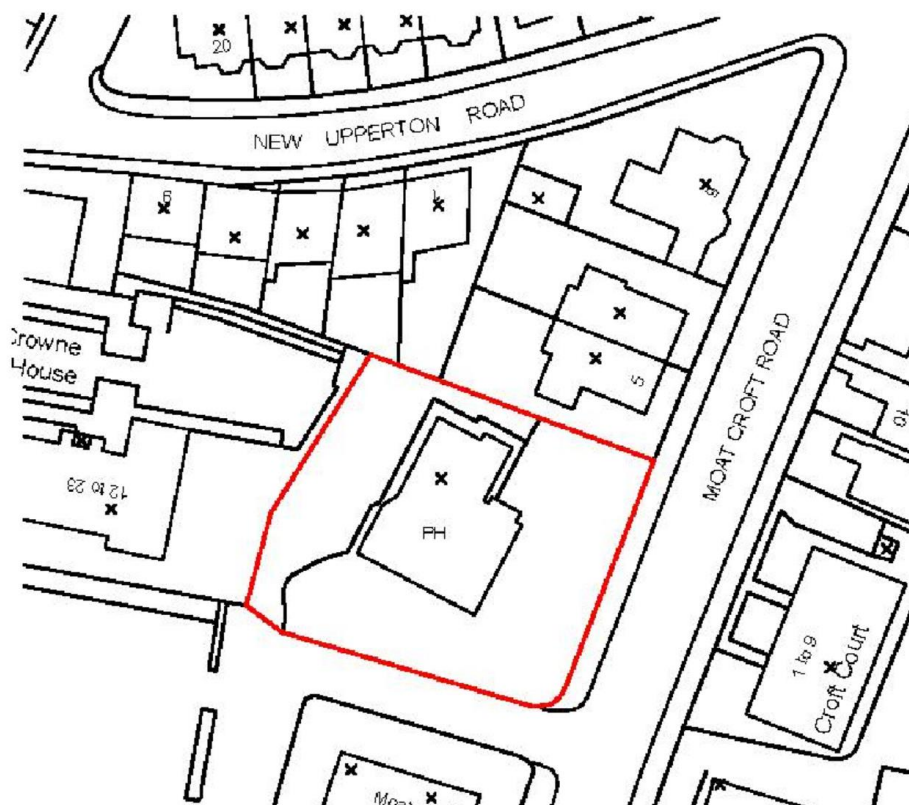


Report to: Planning Committee
Date: 3 October 2022
Application No: 220220 (Planning Permission) & 220284 (Listed Building Consent)
Location: The Counting House, Star Road, Eastbourne
Proposal: Erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.

Applicant: Mr Paul Hind
Ward: Upperton
Recommendation:
1. Grant planning permission subject to conditions
2. Grant Listed Building Consent subject to conditions

Contact Officer: **Name:** Emma Wachiuri
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Map Location:



1. **Executive Summary**

- 1.1 These applications are presented to the Planning Committee in line with the Scheme of Delegation as a total of 7 letters of objection have been received.
- 1.2 The applications for planning permission and listed building consent relate to the erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.
- 1.3 The proposed development could be integrated without significantly altering the character of the site and its relationship with neighbouring residential properties provided appropriate management and mitigation measures are put in place in regard to noise, light and air emissions. This could be used to control the hours of use of the garden area.
- 1.4 The proposal would not result in any loss of historic fabric/value and the cabin structures and planters are free standing and removable, allowing the site to revert to its current position. The new surfacing will cover existing tarmac, with no adverse impact on historic slabs or paving. Although coverage outdoors is now substantial, the proposed works would not create such substantial harm to the Listed Building as to challenge the significance of the building, and, therefore, no objection is raised.
- 1.5 It is therefore recommended that the applications are approved subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

2. Achieving sustainable development
4. Decision making
11. Making effective use of land
12. Achieving well-designed places
- 14: Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- C4: Old Town Neighbourhood
- C5: Ocklynge & Rodmill Neighbourhood Policy
- D8: Sustainable Travel – A2021 Quality Bus Corridor
- D10: Historic Environment
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- UHT1. Design of New Development

UHT4. Visual Amenity
UHT5. Protecting Walls and Landscape Features
UHT13. External Floodlighting
UHT15. Conservation Areas
UHT17. Protection of Listed Buildings and their Setting
HO2. Predominantly Residential Areas
HO20. Residential Amenity
NE18. Noise
NE28. Environmental Amenity
NE14: Source Protection Zone.

