

ADDENDUM

Eastbourne Planning Committee

Addendum Date: 13th December 2021

Meeting date: 14th December 2021

Item No 7: 41 Brampton Road

Application number 210324 (Pages 7 - 24)

There has been a total of 5 additional objections received following consideration by the Committee in June, on the following grounds:

1. Parking;
2. Safety of public footpath to north of Unit G;
3. Flood Risk;
4. Proximity of Unit G to neighbouring property; and
5. Traffic, including routing through upper Brampton Road residential area.

The revised schedule of conditions, which includes revised plans and additional conditions requested by ESCC Highways, is as follows:

1. **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).

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

Existing Site Location Plan: 21 Rev A
Proposed Site Location Plan: 24 Rev A
Proposed Block Plan: 25 Rev C
Proposed Site Layout: 26 Rev D
Proposed Ground Floor: 27 Rev B
Proposed Unit A - Plans: 28 Rev C
Proposed Unit A - Elevations: 29 Rev A
Proposed Unit B - Plans: 30 Rev A
Proposed Unit B - Elevations: 31 Rev A
Proposed Unit C - Ground Floor: 32 Rev A
Proposed Unit C - First Floor: 33 Rev A
Proposed Unit C - Elevations: 34 Rev B
Proposed Block Plan: 45 Rev C
Proposed Site Layout: 46 Rev I
Proposed Ground Floor: 47 Rev C
Proposed Unit D - Plans: 48 Rev C
Proposed Unit D - Elevations: 49 Rev A
Proposed Unit E&F - Ground Floor: 50 Rev C
Proposed Unit E&F - First Floor: 51 Rev B
Proposed Unit E&F - Elevations: 52 Rev A

Proposed Unit G - Plans: 53 Rev C
Proposed Unit G - Elevations: 54 Rev A
Flood Risk Assessment and Drainage Strategy, by RGP, dated April 2021:
21/012/FRA01.
Planning Design and Access Statement: TCPS 905
Transport Statement, by RPG, dated April 2021: 21/5755/TS02 Rev E
Method Statement for Watercourse Maintenance: 6105/MS/001_01

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

3. **External Materials** - The external surfaces of the development, hereby approved, shall be finished in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance.

4. **SuDS Scheme** - No above ground works shall commence until a surface water drainage scheme and maintenance and management plan have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Prior to submission of the scheme, the applicant shall first contact the Lead Local Flood Authority and Southern Water to ensure their agreement with the scheme.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

5. **Surface Water Drainage Scheme Implementation** - Following completion of the drainage works, evidence (including photographs taken at different times throughout the build) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, hereby approved, showing that the drainage system has been constructed in accordance with the approved detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site.

6. **Parking spaces** - No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with the approved plans. The spaces shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure car-parking spaces are provided prior to occupation and retained thereafter.

7. **Landscaping** - Prior to first occupation of the development, hereby approved, a Landscaping Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall provide details of the treatment of all parts of the site not covered by buildings. Details shall include:
 - a. a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
 - b. details of all hard surfaces, including facing material specifications;
 - c. all boundary treatments, including facing material specifications;
 - d. a schedule detailing sizes, species and numbers of all proposed trees/plants; and
 - e. sufficient specification to ensure successful establishment and survival of new planting.
 - f. visibility splays adjacent to the vehicular access on Waterworks Road.
8. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.
9. Any newly planted tree that dies, is removed, or becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the character, amenity, and biodiversity of the area.

10. **Demolition, Construction and Environment Management** - Prior to commencement of the development (including demolition), hereby approved, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority, which shall provide details as appropriate but not be restricted to the following matters:-
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the times of any deliveries related to the development, which should avoid peak travel times;
 - the storage of plant and materials used in construction/demolition of the development;
 - the erection and maintenance of any security hoarding;
 - the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);

- dust and/or any pollutants;
- confirmation of no burning of materials on site;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

Prior to submission of the CEMP, the applicant shall first contact ESCC Highways to ensure their agreement with the submitted details.

Reason: In the interests of highway safety and the amenities of the area.

