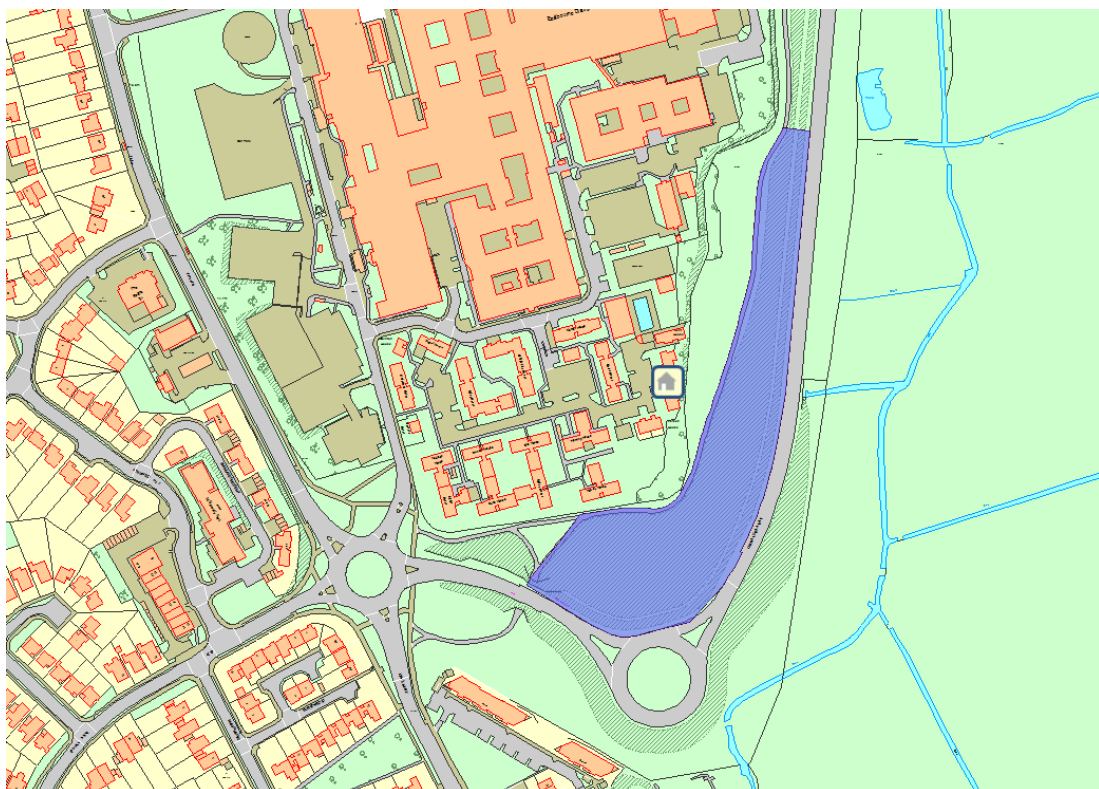


<b>App.No:</b> 180637	<b>Decision Due Date:</b> 24 September 2018	<b>Ward:</b>
<b>Officer:</b>	<b>Site visit date:</b>	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b>		
<b>Neighbour Con Expiry:</b>		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason: Additional information requested (Retail Impact Assessment and</b>		
<b>Location:</b> Land West Of Cross Levels Way, Cross Levels Way, Eastbourne		
<b>Proposal:</b> : Outline planning permission (Access, Layout and Scale) for development of the site for restaurant use class A3, and bar/restaurant Class A4, in two independent buildings and the development of a showroom (sui generis) in a third independent building; New vehicular access from Cross Levels Way; and the laying out of access and service roads on site together with relocation of the cycle path.		
<b>Applicant:</b> Mr Pieter Lette		
<b>Recommendation:</b> Refuse		

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



## **1 Executive Summary**

- 1.1 The application has been brought to committee as it involves a major development.
- 1.2 This is an outline application. Details of access, layout and scale were submitted initially and further details relating to landscaping were requested and provided. Additional landscaping details and full details of the design of buildings within the development would be assessed at the reserved matter stage, should the application be approved.
- 1.3 The proposed development would introduce 2 x large A3/A4 units as well as retail space, classified as main town centre uses as per annex 2 of the Revised National Planning Policy Framework 2018, in a location which is neither within the town centre or any designated district or local shopping centres. Insufficient justification has been provided to demonstrate that the development could not be located within existing centres or that the development would not result in a negative impact upon the viability and vitality of these areas.
- 1.4 The proposed development would significantly detract from the quality of the public amenity space that is currently provided by the cycle path and the surrounding green area.
- 1.5 It is also considered that the erosion of the green buffer maintained between the road and the hospital would introduce an unacceptable coalescence of development that would detract from the character and appearance of the surrounding area and remove valuable urban greenery.
- 1.5 The site which, with the exception of the cycle and footpath, is entirely permeable, provides storage capacity for surface water. The provision of buildings and hardstanding would reduce the drainage capacity of the site and the drainage scheme provided as part of the application does not provide assurances that surface water can be appropriately managed. As such, it is considered that the proposed development would give rise to unacceptable risk of surface water flooding of neighbouring sites as well as the site itself.
- 1.7 It is therefore recommended that the application is refused.