2.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016).

3. **Site Description**

- 3.1 The site is occupied by a Grade II Listed two-storey detached building (with an additional floor formed within the roof space). The building is listed as Court House.
- 3.2 The building was constructed in the 17th Century as a dwelling and was converted to a public house around the end of the 19th Century/beginning of the 20th Century. The original building has three gable ends formed within the southern roof slope, over the building frontage. The building was extended to the north during the early 20th Century in the form of a two-storey structure with a gable valley roof, orientated east to west. The external walls are finished in flint cobbles with red brick window surrounds in most places other than the central gable on the southern elevation, where stone surrounds remain in place. A red brick and flint single-storey hipped roof extension, which houses the cellar and wc's, has been added to the north-west of the original building. A landscaped beer garden extends to the east and south of the building whilst there is a hard surfaced car park to the west.
- 3.3 The site is positioned adjacent to Moatcroft Road, which flanks the eastern site boundary. However, the site level is lower than that of the road, creating a sunken impression to the site. A service road passes to the south, providing access to a car park serving the public house as well as the car park serving the adjacent supermarket. Pedestrian access is also taken from this service road, with wrought iron gates in place at the pedestrian entrance. The majority of the site is enclosed by a low flint and brick wall other than either side of the pedestrian entrance where it is marked by metal railings mounted on a flint and brick plinth.
- 3.4 The site is located within Old Town Conservation Area. Surrounding development is predominantly residential, in the form of a mix of residential dwellings and low-rise blocks of flats. Mature street landscaping and flint and brick walls are a consistent visual feature. There is a supermarket and associated car park to the south-west of the site.

4. **Relevant Planning History**

- 4.1 220284 - Erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area. – Concurrent Listed Building Consent application.
- 4.2 200084 - Internal works, Garden Works, Provision of Access Ramp and External Lighting. - Approved conditionally 31st March 2020.
- 4.3 200085 - Internal works, Garden Works, Provision of Access Ramp and External Lighting. - Approved conditionally 31st March 2020.
- 4.4 950028 - Single-storey extension to beer cellar and bottle store at side and rear. Approved conditionally 19th December 1995.
- 4.5 110127- Extension of existing pergola - Approved conditionally 6th May 2011.

5. **Proposed Development**

- 5.1 The proposed development relates to the erection of new timber framed garden seating pods, 4 no. large olive trees planters with drinking shelves, new resin bound gravel floor finish and paved areas, new wrought iron fence and gates to Western external area.
- 5.2 An application for Listed Building Consent for the works, is currently being considered under application 220284.

6. **Consultations**

6.1 Specialist Advisor (Conservation):

6.1.1 This application seeks permission to introduce removable seating units and outdoor items at an area to the side of this listed building in Old Town now operating as a popular public house. This follows an extensive redevelopment in 2000, which saw the whole building refurbished and upgraded after an extended period of decline. The focus here is on an area to the side of the building currently used for parking and services, which is earmarked for additional seating, cycle parking and planting. No historic fabric is lost in the course of the works and the cabin structures and planters are free standing and removable, allowing the site to revert to its current position. The new surfacing will cover tarmac, with no adverse impact on historic slabs or paving. Although coverage outdoors is now substantial, I do not believe that the proposed works create such substantial harm as to challenge the significance of the building, and I will not, therefore, be registering an objection. The current additions are, however, felt to be sufficient and no further applications for new structures are anticipated in the short to medium term.