11. **Arboriculture** - Prior to commencement of the development, hereby approved, an Arboricultural Impact Assessment, including a scheme for the protection of retained trees in accordance with BS 5837:2012; a Tree Protection Plan(s) (TPP); and an Arboricultural Method Statement (AMS). Specific issues to be dealt with in the TPP and AMS shall include:

- a) Location and installation of services/ utilities/ drainage;
- b) Details of construction within or adjacent to the Root Protection Area (RPA) or that may impact on the retained trees;
- c) A full specification for the construction of all hard landscaped areas, including details of the no-dig specification and including relevant sections through them;
- d) Specification for protective fencing to safeguard retained trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- e) Specification for scaffolding and ground protection within tree protection zones;
- f) Arboricultural supervision and inspection by a suitably qualified tree specialist; and
- g) Reporting of inspection and supervision.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990.

12. **Landscaping** - Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
- b) details of all hard surfaces;
- c) all boundary treatments;
- d) a schedule detailing sizes, species and numbers of all proposed trees/plants; and

e) sufficient specification to ensure successful establishment and survival of new planting.

13. **Any new tree(s)** that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.

14. **Travel Plan** - Prior to first occupation of the development, hereby approved, a Travel Plan Information Pack (TPIP) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Information Pack shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority. The TPIP shall include details of sustainable methods of transport available to future occupiers of the development; the monitoring of sustainable transport uptake; and the routing of commercial and other vehicles navigating to the site from elsewhere, to include avoidance of the residential portion of Brampton Road. The approved TPIP shall be issued to first occupants of the development, prior to occupation.

Reason: To encourage and promote sustainable transport and manage the ongoing impacts of commercial vehicles on adjacent residential areas.

15. **Cycle Parking** - Details of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

16. **Removal of PD rights** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, rooflight or other aperture other than those expressly authorised by this permission shall be constructed in the north elevation of Unit G without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

17. **Restricted use of doors on Unit G** - The ground floor doors on the northern elevation on Unit G shall only be used in an emergency or for maintenance and no other time other time, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the occupiers of neighbouring properties from noise disturbances.

18. **Restriction of Use** - Notwithstanding any inferences within the approved drawings/documents, the use of all floor space forming part of Unit G shall be restricted to Use Class B8 (Storage and Distribution) within the meaning of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To safeguard the amenities of the occupiers of nearby properties.

19. **Hours of operation** - The use, hereby approved, shall only operate within the following hours:-

- 08:00-20:00 - Monday to Friday;
- 08:00-18:00 on Saturdays; and
- Not at all on Sundays and Bank Holidays.

Reason: In the interest of protecting the amenity of neighbouring occupants.

20. **Acoustic Fence** - Details of sound insulation of Unit G, or an acoustic wall on the northern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the noise mitigation measures shall be fully implemented in accordance with the approved details prior to first use of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

21. **Restrictive Use** - Notwithstanding the details within Town and Country Planning (Use Classes) Order 1987 (as amended) none of the units hereby approved shall be permitted to change to Use Class B1 or Class E.

Reason To accord with the terms of the application and to ensure that the B2-B8 uses are retained.

22. **Phased connection to the foul sewer** - The development, hereby approved, shall not be occupied until a schedule for phased connection to the foul sewer has been submitted to and approved in writing by the Local Planning Authority following liaison with Southern Water.

Reason: To prevent flooding of the foul sewer network.

23. **Vehicular Accesses** - The use hereby permitted shall not commence until details of the layout of the new and reconstructed accesses and the specification for the construction of the access which shall include details of pedestrian access, gates and drainage have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

24. **Visibility Splays** - The accesses shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

25. **Parking space dimensions** - The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

26. **Turning spaces** - The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

27. **Lighting Scheme** - Details of a lighting scheme for the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first use of the development. Thereafter, the lighting scheme shall be maintained in accordance with the approved details for the lifetime of the development. The lighting scheme shall include details of the lighting of the footpath on the northern side of Unit G and shall ensure that neighbouring residential amenity is protected.

Reason: In the interest of the amenity of the area and the safety of the site and neighbouring footpath.

Item No 8: Tesco's Car Park, Lottbridge Drove
Application number 210772 (Pages 25 - 38)

No further representations have been received following completion of the Officer Committee Report.