## **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
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

## 15. Conserving and enhancing the natural environment

### 2.2 Eastbourne Core Strategy 2013

B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C5: Ocklynge & Rodmill Neighbourhood  
D2: Economy  
D4: Housing  
D7: Community, Sport and Health  
D8: Sustainable Travel  
D9: Natural Environment  
D11: Eastbourne Park

### 2.3 Eastbourne Borough Plan (Saved Policies) 2007

NE4: Sustainable Drainage Systems  
NE18: Noise  
NE23: Nature Conservation of Other Sites  
UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT5: Protecting Walls/Landscape features  
UHT6: Tree Planting  
UHT7: Landscaping  
UHT8: Protection of Amenity Space  
UHT13: External Floodlighting  
HO20: Residential Amenity  
TR1: Location for Major Development Proposals  
TR2: travel Demands  
TR6: facilities for Cyclists  
TR7: Provision for Pedestrians  
TR11: Car Parking  
TR12: Car Parking for Those with Mobility Problems  
SH2: Business uses Outside the Retail Hierarchy  
SH7: District, Local and Neighbourhood Centres  
US4: Flood Protection and Surface Water Disposal

## **3 Site Description**

- 3.1 The site is currently forms part of a green buffer that borders the eastern side of Cross Levels Way (A2280). This includes a raised bund which is particularly pronounced at the southern end of the site, with the height of the bund tapering down as the road climbs upwards to the north. The vegetation within the site consists of a mix of grasses and wildflowers, with sporadic clusters of trees, shrubs and hedges on the eastern part of the site and a more consistent belt of mature trees and hedging marking the western boundary which is shared with the hospital. The full extent of the site forms designated open space.
- 3.2 A hard surfaced cycle and footpath, which links the Rodmill area to the college, sports park and retail centres to the north, runs through the site from south to

north. The path follows a course between the raised bund to the east of the site and the tree belt to the west. The path passes beneath Cross Levels Way in a subway immediately to the west of the site. The entire length of the cycle and footpath, as well as the land bordering it, is designated as public amenity space.

3.3 A hard surfaced cycle and footpath, which links the Rodmill area to the college, sports park and retail centres to the north, runs through the site from south to north. The path follows a course between the raised bund to the east of the site and the tree belt to the west. These trees are the subject of a Tree Preservation Order. The path passes beneath Cross Levels Way in a subway immediately to the west of the site. The entire length of the cycle and footpath, as well as the land bordering it, is designated as public amenity space.

3.4 To the immediate west of the site is Eastbourne Hospital, with staff accommodation buildings being closest to the site as well as a social club and open air swimming pool. The main residential area of the Rodmill neighbourhood, which includes a local shopping centre, is located further to the west and south. To the east of the site, on the opposite side of Cross Levels Way, are low lying fields which are drained by a network of ditches as well as wetland areas. This area falls outside of the built-up area boundary.

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

4.1 No relevant site history although pre-application advice for the proposed development of the site was issued by the Council in 2015.

#### **5 Proposed development**

5.1 The proposal involves the construction of a car showroom towards the southern end of the site and the construction of two separate bar/restaurant units towards the northern part of the site.

5.2 The proposed showroom would be cut into the existing earth bund, with the lower level servicing area set below the level of the top of the bund. The showroom area would be built above the servicing area and orientated towards the south-east, facing towards the roundabout. Decked parking would be provided immediately to the rear, with a total of 55 car parking spaces available.

5.3 The bar/restaurant buildings would be set on top of the bund. The top of the bund would be extended by raising land to the west in order for these units to be accommodated. These buildings would be single-storey but include a basement level for back of house functions. Each unit would be served by a designated car parking area, each car park providing 20 spaces, accessed via the proposed service road.

5.4 A new junction would be formed at the northern end of the site to allow for access and egress to and from Cross Levels Way. The junction would be modelled to only allow access and egress by making a turn to the left in order to prevent associated traffic crossing any carriageway.

- 5.5 The cycle and footpath that runs through the site would be partially realigned in order for the site to accommodate for the proposed service road. The retained path would be bordered by the existing tree belt on the western side and the service road to the east.