6.2 ESCC Archaeology (County Archaeologist):

6.2.1 NPPF 194. In determining applications, local planning authorities should require an applicant to describe the significance of any

heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.2.2 The Counting House is a Grade II Listed building of early 17th century origin (or perhaps even earlier). It is located within an Archaeological Notification Area (a non – designated heritage asset) associated with historic medieval and post-medieval Old Town. However, no background heritage information seems to have been submitted with the application. Indeed, the Historic Environment Record (HER) has not been consulted in spite of this being a minimum requirement under NPPF 194 (see above).

6.2.3 In the light of the potential archaeological interest of this site, it is my opinion, that it is important for the applicant/agent to follow the requirements set out within NPPF (the Government's planning policies for England) and to contact the Historic Environment Record for further advice.

6.2.4 This consultation and the submission of additional supporting heritage information, following the advice given by the HER Officer should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.

7. Neighbour Representations

7.1 7 letters of objection have been received. A summary of relevant content is provided below.

- No site notice erected
- Not all neighbours were consulted
- Removal of the loading bay.
- Increased amount of outside seating bound to increase the nuisance caused by noise to neighbours.
- Overdevelopment
- The existing development is more than adequate and profitable and more or less suitable to the neighbourhood.
- Loss of parking places on the site
- Disabled access only installed in the 2020 development would be rendered useless.
- Noise nuisance
- Loss of privacy
- Light pollution and general health and safety concerns.

7.1.1 OFFICER COMMENT: Whilst concerns relating to publicity of the application are noted, the LPA can confirm that neighbour letters were sent out to all relevant neighbours with an adjoining boundary to the application site and a site notice was erected adjacent to the site.

8. Appraisal

8.1 Principle of Development

8.1.1 The principle of development within the planning boundary is acceptable. Para. 92 of the Revised National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision of community facilities, of which public houses are listed as an example.

8.1.2 Para. 192 of the NPPF states that, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

8.1.3 This is echoed in National Planning Practice Guidance which states that 'putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation' whilst also providing interpretation as to what represents 'viable use' stating that 'it is important that any use is viable, not just for the owner, but also for the future conservation of the asset (para. 015).

8.1.4 The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration. Paragraph 11 sets out the presumption in favour of sustainable development.

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

8.1.5 Relevant NPPF sections include:

Section 16 Conserving and enhancing the historical environment.

Conserving and enhancing the historic environment (section 16); in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; and the desirability of new development making a positive contribution to local character and distinctiveness (para. 197 of the Revised NPPF).

8.1.6 Given the relatively modest scale of the proposed works and the fact that the original building would not be subject to any external alterations or modifications, it is considered that the proposed works would result in less than substantial harm upon the significance of the heritage asset. The planning application therefore needs to provide balance between ensuring a continued viable economic use of the building whilst also safeguarding the integrity of the site as a historic asset as per para. 197 of the Revised NPPF.

8.1.7 The application will also be assessed in how it would impact upon visual, residential and environmental amenities, as set out in relevant local and national planning policies.

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

8.2.1 The site is located in a predominantly residential area and the proposed garden bar would be sited within the existing rear parking and servicing yard.

8.2.2 It is considered that the new facilities could be integrated without significantly altering the character of the site and its relationship with neighbouring residential properties provided appropriate management and mitigation measures are put in place in regard to noise, light and air emissions. This could be used to control the hours of use of the garden area.

8.2.3 The structures themselves are all of modest height and would be largely screened from view from the neighbouring property due to the presence of the site boundary wall as well as the fact that the application site is at a lower level than that of the neighbouring property.

8.2.4 Therefore, subject to conditions the proposal is not considered to result in harmful effects on amenities of adjoining occupiers and the surrounding area.