An 'acoustic wall' and 'acoustic fence' have been referred to at various points in the Officer Committee Report. To avoid confusion with regard to the method of construction, and as a point of clarification, the application proposes that all enclosures (including those providing acoustic mitigation) would be constructed in timber.

Paragraph 1.4 of the Officer Committee Report incorrectly notes that 30 FTE jobs that would be created by the proposal. For clarity, 22 FTE jobs would be provided.

ESCC Highways has provide formal response to consultation, confirming that there is no objection to the proposed development, including the consideration of further requested parking surveys. ESCC has recommended the following conditions, which will be incorporated in the schedule of conditions outlined in the Officer Committee Report:

1. The use hereby permitted shall not commence until details of the layout of the reconstructed access onto the A2290 and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with these details.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

2. The development shall not be occupied until parking has been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

3. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

4. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas 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.

5. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved

Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

7. No part of the development shall be occupied until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.

Reason: to safeguard the operation of the public highway.

8. The submitted Travel Plan Statement shall be in operation on occupation of development and thereafter for a period of five years.

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

Item No 9: 28-30 Bedfordwell Road
Application number 210412 (Pages 39 - 58)

Formal comments have now been received from ESCC Highways. These include a list of recommended conditions, all of which would be attached to any approval notice issued:-

Revised access proposals

Following the highway objection response provided on 22/09/21, the applicant has prepared revisions to the application to overcome the issues raised. A road safety audit has been submitted alongside access re-design.

The initial problems related to the access not benefitting from sufficient driver sightlines in a location where egressing vehicles would have to negotiate traffic approaching from 3 directions and being visible to those approaching vehicles. It was recommended both

by the original auditor and the ESCC Road Safety team that having the appropriate sightline distances at the access was essential. The proposal now includes the inclusion of double yellow lines for a distance of 12m on the west side of the access (offsetting space for 2 vehicles) to provide an appropriate envelope of visibility looking west. This has been accepted by the auditor, with a single problem highlighted which has been overcome by the inclusion of tactile paving to assist visually impaired pedestrians to traverse the access point. The creation of the access will require a Traffic Regulation Order to secure the parking restrictions. On the basis that 3 large dwellings are to be removed because of the planning proposal, it is very likely that the 2 parking spaces that would be offset by the parking restrictions would have parked on street in association with the scale of the buildings which would have approximately 6-8 bedrooms each. For this reason, the inclusion of the parking restrictions is justified in this case to provide a visibility splay of 2.4m x 38 m which is acceptable. The access provision can be accepted provided the parking restrictions can be installed. The TRO requires a fee to be secured to cover public consultation and legal costs amounting to £5000.

The development requires a Travel Plan in accordance with the ESCC travel plan guidance and attracts an audit fee of £4500 for the development proposed. It is noted that a travel plan has not been submitted at this stage as a proposed framework. This can be secured within a legal agreement, and based on a re-assessment of vehicle trips of the development as the trips presented in the Transport Assessment are not accepted and are in my view underestimated.

As such, it has been accepted that the following highway related conditions can be secured for this development proposal:

1. The development shall not commence until details of the closure of the existing accesses and layout of the new access with the specification for its construction which shall include details of footway provision, tactile paving and position of DYLS have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development hereby permitted shall not be occupied until the construction and closure of the accesses have been completed in full in accordance with the agreed specifications.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

2. The access shall not be used until visibility splays of 2.4m by 38m are provided in both directions and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls) and accessible spaces shall measure 3.3m wide by 5m.

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. The development shall not be occupied until cycle parking areas have been provided in accordance with [the approved plans (plan no. XX and the areas 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. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the [approved plans/details [which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

8. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any

damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

9. Any business related sign or hoarding shall be erected clear of the highway verge and not obstruct visibility of drivers using the access where it joins the public highway.

Reason: To ensure the safety of persons and vehicles proceeding along the highway.

S106 requirements

- Travel Plan and auditing fee of £4500.
- TRO fee £5000 .

Please note:

- I. This Authority's requirements associated with this development proposal will need to be secured through a Section 171 or 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- II. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex County Council' Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.
- III. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).