## **6 Consultations**

### **6.1 Specialist Advisor – Planning Policy (amalgamation of comments)**

- 6.1.1 Use classes A1, A3 and A4 are defined in the glossary of the NPPF as ‘main town centre uses.’ I disagree that the proposed location is to the north of the urban area, and that the catchment would not include the town centre. I would argue that people would travel across the whole town to access restaurant/bars, and that they don’t just serve such a localised area. Also, the catchment of the town centre is the whole town and therefore I can’t see how it would be accessible not to include the town centre in the sequential test.
- 6.1.2 The Ocklynge and Rodmill Neighbourhood policy (C5) sets out the vision for this area as the following; ‘Ocklynge and Rodmill will increase its level of sustainability by improving services and facilities and making the neighbourhood friendlier for pedestrians and cyclists, whilst continuing to promote access to open spaces and creating a more inclusive community.’ The site is adjacent to the boundary of Eastbourne Park, so particular attention needs to be paid to the part of the policy which states that the neighbourhood will be promoted by ‘enhancing access to Eastbourne Park whilst protecting the boundary from inappropriate development and screening existing development with planting.’ The development would remove the current bund, which can be counted as an area of greenspace (as well as being amenity space as described below) and so would be seen to contravene the above policy, and go against the general vision for the neighbourhood outlined in the Core Strategy.
- 6.1.3 The Eastbourne Borough Plan defines amenity space as ‘...any space that offers benefit to the locality by way of relief to the built environment.’ Policy UHT8: Protection of Amenity Space states that ‘development which would result in the loss of important areas of public amenity space...will not be permitted.’ This area currently does offer a benefit for neighbouring residents and users of the cycle and footpath as it provides a significant visual and acoustic buffer. The proposal is therefore not in keeping with the aims of UHT8.
- 6.1.4 The Eastbourne Borough Plan defines amenity space as ‘...any space that offers benefit to the locality by way of relief to the built environment.’ Policy UHT8: Protection of Amenity Space states that ‘development which would result in the loss of important areas of public amenity space...will not be permitted.’ This area currently does offer a benefit for neighbouring residents and users of the cycle and footpath as it provides a significant visual and acoustic buffer. The proposal is therefore not in keeping with the aims of UHT8.
- 6.1.5 The proposal is not compliant with policy on a local or national level. Though the proposal is attractive as it offers 100 jobs, the development itself is inappropriate in the proposed location as it constitutes a loss of amenity and greenspace.

## 6.2 Specialist Advisor – Regeneration

6.2.1 The above application qualifies under the commercial thresholds for development for a local labour agreement as detailed in the Council's Local Employment and Training Supplementary Planning Document. Should the application be approved, Regeneration request that it be subject to a local labour agreement in line with policy.

## 6.3 ESCC Highways

6.3.1 Following pre-application discussions with ESCC, the proposed access to the site is now in the form of a left in/left out priority junction, approximately 300m to the north of the roundabout bounding the south of the site, 400m south of the Sussex College site access priority junction and 700m southwest of Broadwater roundabout. In terms of visibility splays and alignment as shown in Appendix 3 of the Transport Assessment, the proposed junction is satisfactory. A Road Safety Audit was undertaken to a previous proposal for this site. An additional Road Safety Audit would not be required in this instance.

6.3.2 Following pre-application discussions with ESCC, the proposed access to the site is now in the form of a left in/left out priority junction, approximately 300m to the north of the roundabout bounding the south of the site, 400m south of the Sussex College site access priority junction and 700m southwest of Broadwater roundabout. In terms of visibility splays and alignment as shown in Appendix 3 of the Transport Assessment, the proposed junction is satisfactory. A Road Safety Audit was undertaken to a previous proposal for this site. An additional Road Safety Audit would not be required in this instance.

6.3.3 Swept path analysis indicates that when turning left into the proposed site access, the car transporter oversails, but does not overrun, the junction splitter island. It can also enter and exit the proposed site access without crossing the centre line of the A2280. This demonstrates that the proposed site access is suitable.

6.3.4 Drawing P4002 Rev C indicates the provision of a 5.5m wide access road from the left in/left out junction, with a layby on the east side adjacent to the public house/roadside restaurant for service vehicle use. The Transport Assessment does not indicate how the service vehicle layby would be kept clear of customers' cars. It is assumed that pub/restaurant service vehicles would egress by using the area indicated on the drawing as the delivery, turning and parking area north of the car showroom but the interaction between turning HGVs and vehicles parked at the car showroom is unclear. From the cross-sections included in drawing P4200 Rev B it appears that the intention is for car parking to be accommodated on the upper and lower levels of the building and not beyond its boundaries but clarification is required to demonstrate that the turning area will be kept clear to avoid HGV reversing manoeuvres.

6.3.5 The car transporter swept path indicates that the vehicle can turn within the identified delivery, turning and parking area. No swept paths have been undertaken for cars entering/exiting the pub/restaurant car parks. These will need to be submitted at reserved matters stage.

- 6.3.6 The Transport Assessment states that the proposed car showroom has a floorspace of 1008 m<sup>2</sup>. ESCC's non-residential parking standards specify a guideline of 1 space per 50 m<sup>2</sup> of indoor and outdoor floorspace plus 1 space per employee. The proposed 55 spaces suggest that the applicant is intending to provide the full parking allocation suggested by the standards.
- 6.3.7 The Transport Assessment has suggested that for the public house, the adopted parking standards equate to 29 spaces and, for the roadside restaurant, 50 spaces. During pre-application discussions it was agreed that this would represent an over-provision of car parking for the public house and restaurant. The TRICS data suggested a peak parking demand of 21 spaces, which was considered by ESCC to be an under-provision. The Transport Assessment notes that the prospective occupiers have advised that such provision would likely result in overspill parking on the site access road at the busiest times and they have suggested a doubling in number of spaces to accommodate peak demand. Accordingly, the provision of a dedicated parking area for 20 cars (including two disabled spaces) for each establishment, providing a total of 40 spaces, has been proposed. This quantum of car parking is considered acceptable in principle but it would be helpful for the anticipated number of employees and their associated parking demand to be provided so this can be robustly judged.
- 6.3.8 In terms of cycle parking, four spaces are proposed for the car showroom, six spaces for the public house and six for the roadside restaurant. This appears to be a reasonable level of provision. The Transport Assessment states that covered, lit and secure cycle parking spaces will be provided. This and the commitment to provide staff showers and lockers is welcomed.
- 6.3.9 The site is currently a verge/grass bank with no traffic generation. Testing of a future baseline scenario is required for the future impacts of the development to be robustly assessed. In the absence of junction turning movement diagrams for various scenarios, it has not been possible to verify that the impacts of a left in/left out junction arrangement at the Rodmill and Broadwater roundabouts have been taken into account.
- 6.3.10 The proposed site is located in an edge of urban area. There are bus stops located on Kings Drive to the north and south of Rodmill roundabout, located approximately 480m and 380m from the centre of the site respectively. Hampden Park rail station is located approximately 1.4km from the centre of the site. Although it is served by frequent trains, the walk distance and lack of natural surveillance en-route will limit the attractiveness of rail as an access mode to the site.
- 6.3.11 The bus stops and rail station are linked to the proposed site by a shared cycle footway that runs parallel to Cross Levels Way through the landscaped area. Large sections of this route are not overlooked due to the bund and planting. The shared cycle footway is proposed to be diverted to run adjacent to the site access road, which would improve the level of surveillance but not the overall attractiveness of the route as other sections would continue not to be overlooked and be intimidating to many users, particularly during hours of darkness. However, on the assumption that a 3 metre width facility is provided beside the