8.3 Impact on character and setting of listed building/s and conservation area:

8.3.1 This application seeks permission to introduce removable seating units and outdoor items at an area to the side of the listed building in currently used for parking and services, which is earmarked for additional seating, cycle parking and planting. The proposal would not result in any loss of historic fabric is lost in the course of the works and the cabin structures and planters are free standing and

removable, allowing the site to revert to its current position. The new surfacing will cover tarmac, with no adverse impact on historic slabs or paving.

8.3.2 The Conservation Advisor has advised that although coverage outdoors is now substantial, they do not believe that the proposed works create such substantial harm as to challenge the significance of the building, and thus no objection raised objection. They added that the current additions are, however, felt to be sufficient and no further applications for new structures are anticipated in the short to medium term.

8.3.3 It is therefore considered that the proposed development would have create substantial impact upon the integrity of the heritage asset and would improve the economic viability of the use and thereby support the continued maintenance of the building, thereby meeting the requirements of para. 197 of the Revised NPPF.

8.4 Parking

8.4.1 The proposal seeks to use the existing car park of the Public House to create an additional beer garden and external seating area. The existing car parking capacity is 11 car spaces which will be lost.

8.4.2 The property is in the vicinity of an extensive public car park serving the adjacent supermarket and local area and there is on-street parking available in the surrounding area and therefore the loss of parking cannot be a reason for refusal on its own.

8.5 Noise and light pollution

8.5.1 The Council's Environmental Health team was consulted on this matter and no objection was raised.

8.5.2 To control noise and disturbance on adjoining residential properties, it is considered that a planning condition controlling the hours of use would appropriately address this issue.

8.6 Other Matters

8.6.1 Archaeology details can be sought via a planning condition.

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 therefore recommended that the application is approved, subject to conditions.

10.2 **220220 - Planning Permission**

10.3 **Time Limit:** 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 County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

10.4 **Approved plans:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 21.023.SG.G 100 – Site Location Plan
- 21.023.SG.G 102 - Existing site plan
- 21.023.SG.G 103 - Proposed Garden Plan
- 21.023.SG.G 104 - Proposed site plan
- 21.023.SG.G 105 – Existing and Proposed Elevations
- 21.023.SG.G 106 – Proposed pods
- 21.023.SG.G 107 - Wrought iron fence and gates details

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

10.5 **Operation:** Prior to the first use of garden seating, hereby approved, a site management plan shall be provided to include the following details:-

- Hours of use
- Noise management measures
- Details of how noise and use will be monitored
- A named contact who can address any noise complaints made by neighbours.

The garden seating shall thereafter be operated in accordance with these details throughout the lifetime of its use.

Reason: In the interest of environmental, residential and visual amenities in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

10.6 **External lighting:** Prior to the installation of any external lighting, details of all new fittings including design, mounting, luminance and direction of illumination shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall thereafter be installed and maintained in accordance with the approved details. Other than any approved advertisements, the level of luminance of the building façade shall not exceed 10 cd/m².

Reason: In the interest of environmental and residential amenity and the setting of the Grade II Listed Building in accordance with saved policies HO20, NE28 and UHT17 of the Eastbourne Borough Plan and policy D10 of the Eastbourne Core Strategy and in accordance with the Guidance notes for the reduction of obtrusive light produced by the Institute of Lighting Professionals (2020).

- 10.7 **Archaeological works 1:** Prior to commencement of the development, hereby approved, a programme of archaeological works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.8 **Archaeological works 2:** Archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within three months of completion of any archaeological investigation and approved in writing, unless an alternative timescale for submission of the written record is agreed in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.9 **220284 - Listed Building Consent**

- 10.10 **Time Limit:** The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 10.11 **Approved Plans:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 21.023.SG.G.100 site location plan
- 21.023.SG.G.102 existing site plan
- 21.023.SG.G.103 proposed garden plan
- 21.023.SG.G.104 proposed site plan
- 21.023.SG.G.105 existing and proposed elevations
- 21.023.SG.G.106 proposed garden pod and drinking shelf units details
- 21.023.SG.G.107 - Wrought iron fence and gates details.

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

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.