 195 parking spaces unoccupied across the site. The survey therefore determines there is enough capacity to accommodate parking demand generated from the proposed development of the garden centre.

A trip generation assessment has now been submitted as part of this application. This illustrated that the proposed development would generate approximately 107 additional two-way vehicular trips during the weekend peak hours. It is noted that a previous application for the site generated 185 trips in the weekend peak hours. Local junction assessment was undertaken for that development, which was considered acceptable. As such, it is considered that this application for a lower level of trips generated would be acceptable.

#### 6.1.4 Car Parking

The proposed development will consist of 2,658m<sup>2</sup> of E(a) use with an external 728m<sup>2</sup> of garden centre. In accordance with the County Councils parking guidance, 1 car parking space per 25m<sup>2</sup> gfa plus 50m<sup>2</sup> gfa of usable space for loading and unloading for each 750m<sup>2</sup> gfa are required for non-food warehouses with garden centres. Therefore, 106 car parking spaces are required to serve the retail development.

The planning, design and access statement states there will be no change in the number of shared customer car parking spaces. As a number of trips to the site can be considered linked trips to other

sites within the retail park, this existing parking provision is considered acceptable in this instance.

6.1.5 Cycle Parking

East Sussex County Council guidance for parking at residential developments advises that there should be a provision of 1 short term cycle parking space per 350m<sup>2</sup> gfa plus 1 long term space per 10 full time staff. As there are to be 48 employees for this development there should be communal cycle parking provision for 13 cycles. The cycle storage should be covered, secure and convenient. Further details of cycle parking facilities should be secured as a condition.

6.1.6 Refuse Collection

No details of refuse collection have been submitted; however, it is assumed collection will take place from the rear service yard.

6.1.7 Travel Plan

A travel plan has been submitted. It is recommended that the applicant provides a Travel Plan Pack for all staff, in order to encourage the uptake of sustainable modes of transport. This should include detail of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle etc. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.

6.1.8 With the above in mind, I would not wish to object to this application. subject to the imposition of conditions and a S106 Agreement for the contribution of £6,000 for Travel Plan monitoring and audit fees.

6.1.9 The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles. Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

6.1.10 The submitted travel plan shall be in operation on occupation of development and thereafter for a period of five years. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3 and 5 years to be audited by the Highway Authority. Reason: In order that the development use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.

6.2 Environment Agency:

6.2.1 No Objection to the proposal.

7. **Neighbour Representations**

7.1 One letter of support – Increase footfall to the area.

7.2 Two letters of general observation – A leisure use would be preferable due to the amount of retail units already in the area.

## 8. **Appraisal**

### 8.1 Principle of Development:

8.1.1 The site is located within a District Shopping Centre. Policy D4 of the Eastbourne Core Strategy states that ‘the Council will enable the enhancement of consumer choice and strengthening of the vitality, viability and accessibility of the district and local centres by supporting new retail development which complies with the sequential approach to site selection.

8.1.2 The application was accompanied by a sequential assessment that provided evidence that no units of the size of the proposed scheme were available within the Town Centre. The location of the development within the District Centre, which comes second only to the Town Centre in the retail hierarchy, is therefore supported by policy D4.

8.1.3 The unit has a current use as a cinema (sui generis) and is currently vacant following the relocation of the cinema to the Beacon Centre in Eastbourne Town Centre. Policy LCF10 of the Eastbourne Borough Plan identifies the Town Centre as the preferred location for major leisure proposals and, as such, the relocation of the cinema was encouraged by planning policy.

8.1.4 The proposed change of use is acceptable in terms of retail impact as the size of the unit is not available within the preferred Town Centre location. However, should the unit be subdivided into a number of smaller units, there is a significant risk that town centre shops that require smaller units would migrate to these units. As such, a condition will be used to prohibit subdivision of the unit in order to help maintain the vitality and viability of the Town Centre. A further condition will be used to restrict the Class E use to those that would be best suited to an out-of-town retail park and would not compromise the vitality and viability of the Town Centre.

8.1.5 It should be noted that planning permission has previously been granted, but has now lapsed, for the conversion of the cinema to retail use and subdivide into two units.

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

8.2.1 The site is located within a purpose-built retail park where there are a number of similar uses in operation. The retail park is self-contained and screened by landscaping and fencing. The scale of the building would not increase, there would be the creation of a garden centre to the rear of the existing building.

8.2.2 The nearest residential dwellings are at the Waterfront, approximately 125m to the southeast. It is considered the proposal

would not have a detrimental impact on the amenities of the residential occupiers in the area.

8.3 Design:

8.3.1 The external appearance of the building would remain unaltered to the front and there would be the erection of a garden centre area to the rear.

8.3.2 The proposed fencing would not be visible within wider retail park area and is considered appropriate in terms of height and design.

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 the application is approved subject to a S106 agreement for the Travel Plan Monitoring Fee of £6,000 and the following conditions:

10.2 **Timeframe:** The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan

Block Plan

211210-01-02 – Proposed Elevations

BM-GFG-0-011 – Garden Centre Fence Detail

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

10.4 **Cycle Parking:** The development shall not be occupied until cycle parking area has been provided in accordance with detail which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

10.5 **Travel Plan Monitoring:** The submitted travel plan shall be in operation on occupation of the development and thereafter for a period of 5 years. The appointed travel plan coordinator shall provide monitoring reports to the

Local Planning Authority after 1, 3 and 5 years to be audited by the Highway Authority.

Reason: In order that the development use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.

11. **Appeal**

11.1 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**

12.1 None.