site access road, this will result in nil detriment to existing cyclists and pedestrians and encourage sustainable access to the proposed development during daylight hours. Dropped kerbs/tactile paving will need to be provided at suitable locations to encourage safe crossing movements between the shared cycle footway and the pub/restaurant. These details will need to be submitted at reserved matters stage.

- 6.3.12 The Transport Assessment outlines the objectives for a Travel Plan covering all uses within the proposed development. The implementation and monitoring of the Travel Plan will be secured by s106 agreement.
- 6.3.13 The entire area of the site is adopted public highway and is therefore under the control of ESCC. In order for development to go ahead, having first gained planning consent, a stopping up order would be required through the Town & Country Planning Act 1990 to remove the highway rights. This is an entirely separate process administered by the Department for Transport national Casework Team. The Highway Authority is simply a consultee in this process although should we raise an objection this would carry significant weight.
- 6.3.13 The shared cycle footway will need to be retained as public highway on whichever alignment is agreed, along with revised street lighting.

#### 6.4 ESCC Drainage

- 6.4.1 The updated Flood Map for Surface Water (uFMfSW) indicates that a large proportion of the site is at significant risk of flooding from surface water. Overland flows from areas to the north, south and west are conveyed to the application site where they are stored with no obvious outlet. Therefore that portion of the site is currently providing a flood storage function. Surface water ponds to depths of up to 0.90m for the 1 in 30 year rainfall event, and up to 2.15m for the 1 in 1000 year event which is usually equivalent to a 1 in 100 year (plus climate change allowance). The uFMfSW shows the flood hazard at this portion of the site as 'danger for all', which includes emergency services, during a 1 in 1000 rainfall event.
- 6.4.2 This part of the site acts as a storage area for overland flows and should this part of the site be developed, it will result in a significant flood risk on and off site. As a result, this storage area should be retained in its current condition in order to accommodate these overland flows. Our Flood Incidents Database indicates multiple surface water flooding incidents in the vicinity including Eastbourne District General Hospital and Kings Drive. It is most likely that the application site will not be able to accommodate the quantum of development sought once the existing flood storage area is retained as existing to ensure no increase in flood risk on or offsite.
- 6.4.3 The applicant intends to discharge surface water runoff through the use of soakaways. Data from the British Geological Survey (BGS) indicates that the site is susceptible to groundwater flooding occurring at the surface and groundwater levels on site are less than 3m below ground level. The underlying geology of the site is variable with superficial deposits of alluvium present at parts of the site, and the bedrock is known to have high clay content



including swelling clays. BGS data also indicates that there are very significant constraints with regards to utilising infiltration at this site.

- 6.4.4 We request that the applicant demonstrate the feasibility of infiltration by undertaking infiltration testing in accordance with the BRE365. The infiltration testing should be undertaken at the location of each proposed soakaway to a depth commensurate with that of the soakaway. We also recommend that groundwater monitoring be undertaken between autumn and spring at the locations of the proposed soakaways. BGS data shows that there are ground stability issues at the site. Consequently, the applicant should consider the potential impacts of infiltration on ground stability.
- 6.4.5 In the event that infiltration proves to be infeasible, the applicant should consider alternative options to discharge surface water runoff from the site. We note that there is an ordinary watercourse adjacent to Cross-Levels Way that the applicant could discharge into. This watercourse lies within the board area of the Pevensey and Cuckmere Water level Management Board (PCWLMB) as does the application site and should the applicant wish to discharge into this watercourse, discharge rates will need to be agreed with the Board. In addition the PCWLMB might require surface water discharge contribution based on the surface water runoff rates and volume from the development.
- 6.5 ESCC Ecology
- 6.5.1 Surveys were carried out broadly in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- 6.5.2 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 6.5.3 The site is currently a man-made bund with semi-improved grassland, areas of woodland, scrub and scattered trees, with small areas of hard standing. The habitats of greatest value are the areas of woodland, in particular a band of broadleaved woodland along the north-western boundary, a narrow strip of which lies within the application site. This woodland is a Habitat of Principle Importance under Section 41 of the NERC act and should be retained and protected with a minimum 10m buffer to the development. Other trees and woodland on site should be retained and protected where possible. Any loss should be compensated by native tree planting and positive management of the remaining woodland. It is noted from the Planning Statement that the applicant can confirm a willingness to enter into agreements to enhance the arboriculture of the site, including new and replacement planting, thinning and management of current stock.
- 6.5.4 The site has the potential to support breeding birds, reptiles, badgers and bats and mitigation methods covering construction and operation are recommended.
- 6.5.5 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the use of native species and/or species of known value to wildlife in the landscaping scheme, positive management of on-site

woodland, the provision of bird, bat and/or insect boxes, and the provision of green roofs and/or walls.

6.5.6 The proposed layout plan shows a proposed green roof on the car showroom. This is welcomed and should be supported. The roof should be biodiverse rather than sedum and should use a locally sourced appropriate seed mix. If possible, green roofs should also be provided on the other buildings.

## 6.6 Sussex Police

6.6.1 As there is a class A4 usage being sought, the applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

6.6.2 With respect to the A3 usage being sought, I ask that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at the table by waiters/waitresses. Substantial food should be available at all times.

6.6.3 Secured by Design accredited products that are fit for purpose and appropriate along with natural surveillance and access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities. All external fire doors are to be devoid of any external furniture and linked back to security or be alarmed to indicate when the door is left open or ajar. Signage adjacent to the door is to inform users of the consequence of misuse.

6.6.4 The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

## 6.7 Natural England

6.7.1 No comments to make.

## 6.8 Bespoke

6.8.1 Unclear from the plans exactly what the proposed shared path will look like. From the drawings it looks like no space from the path to the DGH boundary and then no space to the new road. Currently it is a safe route away from any traffic, noise or pollution. So ideal for children. On this scheme there is little space and without a ban on pavement parking, on the new road this will be at risk.

6.8.2 Requires adherence to some national standards. So Sustrans would have 3m wide path with clear gaps to the DGH fence and the new road. Bespoke have little confidence in active travel promises being adhered to. The

adjacent development had a cycle path included in their scheme, that was passed by EBC Planning, and was then never built.

## 6.9 Sussex Downs College

6.9.1 The proposed development will impact on the College (and the Hospital) in several ways:

- Increasing traffic congestion along Cross Levels Way particularly at the three roundabouts – Sainsburys and the two roundabouts at the Kings Drive end of Cross Levels Way
- Another junction on Cross Levels Way where the speed limit is currently 40 mph
- Increase traffic queuing into and out of the College particularly at peak times
- Delays to public transport along both Kings Drive and Cross Levels Way
- Possible increase in anti-social behaviour and vandalism after the pub and restaurant have closed
- The banking, trees, wildlife and wild flowers along Cross Levels Way would be removed, thereby increasing traffic noise and changing the environment behind the hospital.

6.9.2 Does the application fit in with the Borough Plan? Is there a need for another car showroom when there are potential sites in the Lottbridge Drove area of the town available. Is there a need for yet another pub and restaurant when there are empty units in other parts of the town eg. town centre, seafront or Sovereign Harbour that could be considered.

## 6.10 East Sussex NHS Healthcare Trust

6.10.1 Whilst we generally support development that brings with it inward economic investment and jobs, we do have some concerns about the development, specifically related to its close proximity to our site and specifically the crèche and residential accommodation. We would like to understand how the developer can assist in minimising the effects of noise and privacy to both of these areas arising from its operations.

6.10.2 We would also be interested in understanding how the developer can mitigate any possible travel impact on journeys to and from the hospital and from persons accessing the development from within the hospital grounds.

## 7 **Neighbour Representations**

7.1 Following public consultation, letters of objection from 17 individual addresses have been received. The contents of these letters are summarised below:-

- Traffic is already horrendous without additional traffic being created;
- Will be a big problem for all shops around the area;
- Cars turning into the restaurant will cause accidents;
- Development will slow up ambulances;

- A new shopping centre is being provided in town with ample restaurant availability;
- The area is well catered and there is no need for a pub/restaurant;
- Removal of banks will result in occupants of hospital accommodation being exposed to raised noise levels;
- This is a semi-wild area full of birds and small animals and a lovely oasis of peace;
- There are remains of a sheep fold on site, will this be preserved?
- The site is not deep enough to house the proposed buildings;
- Service road would be close to nurses accommodation;
- 100 jobs for 3 outlets seems optimistic;
- If the site is developed it should be for additional car parking for the hospital;
- Extra traffic and loss of trees will result in further deterioration of air quality;
- The site is a haven for insects, nesting birds and bats;
- We are losing too much of our green areas, please do not let this happen;
- We should not be encouraging more car ownership;
- There are many vacant industrial units already available, notably on Lottbridge Drove;
- The local population will not forgive more inappropriate development of the area;
- Serves no purpose in what is, with the exception of the college and hospital, a residential area;
- Would increase noise at night due to restaurant and pub use and increased traffic;
- Overdevelopment of an area that was a former meadow and floodplain;
- The loss of trees would result in the loss of hospital accommodation, crèche and swimming pool;
- No footfall for restaurant, there is too many across town;
- No information on site layout or where footpath would be located;
- Current footpath allows disabled access to Sainsburys for those with mobility scooters.

## **8 Appraisal**

### **8.1 Principle of development**

8.1.1 The site is located within the built-up area as defined on the Eastbourne Proposals Map and, as such, the general principle of developing the site is acceptable.

8.1.2 The proposed development involves the provision of buildings for use as bars/restaurants and the sale of vehicles. These uses are defined as 'main town centre uses' as per Annex 2 of the Revised national Planning Policy Framework (NPPF) 2018. Para. 86 of the NPPF maintains that 'main town centre uses should be located in town centres, then in edge of centre locations and; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'.

- 8.1.3 Para. 89 of the NPPF requires further assessment to be made in regard to the impact of the development upon investment, vitality and viability within town centres, if the development involves the provision of floorspace in excess of 2,500 m<sup>2</sup>. The proposed development would provide 3,066 m<sup>2</sup> of floor space and, as such, this is a material consideration.
- 8.1.4 The objectives of the NPPF are reflected in Policy D4 of the Eastbourne Core Strategy which sets out a sequential approach to site selection for retail development, this being as follows:-
- I. Eastbourne Town Centre Primary and Secondary Shopping Areas;
  - II. District Shopping Centres;
  - III. Local Shopping Centres;
  - IV. Neighbourhood Shopping Centres;
  - V. Edge-of-centres;
  - VI. Out-of-centre sites which are accessible by a choice of transport means;
- 8.1.5 The site does not fall within any of the shopping areas identified within the Core Strategy, the nearest centre being the Local Shopping Centre at Rodmill, approximately 230 metres to the west of the site. This does not qualify the site as an 'edge-of-centre' location as this definition relates only to sites within 300 metres of a town centre boundary, as per Annex 2 of the NPPF.
- 8.1.6 Core Strategy Policy D4 does support new retail development within local centres which would strengthen vitality, viability or accessibility. However, the disconnect between the site and the local centre at Rodmill, mean that it could not be regarded as an extension to the local centre. In any case, local centre uses are defined as providing day-to-day shopping needs and the nature of the proposed development would not be compatible with this characteristic.
- 8.1.7 The site is therefore considered to be 'out-of-centre' and, as such, should only be considered for development if suitable sites in areas higher in the retail hierarchy have been considered. The applicant has submitted a sequential assessment which concludes that no suitable sites are available within surrounding district, local and neighbourhood centres but does not explore the availability of town centre locations. Furthermore, the catchment of the proposed development would include Eastbourne Town Centre, which is just under 2km to the south of the site, and, given that the scale and nature of the proposed uses mean that they would appeal to, and rely on, custom from an area wider than the immediate locality, it is considered that the proposed development would draw custom away from the town centre, to the detriment of its ongoing vitality and viability.
- 8.1.8 It is therefore considered that the proposed development would be harmful towards the viability and vitality of Eastbourne Town Centre due to its siting and scale and, as such, is in conflict with Chapter 7 of the Revised NPPF (2018) as well as Policy D4 of the Eastbourne Core Strategy (2013).

## 8.2 Impact of proposed development on amenity of adjoining occupiers

- 8.2.1 The site is not directly adjacent to the main residential area of Rodmill, which extends to the south-west, with the A2021 and A2280 positioned in between. However, staff accommodation serving Eastbourne Hospital is within closer proximity to the west of the site. The southern part of the site, where the proposed car showroom would be located, is directly adjacent to the hospital site whilst the northern part of the site, which would accommodate the bar/restaurant buildings, is separated by the existing belt of mature trees. At its closest point, the proposed service road reaches within approximately 25 metres of accommodation at Jenner House to the west, with the bar/restaurant buildings set back further at approximately 40 metres. The hospital social club and open air swimming pool is also situated to the west, approximately 65 metres from the site. The parking area serving the proposed showroom reaches within approximately 16 metres of Harvey House, to the north, with the showroom itself set back by approximately 55 metres.
- 8.2.2 The existing bund and green buffer, along with the tree belt, protect the amenities of the occupants of these properties by way of reducing noise, light and air pollution as well as softening visual impact. The proposed car showroom would be dug into the bund at the southern end of the site but would not remove it. The proposed bar/restaurant units would be positioned on top of the bund flanking the western side of Cross Levels Way. As such, the bund itself would remain largely intact and would continue to provide a screening function in terms of noise, light and visual impact of Cross Levels Way in relation to residents of the hospital accommodation.
- 8.2.3 The proposed uses, consisting of a car showroom that includes workshop facilities and bar/restaurant uses, which include outdoor terrace areas, as well as the provision of a new service road and car parking areas, have the potential to generate levels of noise and light levels that could be disruptive to nearby residents. However, it is considered that this could be controlled through the use of conditions securing noise mitigation measures, restrictions on hours of operation and control over the use of outdoor areas and vertical drinking within the bar/restaurant buildings. It is not considered that the proposed uses themselves are incompatible with the surrounding environment given the level of activity already present as a result of the proximity to A-roads that radiate from surrounding roundabouts and the nearby hospital use and neighbourhood shopping centre.
- 8.2.4 Site section plans show that the proposed car showroom and associated yard area would be on land raised above the height of the hospital site ground level, with the roof top height begin approximately 5 metres above the roof top height of the Harvey House accommodation block. However, given the degree of separation between the proposed showroom and Harvey House, combined with the potential to provide sympathetic screening in the form of landscaping, it is not considered that the proposed showroom would appear overbearing towards the occupants of Harvey House nor would it bring about undue levels of overlooking or overshadowing.

8.2.5 The ground level of the site where the bar/restaurant buildings are to be located broadly reflects that of the hospital site and the single-storey nature of the proposed buildings would minimise their visual presence. The distance maintained between the proposed bar/restaurant buildings, combined with their modest height and the screening provided by the existing mature belt of trees on the western site boundary, would ensure that these buildings also would not cause any unacceptable erosion of the residential amenities of neighbouring residents.

8.2.6 It is therefore considered that, through the use of suitable controls secured by robust planning conditions, the proposed development could be accommodated without resulting in unacceptable impact upon the amenities of neighbouring residents.

### 8.3 Design and impact on character and appearance of the surrounding area

8.3.1 Although the final design of the proposed buildings has been left as a reserved matter, the application does include details of the scale and layout of the development, ensuring that the broad appearance of the development in terms of the positioning of buildings and ancillary features as well as the dimensions of the buildings can be ascertained.

8.3.2 Given the visual and spatial separation of the site from surrounding buildings, there are no surrounding structures that the proposed buildings would be required to visually relate to in terms of design, scale and street scene impact. This presents the opportunity for contemporary building design within the proposed development.

8.3.3 However, the site currently has a clearly defined characteristic as green space which not only helps provide a sympathetic visual buffer between Cross Levels Way and the hospital site, but also allows for an effective transition between the built-up environment and the rural landscape to the east of the site. Whilst efforts have been made to reduce the impact the development would have on the overall character of the site by cutting the showroom building into the existing bund and providing landscaping and a green roof, it is not considered that this would mitigate against the loss of existing green space, including trees and other vegetation, that would result from the development. Furthermore, the bar/restaurant buildings would be more prominently positioned on the top of the bund and, in this position, would clearly disrupt the verdant nature of the approach to the Rodmill area from the north as well as eroding the valuable green buffer provided between development in the Rodmill neighbourhood and the retail and commercial development to the north.

8.3.4 The erosion of this green buffer would introduce an unwanted sense of coalescence of buildings, intruding into greenspace and potentially legitimising further erosion of green space to the sides of Cross Levels Way. It is therefore considered that the proposal would result in an incongruous and unsympathetic development that would significantly harm the existing character and appearance of the surrounding area, as well as the loss of valuable landscape features.

#### 8.4 Impact upon open space/amenity space

- 8.4.1 The entirety of the site of the proposed development is classified not only as open space but also as amenity land. A foot and cycle path traverses the site from north to south and is used to provide a connection between the Rodmill neighbourhood, the Hampden Park area to the north and the wider Eastbourne Park amenity area to the north. This route is currently provides an attractive verdant and semi-rural environment for users, proving an important level of relief from the densely built-up surrounding areas. The areas to the sides of the footpath are open to access and can be used by members of the public for recreation.
- 8.4.2 Whilst the foot and cycle path would be retained and continue to be functional, with a minor realignment towards the north of the site, its character would be substantially altered due to its proximity to the proposed service road, parking areas and the buildings themselves. Although the applicant has provided further details setting out the potential for landscaping and planting that could mitigate against this loss it is not considered that it is sufficient, or could be sufficient, to compensate for the loss of amenity space which, when incorporating the combined footprint of proposed roads, parking areas and buildings, would amount to approximately 6620 m<sup>2</sup> (0.6 hectares).
- 8.4.3 The amount of valuable amenity space available would therefore be severely reduced and the nature of that remaining would be irreversibly altered as it would be overlooked by the proposed development and would be subject to disruptions caused by frequent vehicle movements and the activities of the businesses occupying the proposed buildings.
- 8.4.3 It is therefore considered that the proposed development would result in an unacceptable loss of amenity/open space that would be further exacerbated by the negative impact it would have on any remaining space due to the nature of the development and the level of activity it would bring about. The proposed development is therefore considered to conflict with policy UHT8 of the Eastbourne Borough Plan, policy D9 of the Eastbourne Core Strategy and Chapter 8 of the Revised NPPF.

#### 8.5 Impacts on highway network or access

- 8.5.1 The site is currently designated as highways land as it forms part of the verge which flanks Cross Levels Way (A2280). As such, should the application be approved, a separate application would be submitted to, and approved, by the Department for Transport in order to obtain approval for the stopping up of this highway land. This is determined separately to the planning application and can be issued either before or after planning permission is granted. As such, it is not a material consideration in the determination of this application.
- 8.5.2 The proposed development would be accessed from Cross Levels Way (A2280) which is a single-carriageway road at this point. The applicant has held pre-application discussions with ESCC Highways and has modelled the site junction so as to only allow access or egress by vehicles that are turning to the left. This is in order to prevent vehicles turning right and, therefore, having to cross the



carriageway, potentially leading to unacceptable disruption of traffic or a safety hazard. ESCC Highways have provided comments and are satisfied that the proposed junction would allow for safe access and egress, including for Heavy Goods Vehicles associated with the development, such as car transporters serving the car showroom.

- 8.5.3 Whilst ESCC Highways have supported the junction design in principle, they have found that the number of scenarios modelled in the submitted Transport Assessment is incomplete and, should the application be approved, further details would be required to be provided at the reserved matters stage.
- 8.5.4 Whilst ESCC Highways have supported the junction design in principle, they have found that the number of scenarios modelled in the submitted Transport Assessment is incomplete and, should the application be approved, further details would be required to be provided at the reserved matters stage.
- 8.5.5 Each of the bar/restaurant units would be served by a hard surfaced car parking area providing 20 car parking spaces (incorporating 2 disabled bays in each car park). The car showroom would have its own designated decked car park that would provide a total of 55 car parking spaces. The quantum of parking accommodated within the proposed bar/restaurant car parks would be a necessary means to limit the possibility of parking taking place on the service road itself, which would inhibit access as well as provide a hazard to pedestrians. The 55 space car park serving the car showroom provides a sufficient amount of parking spaces for its intended use.
- 8.5.6 The site is considered to be accessible to sustainable transport due to its proximity to stops on main bus routes on Kings Drive. Hampden Park Railway station is within approximately 1.4 km of the site although this walking distance and the environment of the route between the station of the site are considered to limit the frequency at which rail services would be used as a means to access the site. The site would continue to be accessible by foot and cycle through the use of the pathway that traverses it from north to south. ESCC Highways are satisfied that the foot and cycle path would remain functional following the development and slight realignment proposed.
- 8.5.7 It is therefore considered that, subject to additional information being provided and accepted at the reserved matters stage, the proposed development would not result in any unacceptable adverse impact upon the surrounding highway network.

## 8.6 Ecological impact

- 8.6.1 The application is supported by an ecological Assessment. The ESCC Ecologist has reviewed this document and the wider application in terms of impact upon ecology and habitat loss. The ecologist has not raised any concerns that there may be protected species that are supported by the site and would be put at risk by the proposed development. The value of the site to provide a habitat and foraging ground for a variety of fauna has been acknowledged and the ecologist considered that suitable mitigation and enhancement measures could be incorporated into the development in order to minimise any impact upon resident

species. These measures can be secured through the use of suitable planning conditions.

## 8.7 Sustainable drainage and flood risk

8.7.1 The Lead Local Flood Authority (LLFA) have raised significant concerns that the development of the site would reduce its capacity to store surface water, thereby subjecting surrounding site to increased risk of surface water flooding, to which they are already susceptible. The submitted drainage strategy states that soakaways would be utilised to provide surface water drainage. However, the LLFA do not consider that sufficient details have been provided to support the use of soakaways and infiltration drainage due to the high groundwater levels below the site and the surrounding area. It is crucial that suitable site drainage is confirmed prior to any approval being granted due to the function the site provides as a surface water flood storage area. In the absence of such reassurance, it is considered that the proposed development would generate an unacceptable increase in risk of surface water flooding of surrounding site, as well as within the development itself. As such, the proposed development conflicts with Eastbourne Borough Plan Policy US4.

## 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 (This must include the reasons for each condition).**

10.1 It is considered that the site is an unsuitable location for development of this nature. The proposed uses would have a harmful impact upon the vitality and viability of Eastbourne Town Centre and other designated shopping centres by way of drawing custom from these areas. The scheme would also compromise the verdant nature of this part of Cross Levels Way and result in an unacceptable loss of, and harm to, amenity space which is currently provided on site. There are also insufficient details provided to demonstrate that the proposed development would not result in an unacceptable increase in the likelihood of surface water flooding within the surrounding area.

10.2 It is therefore recommended that the application is refused for the following reasons:-

10.3 The proposed development, due to its location outside of any identified shopping area, and the size of its catchment as a result of the scale and nature of the proposed uses it would support, would result in a harmful impact upon the vitality and viability of Eastbourne Town Centre and other designated shopping centres within the Borough. The proposal is therefore in conflict with Eastbourne Core Strategy Policy D4 and Chapter 7 of the Revised National Planning Policy Framework.

- 10.4 The proposed development would result in the substantial loss of existing green space which currently helps generate a verdant, semi-rural environment on this part of Cross Levels Way as well as a valuable green buffer between the built environment in the Rodmill neighbourhood and that in Hampden Park to the north. The presence of buildings on the site would result in an incongruous appearance and a sense of coalescence of buildings within this semi-rural environment. The proposed is therefore in conflict with
- 10.5 The proposed development would result in the loss of a significant area of amenity space which provides a valuable function in providing a green link between Rodmill and the Eastbourne Park area. The character and tranquillity of the remaining amenity space would also be adversely impacted upon by the intensity of activities that would take place on the developed site. The proposed development is therefore in conflict with Eastbourne Borough Plan Policy UHT8.
- 10.6 The site currently performs a valuable function is a storage area for surface water and its development would reduce this storage capacity. In the absence of sufficient details as to how surface water storage water capacity would be retained and managed, the development would generate an unacceptable increase in the risk of surface water flooding of neighbouring sites as well as being at risk of surface water flooding itself. The proposal therefore conflicts with policy US4 of the Eastbourne Borough Plan.

## **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.